

## ***The Alberta Natural Resources Act***

Assented to April 3, 1930, Chapter 21, Alberta

***An Act Respecting the Transfer of the Natural Resources of Alberta***

Also referred to as the **Natural Resources Transfer Agreement (N.R.T.A.)**

And confirmed as **Schedule (2) Alberta, Memorandum of Agreement** made this fourteenth day of December, 1929, between The Government of the Dominion of Canada and The Government of the Province of Alberta in the ***Constitution Act, 1930*** [20-21 George V, c. 26 (U.K.), given effect on 10th July 1930]. *An Act to confirm and give effect to certain agreements entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively.*

### **Commentary**

- As set out in section 10 of the *NRTA*, Alberta is obligated to transfer unoccupied Crown lands back to the federal government so that Canada can fulfil its obligations under the treaties with First Nations.
- Since 1986, Alberta has settled 11 different land claims, contributed 178,281 acres of unoccupied Crown land to Canada in trust for First Nations and also \$57.6 million in compensation.
- Section 12 of the *NRTA* limits Alberta's right to make laws applicable to First Nations concerning hunting, trapping and fishing. In Alberta, Indians are guaranteed the right to take game and fish *for food*—an important limitation—during all seasons of the year on unoccupied Crown lands and on any other lands to which Indians have a right of access.
- Under the *NRTA*, the Government of Canada agrees that provincial laws respecting game shall apply to the Indians within provincial boundaries in order to secure the continuance of the supply of game and fish for the support and subsistence of Indians.
- The term “Indians” contained in the *NRTA* has been interpreted by the Alberta Court of Queen's Bench in the Ferguson case (1994) to include non-treaty Indians and even Metis, with respect to harvesting rights so long as that person is of “Indian blood” and following “an Indian mode of life”. However, in the Blais case (2003) the Supreme Court of Canada held that Metis are not Indian for the purpose of the *NRTA*.



In regards to Indian Reserves, as set out in the following paragraphs:

**10. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof.**

11. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1924, which said agreement was confirmed by statute of Canada fourteen and fifteen George the Fifth chapter forty-eight, shall (except so far as they relate to *The Bed of Navigable Waters Act*) apply to the lands included in such Indian Reserves as may hereafter be set aside under the last preceding clause as if the said agreement had been made between the parties hereto, and the provisions of the said paragraphs shall likewise apply to the lands included in the reserves heretofore selected and surveyed, except that neither the said lands nor the proceeds of the disposition thereof shall in any circumstances become administrable by or be paid to the Province.

12. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence. Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.

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Updated: December 2003

