

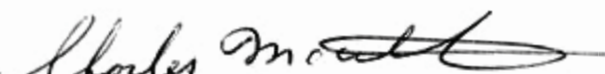
YUULU?IL?ATH GOVERNMENT

HERITAGE ACT

YFNS 80/2023



This law enacted on March 13, 2023

Signed 
Charles McCarthy, President of the
Yuulu?il?ath government

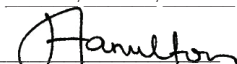
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PREAMBLE

Yuulu?il?ath have occupied, benefited from and governed our traditional territory, lands, waters and resources since time immemorial. Through our inherent right to self-government, the Yuulu?il?ath government has preserved and protected our traditional territory and we accept the obligations and responsibilities inherent in governing Yuulu?il?ath lands.

Our sacred principles require us to protect objects and sites of archaeological, historical or cultural significance to Yuulu?il?ath and to treat them with the utmost respect and sensitivity. These objects and sites are core to our culture and demonstrate our deep and longstanding connection to our lands.

The Yuulu?il?ath government adopts this Act based on these values.

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Heritage Act.

Executive oversight

1.2 The member of the Executive holding the culture and heritage portfolio is responsible for the executive oversight of this Act.

Authority and application

- 1.3 (a) This Act is enacted under
- (i) 21.2.1 of Chapter 21 Culture and Heritage of the Maa-nulth Treaty,
 - (ii) 13.37.1 of Chapter 13 Governance of the Maa-nulth Treaty, and
 - (iii) section 3.2(p) of the Constitution.
- (b) This Act applies on Yuulu?il?ath lands.

Definitions

- 1.4 In this Act,
- (a) “archaeological human remains” means human remains that are not the subject of a police or a coroner investigation, and are determined to be of Yuulu?il?ath ancestry;
 - (b) “artifact” means any object created by, traded to, commissioned by, or given as a gift to a Yuulu?il?ath individual, Yuulu?il?ath government, or a Yuulu?il?ath public institution or that originated from Yuulu?il?ath, past or present, and that has past and ongoing importance to Yuulu?il?ath culture or spiritual practices, but does not include any object traded to, commissioned by, or given as a gift to another aboriginal group;
 - (c) “heritage site” means a site of archaeological, historical or cultural significance including graves and burial sites.

PART 2 - PROTECTION OF HERITAGE SITES AND ARTIFACTS

Application of Heritage Conservation Act (British Columbia)

- 2.1 (a) Subject to section (b), the Yuulu?il?ath government adopts the Heritage Conservation Act (British Columbia) in respect of
- (i) archaeological human remains,
 - (ii) artifacts, and
 - (iii) heritage sites.
- (b) The Heritage Conservation Act (British Columbia) does not apply to activities and works undertaken by or on behalf of a Yuulu?il?ath institution.

Protection of archaeological human remains, artifacts and heritage sites

- 2.2 A Yuulu?il?ath institution must
- (a) exercise due care and use best practices, and
 - (b) ensure any person undertaking activities or works on its behalf exercises due care and uses best practices,
in relation to
 - (c) archaeological human remains,
 - (d) artifacts, and
 - (e) heritage sites.

PART 3 - GENERAL

Regulations

- 3.1** The Executive may make regulations that it considers necessary or advisable for the purposes of this Act.

Commencement

- 3.2** This Act comes into force on the date it is enacted.