

# Learning Seminar

## The Role of Proponents in Crown Consultation with Aboriginal Peoples

**November 22, 2011 - Westin Hotel, Halifax**

As Aboriginal consultation continues to evolve across Canada, Proponents and Third Parties are playing an increasingly important role in the consultation process. This learning seminar offers essential information for the business sector, industry and professional associations, consultants, legal professionals, governments, non-governmental organizations, Mi'kmaq groups, and those who need to gain a better understanding of the elements of the Duty to Consult and the Crown's delegation of procedural aspects of consultation to Proponents.

### Seminar Highlights

- Fundamentals of Duty to Consult and Accommodation
- Case law for Proponents
- Provincial and Federal government perspectives
- Delegation of procedural aspects – Nova Scotia's approach
- Establishing relationships with First Nations
- Exploring and developing Impact Benefits Agreements (IBAs)

Registration information and the seminar program are available at: [www.gov.ns.ca/abor/resources/learningseminar](http://www.gov.ns.ca/abor/resources/learningseminar)

**Seminar Rate: \$275**

**Student Rate: \$175 (limited seating)**

All prices include taxes, conference materials, breakfast & lunch.

**For more information, please contact:**

Tracy McHarg

Tel: (902) 424-4174 or Email: [mchargta@gov.ns.ca](mailto:mchargta@gov.ns.ca)

**Limited Seating  
Register Now!**

### Keynote Speakers

**Sandra Gogal**

**Partner, Miller Thomson Law Firm**

Sandra Gogal has extensive experience in dealing with aboriginal and environmental issues in the natural resource and energy sector. Ms. Gogal has acted for a number of large industry clients in the mining, hydro, forestry and oil and gas sectors on matters relating to aboriginal consultation, environmental assessments, federal and provincial, and has negotiated several accommodation and impact and benefit agreements between industry and First Nations.

**W. Ming Song**

**Principal, Songbird Law Corporation**

W. Ming Song has worked exclusively in the area of Aboriginal law since 1992. Her areas of expertise are consultation and accommodation, economic development, governance, corporate and commercial transaction agreements, aboriginal rights and title and, Indian Act powers and rights. Ms. Song has been an instructor of Law and risk management at Capilano University. Her community work includes being a dedicated member of the Board of Directors for Atira Women's Resource Society, which provides support, education and shelter to abused women and children.



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# Learning Seminar Agenda



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**8:00 Registration**

**8:45 Opening Prayer**

**8:55 Welcome and Opening Remarks**  
*The Honourable Darrell Dexter, Premier of Nova Scotia and Minister of Aboriginal Affairs*

**9:10 Consultation and Accommodation – Part I**  
*Sandra Gogal, Partner, Miller Thompson Law Firm*

- Purpose of Consultation
- Honour of the Crown
- Key Court Decisions

**9:50 Mi'kmaq Perspective**  
*Dan Christmas, Senior Advisor and Councillor Membertou First Nation*

**10:10 Provincial and Federal Government Perspectives**  
*Alvaro Loyola, Director of Consultation, Nova Scotia Office of Aboriginal Affairs; and Federal Speaker TBC*

- Delegation of Procedural Aspects of Consultation
- Proponents' Guide to Engaging the Mi'kmaq of Nova Scotia

**10:30 HEALTH BREAK**

**10:45 Consultation and Accommodation: Part II**  
*Sandra Gogal*

- Current Trends
- UN Declaration of the Rights of Indigenous Peoples - Free, Prior and Informed Consent

**11:15 Implications for First Nations**  
*Ming Song, Principal, Songbird Law Corporation*

- Success with Industry vs. Success with the Courts

**12:00 Networking Lunch**

**1:00 Implications for Industry**  
*Sandra Gogal*

- How does the duty to consult shape Impact Benefit Agreements (IBA)?
- Are agreements required before permitting?
- Is there a role for the Crown in reviewing and assessing IBAs?

**1:30 Proponents and First Nation Relationships**  
*Ming Song*

- Approaching First Nations engagement
- Developing trusting relationships
- Negotiating benefits

**2:15 HEALTH BREAK**

**2:30 Impacts Benefits Agreements Panel**  
*Ming Song and Sandra Gogal*

- Enforceability of IBAs
- Addressing certainty - key provisions for Industry and First Nations
- Evolution of IBAs - where are the trends
- Overview of what's happening in the rest of Canada and some exemplary IBAs

**4:00 Wrap-Up and Closing Prayer**