

Office of Aboriginal Affairs

Annual Accountability Report

Reporting for the Fiscal Year 2004-2005

Issued by: Office of Aboriginal Affairs

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Accountability Statement

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2005, is prepared pursuant to the Provincial Finance Act and government policy and guidelines. These authorities require the reporting of outcomes against the Office of Aboriginal Affairs business plan information for the fiscal year 2004-2005. The reporting of the Office of Aboriginal Affairs' outcomes necessarily includes estimates, judgements and opinions by the Office of Aboriginal Affairs.

We acknowledge that this accountability report is the responsibility of the Office of Aboriginal Affairs' management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of Aboriginal Affairs business plan for the year.

Honourable Michael G. Baker, QC
Minister of Aboriginal Affairs

Judith Sullivan-Corney, Chief Executive Officer / Deputy Minister
Office of Aboriginal Affairs

Message from the Minister

Message from the Minister

The Office of Aboriginal Affairs has made significant progress on several fronts in the last fiscal year.

Discussions with the Mi'kmaq and Canada on a Framework Agreement were concluded and the draft document is being studied by the bands prior to a formal signing. That will signal the start of full negotiations on Treaty and related issues. The office also undertook work on an Aboriginal Health Blueprint in conjunction with the Mi'kmaq-Nova Scotia-Canada Tripartite Forum for presentation to a First Ministers Meeting in the fall. We continue to provide financial and organizational support for the Tripartite Forum, the key mechanism for governments and the Mi'kmaq to come together to discuss issues of mutual concern. In addition, discussions are underway to put in place a consultation process between the province, the federal government and the Mi'kmaq. Aboriginal perceptions training continues to be a popular course with public servants, noting more than 900 individuals have taken the course by the fiscal year's end.

We take pride in what we have been able to achieve through the work of our professional dedicated staff. Please take some time to examine this document and contact the Office of Aboriginal Affairs if you have any questions.

Michael G. Baker, QC
Minister of Aboriginal Affairs

Introduction

This accountability report, which is the fourth for the Office of Aboriginal Affairs, provides a report card on the progress and accomplishments of the Office during the fiscal year, 2004-2005. This report is based on the goals and priorities as outlined in the 2004-2005 business plan for the Office.

The main body of the report provides a review of achievements during the fiscal year. In addition the report provides an overview of financial results and performance measures.

Throughout the year, the Office has worked hard to help departments and agencies build the capacity to work with Aboriginal communities and organizations. Also, steady progress has been made in the area of negotiations, building towards the first step of an approved negotiation framework.

Additional information on the activities of the Office of Aboriginal Affairs can be found at our web site www.gov.ns.ca/abor/ .

Department Progress and Accomplishments

The following section provides an overview of the progress and achievements of the Office of Aboriginal Affairs during the 2004-2005 fiscal year. These achievements are organized around the core business areas of the Office as outlined in the 2004-2005 business plan.

Core Business Area: Negotiations and Related Discussions - The Office of Aboriginal Affairs is responsible for coordinating departmental input into the negotiation process and representing the province's interests in negotiations and related discussions with the Federal Government and the Nova Scotia Mi'kmaq.

PROGRESS AND ACCOMPLISHMENTS

Negotiations and Related Issues

The Office of Aboriginal Affairs, in conjunction with its respective partners within the Made-in-Nova-Scotia Process, has engaged in the following activities:

- Continued development of a Framework Agreement with the Mi'kmaq of Nova Scotia and Government of Canada. The Framework Agreement will establish the process and topics for negotiation of issues regarding Aboriginal rights, including Aboriginal title, treaty rights and governance.
- Began discussions with the Mi'kmaq of Nova Scotia and Government of Canada toward the development of terms of reference for a consultation process to address the requirements of governments to consult with the Mi'kmaq.
- There was ongoing involvement of departments to keep them informed and have input into the negotiations through the Senior Officials committee for Treaty negotiation and Aboriginal Issues, the Deputy Minister' Advisory Committee on Negotiations, and various consultations with individual departments.
- We have continued to meet with various stakeholder organizations to update them on treaty negotiations to begin identifying issues of interest and exploring mechanisms to obtain their input.
- We continued discussions on cost-sharing with the Government of Canada regarding funding for process costs and settlement costs for treaty-related negotiations.

Core Business Area: Aboriginal and Intergovernmental Relations - This area includes working with Aboriginal communities and organizations and other levels of Government to coordinate Aboriginal initiatives, develop strategies, and build and maintain a sustainable framework for First Nation-Government relations

PROGRESS AND ACCOMPLISHMENTS

Mi'kmaq-Nova Scotia-Canada Tripartite Forum

The Tripartite Forum continues to move forward on a number of fronts. Some examples of committee initiatives include:

- Following the September 2004 commitments made by First Ministers and National Aboriginal Leaders to develop an Aboriginal Health Blueprint, the Tripartite Forum mandated the Health committee to take the lead in developing Nova Scotia's submission to this process. Initial work on the Blueprint began in 2004-2005.
- Two cultural gatherings including pow wows were held for adult and youth offenders in November 2005. The gatherings were held at the Nova Scotia Youth Facility, Waterville and the Central Nova Scotia Correctional Facility, Burnside. These gatherings were initiated through the Justice Working Committee.
- Open For Business Mi'kmaq (OFB Mi'kmaq) - This project sponsored by the Economic Development committee supported OFB Unama'ki site in Eskasoni and their expansion of services, through focused outreach, to all Nova Scotia First Nation communities; renamed OFB Mi'kmaq. The objectives of OFB Mi'kmaq supported Aboriginal youth business start-ups, generated awareness of entrepreneurship as an opportunity for youth, provided a supportive environment that is accessible to Aboriginal youth, increased the capacity in the community to provide business support, an increased the number of Aboriginal mentors available to council youth entrepreneurs.
- The Forum's first Annual General Assembly, was held in Wagmatcook First Nation in June 2004. The AGA resulted in the creation of a vision and key areas of strategic focus including skills development, youth, community involvement and language.

Mi'kmaq Legal Support Network (MLSN)

The Mi'kmaq Legal Support Network (MLSN) was established in 2003 as a Tripartite Forum initiative to develop an umbrella organization with a broad mandate to build sustainable legal support services for aboriginal persons. The MLSN currently provides two core programs for Aboriginal persons in conflict with the law, in addition to a number of short term projects. The Mi'kmaq Courtworker Program provides court support services to aboriginal adults who are involved with the legal system. The Mi'kmaq Customary Law Program offers a range of services for youth aged 12 to 17 under the Extra Judicial Sanctions and Conferencing provisions of the *Youth Criminal Justice Act (Canada)* as well as sentencing circle processes for adults. Both of these programs are fully supported by operational grants which are co-funded by provincial and federal partners

MLSN has also been very active in training activities for correctional workers, police and the judiciary, and was able to host two very well received cultural gatherings at youth and adult correctional facilities. OAA continues to be a major funder of MLSN and takes an active role in its management through our representation on its advisory board.

First Nation Gaming

Through a series of gaming agreements with First Nations, approximately \$40 million was made available to First Nation governments through a sharing of revenue under the video lottery terminal program and participation in revenue sharing from the Sydney Casino.

National Aboriginal Discussions

The September 2004 First Ministers Meeting resulted in two significant commitments being made with respect to national discussions on Aboriginal issues. Specifically, First Ministers and Aboriginal Leaders committed to develop an Aboriginal Health Blueprint within one year and also committed to hold a FMM on Aboriginal Issues.

Aboriginal Affairs in collaboration with various provincial departments have identified and articulated Nova Scotia's interests in the identified FMM agenda areas which include relationships, health, education, housing and economic opportunities.

Nova Scotia participated as an observer in the Canada-Aboriginal Peoples Roundtable. In addition to two policy retreats, a series of sectoral planning sessions took place in the areas of lifelong learning, health, housing, accountability, negotiations and economic opportunity.

Regional Aboriginal Discussions

In early June 2004, OAA hosted a meeting of Atlantic Canada Aboriginal Affairs Ministries with participation from New Brunswick, Prince Edward Island and Newfoundland and Labrador. Like other regional discussion bodies, this meeting provided the opportunity for jurisdictions to get a sense of what is happening on a regional basis with special emphasis this year on discussing the Made-in-Nova Scotia Negotiation process. Opportunities to share localized policy initiatives were also part of the discussion agenda.

Nova Scotian Aboriginal Organization Discussions

The Office facilitated several meetings with the Native Council of Nova Scotia on issues of mutual concern.

Core Business Area: Interdepartmental Coordination, Policy Analysis and Strategic Advice - This business area includes providing policy and strategic advice and support to departments and agencies concerning Aboriginal issues. The office also works with departments and agencies to develop and implement the Government's overall approach to Aboriginal issues.

PROGRESS AND ACCOMPLISHMENTS

Statistical Research

Based on Census 2001 and other data, the Office created a working database of statistical information that can be utilized for research and policy development. In addition, Aboriginal Affairs cooperated with the Nova Scotia Status of Women to compile data for a statistical report on Aboriginal women.

Specifically Targetted Aboriginal Issues

The Office of Aboriginal Affairs plays a lead role in organizing and ensuring a consistent government approach to addressing Aboriginal matters. Throughout the year, the Office provided advice to line departments on Aboriginal matters and participated in corporate initiatives to ensure there was a reflection of Aboriginal issues. Some key activities during the fiscal year included:

- The move towards promoting horizontal governance initiative within government has led to OAA's involvement and support of such initiatives as the Office of Economic Development's Community Development Policy Initiative and the NS Sustainable Communities Initiative. One other such item to note would be the Unama'ki Institute's Collaborative Environmental Planning Initiative. All three initiatives have the ultimate goal of providing sustainable, stable and coordinated governance over each of the subjects at

hand, whether it be management of the Bras d'Or Lakes or providing a coordinated single-window approach to community development.

- Progress has been made on implementing the Debert Protected Site Management Plan (part of the Mi'kmawey Debert Initiative). In addition, the Office participated along with a number of other provincial departments in the on-going development of a potentially significant cultural centre that would celebrate Mi'kmaq heritage and culture as well as help interpret the paleo-Indian site at Debert.

Core Business Area: Communication, Public Education and Awareness - A key element of OAA's activity is aimed at increasing understanding of issues related to Aboriginal people in Nova Scotia. This business area employs the use of strategic communication and public education tools both internal to the Provincial government and externally to enhance understanding and raise awareness.

PROGRESS AND ACCOMPLISHMENTS

OAA Communications Strategy

The office has developed a strategy to engage the public and stakeholders in treaty negotiations. Working with the Communications Working Group, OAA prepared a communications plan for negotiators. This plan forms the basis for negotiators in the Made-in-Nova Scotia Negotiations Process to communicate with Nova Scotians. These measure will be rolled out once the negotiations Framework Agreement is signed.

Tripartite Forum Communications Plan

A communications office was established for the Tripartite Forum and the Mi'kmaq Legal Support Network to enhance public understanding of the work being done by both organizations. This has enhanced communication among the seven Tripartite Forum Working Committees and has given the Mi'kmaq greater insight into their work through the newsletter, media and annual reporting.

Treaty Day

On Friday, October 1, 2004, Province House hosted the annual Treaty Day Awards ceremony. With the Premier, several Cabinet Ministers and AFN National Chief Phil Fontaine present (among others), the ceremony was well attended by Mi'kmaq and non-Mi'kmaq representatives and

unfortunately was the last Treaty Day ceremony that both the late Roy Gould (long-time Treaty Day Coordinator) and the late Grand Keptin Alex Denny (Mi'kmaq Grand Council and Tripartite Forum Executive Chair) attended before their unfortunate passing. Both the Treaty Day Coordinator and Tripartite Forum Executive Chair roles are expected to be filled in 2005-2006.

Four awards were presented, including the Chief Noel Doucette Memorial Youth Achievement Awards to John H. Paul, Chantella Prosper and Patricia Mae Prosper. The Grand Chief Donald Marshall Senior Memorial Elder Awards were presented to Elizabeth Paul and Richard MacKenzie. The Mi'kmaw Kina'matnewey annual scholarships were presented to Tuma Young and Tonia Silliboy.

Aboriginal Perceptions Training

2004-2005 has proven to be an excellent year for the formal introduction of the Aboriginal Perception Training Course, offered through the Public Service Commission Course list. With more 900 participants having completed the course from all sectors of government during this fiscal year, the course has become a highly complementary piece in educating the Public Service on Nova Scotia's Mi'kmaq community from both a historical and contemporary perspective.

Financial Results

2004-2005

The following table outlines the budgeted and actual spending for the Office of Aboriginal Affairs during the 2004-2005 fiscal year. Overall spending came in at \$2.190 million, approximately \$39,000 less than the authorized budget of \$2.229 million.

| Cost Centre | Budget (\$ nearest thousand) | Actual (\$ nearest thousand) | Variance (\$ nearest thousand) (over budget) |
|-----------------------------------|--|--|---|
| Salaries and Benefits | 740 | 706 | 34 |
| Travel | 48 | 39 | 9 |
| Professional and Special Services | 608 | 531 | 77 |
| Supplies and Services | 49 | 38 | 10 |
| Other | 166 | 170 | (4) |
| Grants and Assistance | 744 | 839 | (94) |
| <i>Less:</i> | | | |
| Chargeables to Other Departments | 16 | 50 | 34 |
| Recoveries | 110 | 83 | (27) |
| Total | \$2,229 | \$2,190 | \$39 |
| FTEs | 12 | 10.5 | 1.5 |

- *Salaries and Benefits* mainly due to saving from management of vacant positions, offset by increase due to MCP Pay for Performance, PSSP and Wage Settlements for non bargaining employees.
- *Travel* expenditures were lower than planned travel expenses in airfare/out-of-province.
- *Professional and Special Services* were mainly due to decrease in consulting services and professional services, offset by increase in legal services.
- *Supplies and Services* mainly due to decrease in miscellaneous office expense, IT op-date centre and advertising.
- *Other* was over-expended due to an increase in staff training, subscriptions/periodicals and other, offset by decrease in IT hardware and equipment purchases.
- *Grants and Assistance* payments were higher than planned grants. Additional funds from Federal Gov't for Tripartite Forum.

- *Chargeables to Other Departments* were over estimated due to recovery of MCP Pay for Performance, PSSP and wage settlements for non bargaining employees from Central Fund.
- *Recoveries* (i.e. cost share dollars from federal government departments) were lower than planned recoveries from Federal Gov't for Tripartite Forum.

REPORTING ON OUTCOMES

PERFORMANCE MEASURES:

The following section of this report provides an overview of OAA's outcome measures. Each outcome measure relates to a core business area, and this section will measure OAA's progress in fulfilling its core business areas. The performance measures in the 2003-04 business plan have been revised and are reflected in OAA's 2004-2005 business plan. This accountability report reports on the revised measures, as they more accurately measure progress towards achieving our outcomes.

KEY PERFORMANCE AREAS:

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| Core Business Area – Negotiations and Related Discussions |
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The Office of Aboriginal Affairs is responsible for coordinating the negotiations process and representing the province's interests in negotiations and related discussions with the Federal Government and Mi'kmaq.

The outcome for this core business area is *progress toward resolution of treaty-related issues in a manner that reconciles the interests of Nova Scotia, Canada, and the Mi'kmaq, and promotes positive working relationships*. The following will provide information on each of the three identified measures.

Measure 1 – Continued commitment of all parties to the June 2002 Mi'kmaq-Nova Scotia-Canada Umbrella Agreement

What does this measure tell us?

On June 7, 2002, Nova Scotia, Canada, and the Mi'kmaq formally signed an Umbrella Agreement, committing the parties to working together in good faith to resolve mutual issues. The agreement highlights three key aspects to the relationship between the Mi'kmaq, Nova Scotia, and Canada:

- Negotiation of a Framework Agreement;
- Development of a terms of reference with respect to the Crown's duty to consult; and
- A recommitment to the Tripartite Forum.

Where are we now?

Since 2002, we have made progress in delivering on all three key aspects of the Umbrella Agreement. During 2004-2005, a draft Framework was prepared and reviewed internally by provincial departments and agencies; parties began work on drafting a terms of reference for the development of a process to resolve consultation issues; and within the Tripartite Forum, progress was made over the past year, which

resulted in positive changes in the areas of culture and heritage, economic development, education, healthy lifestyle promotion, and justice, to name a few.

Where do we want to go/be in the future?

We are committed to continued progress within the three key aspects of the Umbrella Agreement.

Measure 2 – Progress on a Framework Agreement, which will guide negotiation of Treaty and Related Issues.

What does this measure tell us?

Reaching consensus on a Framework Agreement with Canada and the Mi'kmaq of NS is the next step in the Treaty negotiations process. The Framework Agreement creates a road map of how parties will move forward to resolve outstanding issues regarding Aboriginal and Treaty rights.

Where are we now?

In 2004-2005, a draft Framework was prepared. The draft Framework Agreement is being reviewed with Mi'kmaq communities before it is considered for approval and ratification..

Where do we want to go/be in the future?

In 2005-2006, the goal is to approve and ratify the Framework Agreement.

Measure 3 – Process for information sharing and input by public and groups, organizations, and individuals with interests in subject areas under negotiations.

What does this measure tell us?

A key aspect of Nova Scotia's approach to the negotiations process will be to encourage a broad public awareness of the process and ensure that the views and concerns of provincial groups and organizations are well understood by the parties.

Where are we now?

In 2004-2005, informal discussions have continued with various stakeholder groups to keep them up to date about negotiations.

Where do we want to go/be in the future?

A more formalized public participation mechanism will be established when the Framework Agreement is approved and negotiations proceed. A long term goal will be to increase the awareness levels of Nova Scotians towards the ongoing negotiations process.

Core Business Area – Aboriginal and Intergovernmental Relations

This core business area includes working with Aboriginal communities and organizations, and other levels of government to coordinate Aboriginal initiatives, develop strategies, and build and maintain a sustainable framework for First Nation-Government relations.

This core business area contains two outcomes: *1) To effectively represent the interests of Nova Scotians in Federal, Territorial, and Aboriginal relations; and 2) Improved relations between the Government of Nova Scotia and Aboriginal communities and organizations.* For each outcome, one measure has been identified for each.

Outcome 1 - To effectively represent the interests of Nova Scotians in federal, territorial, and Aboriginal relations.

Measure 1 – Percentage of government departments and agencies who agree that OAA effectively represents Nova Scotians’ interests in federal, territorial, and Aboriginal relations.

What does this measure tell us?

This measure demonstrates the percentage of provincial clients that feel OAA effectively represents the interests of Nova Scotians’ in federal, territorial, and Aboriginal relations.

Where are we now?

In October 2004, the OAA Client Satisfaction Survey Results were compiled with a number of positive findings. With respect to Measure 1 noted above, 96% of respondents either strongly agreed or agreed that OAA represents Nova Scotians’ interests effectively in intergovernmental, bilateral, and tri-party initiatives and negotiations.

Where do we want to go/be in the future?

Using the above noted survey as a baseline for results, we will work to maintain and/or improve the level of client satisfaction in this area.

Outcome 2 – Improved relations between the Government of Nova Scotia and Aboriginal communities and organizations.

Measure 1 – Assessment of government departments and agencies satisfaction with their working relationship with Aboriginal communities and organizations.

What does this measure tell us?

To improve relations between the Government of Nova Scotia and Aboriginal communities and organizations, it is important to determine how satisfied government departments and agencies are with their working relationship with Aboriginal communities and organizations.

Where are we now?

According to the results from the 2004 Client Satisfaction Survey, ALL of those surveyed agreed that OAA facilitates and supports a coordinated approach within Government on matters related to Aboriginal issues. Also related to this, of those who responded, ALL either strongly agreed or agreed that OAA is building a sustainable framework for First Nation-Government relations.

Where do we want to go/be in the future?

Using the 2004 survey as a baseline for results, we will work to maintain and/or improve the level of client satisfaction in this area.

Measure 2 – Qualitative feedback from Aboriginal organizations on their satisfaction with their working relationship with the Government of Nova Scotia.

What does this measure tell us?

This measure is important in improving relations between OAA and Aboriginal communities and organizations. The feedback received from communities and organizations will help OAA to improve upon this outcome.

Where are we now?

Baseline data to be established this fiscal year.

Where do we want to go/be in the future?

Once the baseline data is established, we will target maintaining and continuous improvement on this measure.

Core Business Area – Interdepartmental Coordination, Policy Analysis, and Strategic Advice

This business area includes providing policy and strategic advice and support to departments and agencies on issues relating to Aboriginal people. The office also works with departments and agencies to develop and implement the government's overall approach to Aboriginal people in Nova Scotia.

The outcome for this core business area is: ***Effective coordination and advice being provided to government departments and agencies.*** For this core business area, only one measure has been identified.

Measure 1 – Government departments and agencies satisfaction with the services and advice provided by OAA.

What does this measure tell us?

Addressing Aboriginal issues involves a significant level of coordination. Key to designing effective and sustainable corporate practices and solutions is the support and involvement of other departments and agencies. One measure of our success is how satisfied government departments and agencies are with the services and advice provided by OAA.

Where are we now?

With the majority of clients (52%) indicating that they have contact with OAA on at least a monthly basis, 75% of clients were very satisfied with OAA's promptness in responding to their needs and 92% were very satisfied with the professional and courteous nature in which OAA responded. Most notably, 75% of clients were satisfied with the advice and support provided by OAA, while 25% of clients were somewhat satisfied.

Where do we want to go/be in the future?

Now that we have baseline data, our main goal will be to increase the satisfaction rate of clients with respect to advice and support.

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| Core Business Area – Communication, Public Education, and Awareness |
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In this core business area, a key element of OAA's activity is aimed at increasing the understanding of issues related to Aboriginal people in Nova Scotia. This business area employs the use of strategic communication and public education tools both internally and externally to enhance understanding and raise awareness.

The outcome for this core business area is ***government employees and the public are aware of and have an understanding of Aboriginal issues in Nova Scotia.*** For this core business area, three measures have been identified to track progress on the outcome.

Measure 1 – Increase in Nova Scotian's who feel informed and knowledgeable of Aboriginal issues in Nova Scotia.

What does this measure tell us?

Measuring the number of Nova Scotian's who feel informed and knowledgeable of Aboriginal issues in Nova Scotia is important in achieving our outcome.

Where are we now?

In comparing results from an 2003 and 2005 data sources commissioned by OAA, 35% (no change from 2003 data) indicated that they feel well informed on Mi'kmaq issues while 7% (an increase from 2003 data) indicated that they are very well informed on Mi'kmaq issues. Currently, 57% (slight decrease from 2003 data) indicated that they are not well informed on Mi'kmaq issues.

Where do we want to go/be in the future?

Our target for this measure is to decrease the percentage of Nova Scotians who do not feel well informed.

Measure 2 – Number of Government employees who have attended training on Aboriginal issues

What does this measure tell us?

It is important for government employees to have an increased understanding and awareness of Aboriginal people in Nova Scotia. This output measure will provide us with a level of understanding of the reach of our corporate training initiatives.

Where are we now?

In 2004-2005, the PSC formally offered the Aboriginal Perceptions Training program through their course calendar. By the end of 2004-2005, more than 900 public servants have completed the course.

Where do we want to go/be in the future?

With baseline data in place (no. of participants to successfully complete the training) we will look to maintain and sustainably grow the Aboriginal Perception Training Course as its offered.

Measure 3 – Assessment of Government employees' satisfaction with training

What does this measure tell us?

This measure is based on qualitative feedback from course participants. Participants are asked to provide the instructor with comments on what they liked most about the training and areas for improvement.

Where are we now?

An overwhelming majority of participants who have completed the Aboriginal Perceptions Training Course provide extremely positive feedback regarding the course and its instructor. Of the negative feedback to note, most point towards the need to expand the course as it is perhaps too concentrated.

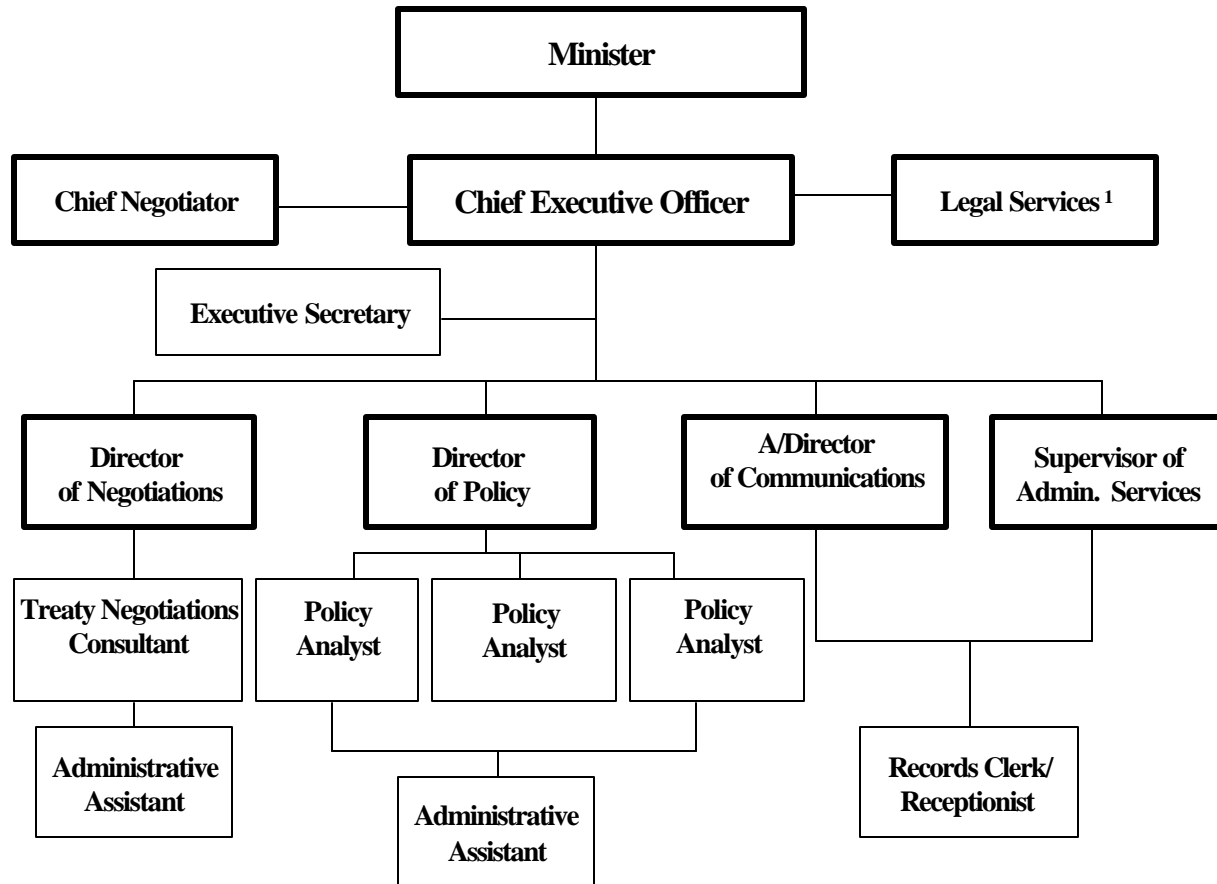
Where do we want to go/be in the future?

We hope to continue on the success already achieved by responding to the comments and suggestions of participants.

APPENDIX A

Organizational Chart (as of March 31, 2005)

Office of Aboriginal Affairs



¹ Legal Services provided by the Department of Justice

September 2003