

Office of Aboriginal Affairs

Annual Accountability Report

Reporting for the Fiscal Year 2005-2006

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Accountability Statement

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2006, 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 2005-2006. 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, Q.C.
Minister of Aboriginal Affairs

Judith Sullivan-Corney, Deputy Minister/CEO
Office of Aboriginal Affairs

Message from the Minister

The Office of Aboriginal Affairs achieved a number of its goals in various aspects of its work in the last fiscal year.

After a period of familiarization with the contents of the Framework Agreement, almost all bands have endorsed the document and it is now ready for a formal signing ceremony. It will open the way for formal Made-in-Nova Scotia negotiations to begin on treaty and rights issues.

The film *Wabanaki: People of the Dawn*, produced by OAA for public education, premiered to enthusiastic audiences at various venues and was awarded an Atlantic Gemstone Award for audio and visual excellence. The film will become part of the Nova Scotia high school curriculum in the new year. Another film on the Mi'kmaq today is nearing completion.

To further public understanding of the issues facing the Mi'kmaq and their history and culture, OAA undertook a number of round table meetings with community leaders in various parts of the province and more are planned. The response to the discussions was outstanding and OAA is working on other ways to engage the public in the to continue to raise awareness.

An evaluation of the Tripartite Forum resulted in a new strategic direction within the forum and the introduction of a project management approach to the work of committees. This will bring a more outcome oriented focus to work of the forum.

During the First Ministers Meeting on Aboriginal Issues held in Kelowna, B.C., Nova Scotia agreed to work collaboratively with Aboriginal people and the federal government to close the gap in a range of social and economic outcomes. Nova Scotia's Aboriginal Health Blueprint, Providing Health Care, Achieving Health prepared by the Mi'kmaq-Nova Scotia-Canada Tripartite Forum was considered by many of the participants to be among the most comprehensive documents prepared for the First Ministers meeting. It will form the basis of future health care planning for Aboriginal people in Nova Scotia.

Over a thousand public servants have now taken the aboriginal perceptions training and it continues to draw an enthusiastic response.

We take pride in what we have achieved through the work of our 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, Q.C.
Minister

Introduction

This accountability report, which is the fifth for the Office of Aboriginal Affairs, is a report card on the progress and accomplishments of the Office during the 2005-2006 fiscal year. This report is based on the goals and priorities as outlined in the 2005-2006 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 2005-2006 fiscal year. These achievements are organized around the core business areas of the Office as outlined in the 2005-2006 business plan.

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

PROGRESS AND ACCOMPLISHMENTS

Mi'kmaq-Nova Scotia-Canada Tripartite Forum

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

- In preparation for the November 2005 First Minister Meeting on Aboriginal Issues in Kelowna, BC, the Forum's health working committee completed its mandated work on the development of a Nova Scotia based Aboriginal Health Blueprint, Providing Health Care, Achieving Health. Nova Scotia's truly unique (tripartite) submission sets the stage for a new and collaborative approach to Aboriginal health and health promotion in Nova Scotia.
- The Office established a special project grant to support the development of a signage upgrading project for Mi'kmaq communities. The Culture and Heritage working committee is overseeing the project, with expert support from Transportation and Public Works and Nova Scotia Geographic Names Board. Phase one is addressing the upgrade of way-finding signage and phase two will begin the development of a community signage fund initiative which will support Mi'kmaq communities to invest in higher profile Community Identity Signs.
- The Social working committee sponsored a SDA workshop designed to explore issues and challenges related to social assistance funding limitations and responsibilities regarding service provision to non native persons living in First Nation communities.
- The Justice working committee supported the development of a special project in collaboration with Correctional Services Canada and the National Parole Board, which would allow the Mi'kmaq Legal Support Network to build capacity within First Nation communities for community hearings, which can provide input into early release provisions for First Nations persons serving federal sentences under Section 84 of the Correctional Services Act.

- The Forum's Second Annual General Assembly was held in Bear River First Nation in June 2005. The AGA resulted in enhancing cross-committee work opportunities and gave participants a greater understanding of the value of working collaboratively not only within each committee but across more strategic areas.

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

OAA continues to actively support the *Mi'kmaq Legal Support Network*, and in 2005-2006 assisted with the establishment of an evaluation of MLSN, which will be a strategic step in developing action planning for the upcoming renewal of Federal Provincial funding agreements in 2007. OAA worked with MLSN and Justice Canada to ensure that MLSN was effectively providing all data collection according to the nationally set performance standards for the Aboriginal Court Worker program

First Nation Gaming

The Office of Aboriginal Affairs followed up on the commitments made in the Nova Scotia Gaming Strategy (2005) by initiating negotiations with a number of First Nation communities with the objective of reducing the number of video lottery terminals available to First Nation communities. During 2005-2006, government reached agreement with two communities and continued negotiation with a number of other communities.

These agreements remain a vital revenue source for First Nations in Nova Scotia providing approximately \$40 million in revenue during 2005-2006.

First Ministers Meeting On Aboriginal Issues

On November 25 and 26, 2005, First Ministers met with National Aboriginal Leaders and agreed to close the gap between Aboriginal and non-Aboriginal Canadians in key social and economic outcomes over a ten-year period. This meeting culminated a year-long process of discussion between governments and Aboriginal organizations. It also set the stage for a new working relationship between governments and Aboriginal Canadians.

While the new federal government has stated their support for the targets announced at the First Ministers Meeting, they are taking a more targeted approach on the issues and solutions. Nova Scotia remains committed to working with both the federal government and Aboriginal organizations and communities to further the objectives established in November 2005. The work done in preparation for the First Ministers Meeting is laying the groundwork for our collaborative work with Nova Scotia First Nations and the federal government.

Providing Health Care, Achieving Health

A significant outcome for Nova Scotia resulting from the FMM process was the development of Nova Scotia's Aboriginal Health Blueprint, Providing Health Care, Achieving Health. This document, prepared in a collaborative and inclusive manner, will form the foundation of Nova Scotia's working relationship with Aboriginal people on health care issues and will establish the basis for Nova Scotia Aboriginal Health Policy.

Core Business Area: Corporate Aboriginal Affairs Administration - This business area includes providing corporate policy and strategic advice to departments and agencies concerning matters related to Aboriginal people while achieving departmental and corporate goals and objectives through planning, budgeting, reporting and communication.

PROGRESS AND ACCOMPLISHMENTS

Nova Scotia Aboriginal Roundtables

During 2005-2006, OAA initiated the development of a strategy to engage the public and targeted stakeholders in becoming more aware of Nova Scotia's Mi'kmaq people, their issues, history and culture. During 2005-2006, planning was initiated for a series of roundtables that were co-hosted by Judith Sullivan-Corney, DM/CEO of Aboriginal Affairs and Rick Simon, AFN Vice Chief and Tripartite Forum Executive Chair.

Mi'kmawey Debert

Nova Scotia, through the Office of Aboriginal Affairs provided support to a number of initiatives directed at moving the vision of Mi'kmaq Debort forward. Specifically, OAA sponsored a conference, Ta'n Wetapeksi'k: Understanding from Where We Come, of archaeological and other experts focused on documenting the research that has been done on Debort-Belmont archaeological sites. These sites begin a story of a 13,000 year history of the Mi'kmaq and their ancestors in Nova Scotia.

OAA and other departments of the provincial government worked actively throughout 2005-2006 to support the Mi'kmaq in finalizing the feasibility study for Mi'kmaq Debort, develop and begin to implement a strategic plan in support of the protection and understanding of the existing archaeological resources in the Debort-Belmont area of Nova Scotia and begin to clarify questions associated with land protection in the Debort-Belmont area.

Aboriginal Women's Issues

OAA worked with the Nova Scotia Advisory Council on the Status of Women to establish a Nova Scotia delegation of Mi'kmaq women to attend the National Policy Forum on Aboriginal Women sponsored by Status of Women Canada in March 2006.

A Nova Scotia working group, with representation from Mi'kmaq organizations concerned with women's issues was established subsequent to this Forum. This working group is now an official sub committee of the Justice Tripartite Committee, and is developing a work plan for community engagement around the issue of family violence.

Wabanaki: People of the Dawn

The documentary film, Wabanaki: People of the Dawn was completed during the fiscal year. This film, based on the archaeological findings along the Mersey River, tells the story of the Mi'kmaq and their ancestors in Nova Scotia. The film will be a key tool in increasing public awareness and understanding of Mi'kmaq history and culture.

Treaty Day

On September 30, 2005, Province House hosted the annual Treaty Day Awards ceremony. With Premier Hamm, Minister Baker and their Cabinet colleagues as well as the AFN's National Chief Phil Fontaine present (among others), the ceremony was well attended by Mi'kmaq and non-Mi'kmaq community members.

Four awards were presented, including the Chief Noel Doucette Memorial Youth Achievement Awards to Edna Doucette and Jarvis Gogoo. The Grand Chief Donald Marshall Senior Memorial Elder Awards were presented to John Nick Jeddore and John D. Johnson. The Mi'kmaq Kina'matnewey annual scholarships were presented to Shelley Denny and Andrea

Paul.

Aboriginal Perceptions Training

The Aboriginal Perceptions Training course has become the most attended course in the provincial government. The course is offered through the Public Service Commission calendar but has become so popular that many departments have booked sessions exclusively for themselves. The Department of Justice alone has booked 6 sessions with an average of 25 people in each. As well, the Resources CSU has booked 7 sessions with an average of 25 people in each session. So far, approximately 1490 individuals have completed this one day session which is designed for two purposes: first, it is a valuable asset for employees who work with Aboriginal communities as a result of their department's work; second, it will help prepare employees for the experience of having Aboriginal co-workers in the Nova Scotia Civil Service. Finally, the course continues to be made available, on a limited basis, to organizations outside government who can also find practical applications.

Core Business Area: Negotiations - The Office of Aboriginal Affairs is responsible for coordinating provincial departments in intergovernmental, bilateral and tri-party negotiations while working to create stable and respectful relationships to reconcile the respective rights and interests of the Parties.

PROGRESS AND ACCOMPLISHMENTS

Negotiations and Related Issues

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

- Concluded discussions on 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. The Agreement has been approved by the Province and the federal government. The Mi'kmaq are in the final stages of ratification.
- With the ratification of the Framework Agreement underway, the parties have begun discussions on moose management in Cape Breton region. The purpose of this discussion table is to look at the current under-managed moose harvest and how to move toward greater Mi'kmaq self-government and self-management.
- 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. Draft terms of reference have been developed and are being reviewed internally.

- Ongoing involvement of departments to remain 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 through various consultations with individual departments.
- Continued to meet with various stakeholder organizations to keep them updated on treaty negotiations and begin identifying issues of interest and exploring mechanisms to obtain their input.
- Continued discussions on cost-sharing with the Government of Canada regarding funding for process costs and settlement costs for treaty-related negotiations.

Financial Results

2005-2006

The following table outlines the budgeted and actual spending for the Office of Aboriginal Affairs during the 2005-2006 fiscal year. Overall spending came in at \$4.529 million, approximately \$2.180 more than the authorized budget of \$2.349 million.

Cost Centre	Budget (\$ '000)	Actual (\$ '000)	Variance (\$ '000) (over budget)
Salaries and Benefits	797	709	88
Travel	49	60	(11)
Professional and Special Services	615	490	125
Supplies and Services	49	53	(4)
Other	166	161	5
Grants and Assistance	800	3,670	(2,870)
Less:			
Chargeables to Other Departments	16	30	14
Recoveries	110	583	473
Total	\$2,349	\$4,529	(\$2,180)
FTEs	12	10.9	1.1

- *Salaries and Benefits* were lower than estimated mainly due to saving from vacant positions, offset by increase due to MCP Pay for Performance, PSSP and Wage Settlements for non-bargaining employees.
- *Travel* expenditures were higher than estimated due to work associated with the FMM on Aboriginal Issues throughout 2005-2006.
- *Professional and Special Services* were lower than estimated mainly due to decrease in consulting services and professional services. This was offset by some increases in legal services.
- *Supplies and Services* were higher than anticipated mainly due to increase in miscellaneous office expense, IT op-date centre, telecommunications 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 estimate due to the province agreeing

to pay the full cost of the Tripartite Forum with the federal government transferring their contribution to Nova Scotia (see increase in recoveries) and for community transition agreements with Eskasoni and Chapel Island First Nations.

- *Recoveries* were higher than anticipated due to increased payments from the Government of Canada in support of the Aboriginal Health Blueprint process, support for the Tripartite Forum and for the development of the documentary film *Wabanaki: People of the Dawn*.

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. This accountability report reports on the revised measures (as reflected in the 2006-2007 business plan), as they more accurately measure progress towards achieving our outcomes.

KEY PERFORMANCE AREAS:

Core Business Area – Negotiations and Related Discussions

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 – Framework 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 the development of a Framework Agreement as one of the key aspects to the relationship between the Mi'kmaq, Nova Scotia, and Canada. The Framework Agreement is significant as it represents the commitment of all three parties to work together to resolve issues related to treaty rights, Aboriginal rights and Aboriginal title through negotiation rather than litigation.

Where are we now?

The Framework Agreement has been approved by the Province and the federal government. The Mi'kmaq ratification process is underway.

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

When the Mi'kmaq ratify the Framework agreement, plans will be made to formally sign the document and begin the negotiation process. At this time, steps will also be put in place to inform and engage the public and stakeholders.

Measure 2 – Public Participation - Processes for information sharing and input by public and stakeholders regarding negotiations.

What does this measure tell us?

Informing and engaging Nova Scotians regarding treaty and Aboriginal rights issues will be essential for obtaining public support for future agreements.

Where are we now?

Informal discussions have been held with various groups and organizations to give them updates on the process.

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

Once the Framework is ratified more formal information sharing and engagement mechanisms will be developed. Agreement will also be reached about coordination with the federal government regarding public participation activities.

Measure 3 – Consultation Terms of Reference - To address consultation between the Mi'kmaq, Canada and Nova Scotia for government approvals and activities that may impact Aboriginal or treaty rights.

What does this measure tell us?

The development of terms of reference for a consultation process was also a commitment under the June 2002 Umbrella Agreement. Government have a legal responsibility to consult with First Nations on matters affecting their claimed Aboriginal and treaty rights, and completion of the terms of reference will establish common expectations on how consultation will be carried out.

Where are we now?

Draft terms of reference have been developed and are being reviewed by the parties.

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

Finalize and begin using the process under the terms of reference.

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.

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

Measure 1 – Percentage of government departments and agencies who agree that OAA effectively represents Nova Scotians’ interests in federal, provincial, 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. A second survey will be conducted in 2007.

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. A second survey will be conducted in 2007.

Core Business Area – Corporate Aboriginal Affairs Administration

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 outcomes for this core business area is: ***Effective coordination and advice being provided to government departments and agencies and to enhance awareness and understanding of Aboriginal issues in Nova Scotia.***

Outcome 1 - Effective coordination and advice being provided to government departments and agencies.

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. A second survey will be conducted in 2007.

Outcome 2 - To enhance awareness and understanding of Aboriginal issues in Nova Scotia.

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

What does this measure tell us?

This measure provides a snapshot of the public awareness of Aboriginal issues in Nova Scotia.

Where are we now?

42% of Nova Scotians feel informed about Aboriginal issues in Nova Scotia. (2005 Omnibus Survey).

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

Through the measures articulated in our annual business plans, OAA hopes to continually increase the level of awareness within the general population.

Measure 2 - Percentage of government employees who strongly agree that OAA enhances awareness of Mi'kmaq culture.

What does this measure tell us?

This measure provides OAA an understanding of the success we are having within government in raising the level of awareness of Mi'kmaq history and culture.

Where are we now?

33% of departments and agencies "strongly agreed" that OAA enhances the awareness of Mi'kmaq culture, while 67% "agreed".

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

While the agreement with this statement is very high, OAA seeks to continually improve and expand our efforts to enhance the knowledge base, capacity and understanding of Mi'kmaq history and culture.

Measure 3 – Qualitative assessment of Government employees satisfaction with Aboriginal Perceptions 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. It is important for government employees to have an increased understanding and awareness of Aboriginal people in Nova Scotia. More than a thousand employees have taken the Aboriginal Perceptions course, this measure will provide us with a level of understanding of how successful the training has been.

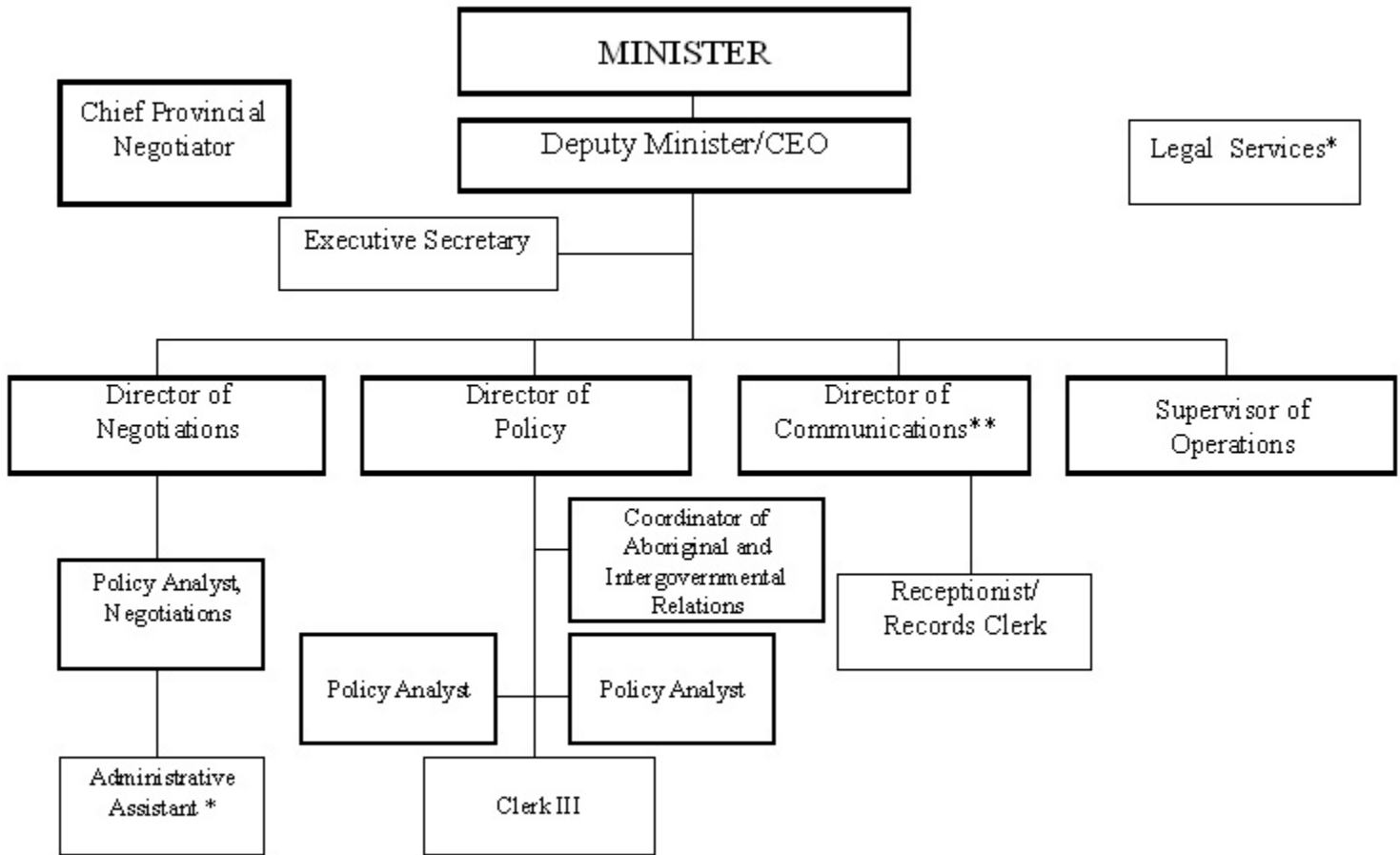
Where are we now?

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. While over 1,500 employees have taken this course, in the coming year OAA will survey a selection of these participants to better understand how this course has changed understanding, attitudes and perceptions as it relates to Aboriginal people and communities.

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

in the coming year OAA will survey a selection of these participants to better understand how this course has changed understanding, attitudes and perceptions as it relates to Aboriginal people and communities.

OFFICE OF ABORIGINAL AFFAIRS



* Legal services for the Office are located at the Department of Justice

*** Director of Communications FTE counted under Communications Nova Scotia

June, 2006