

Office of Aboriginal Affairs

Annual Accountability Report

Fiscal Year 2011-2012

July 31, 2012

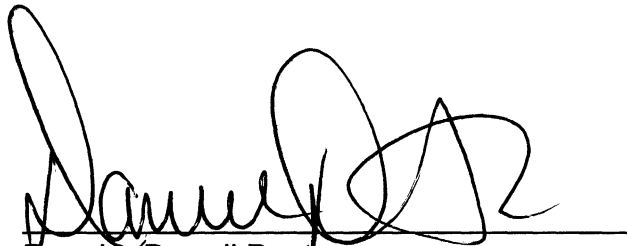
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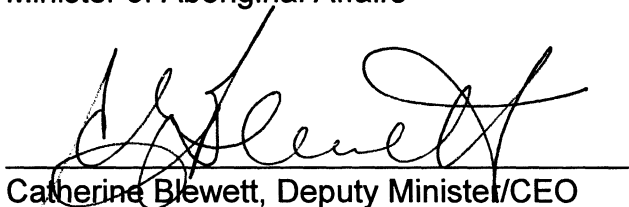
Accountability Statement

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2012, and is prepared pursuant to the Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of Aboriginal Affairs Statement of Mandate for the fiscal year 2011-2012. The reporting of the Office of Aboriginal Affairs outcomes necessarily includes estimates, judgments and opinions by Office of Aboriginal Affairs management.

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 2011-2012 Statement of Mandate.



Premier Darrell Dexter
Minister of Aboriginal Affairs



Catherine Blewett, Deputy Minister/CEO
Office of Aboriginal Affairs

Message from the Minister and Deputy Minister

Nova Scotia's Office of Aboriginal Affairs connects government to Aboriginal people in the Province both directly and by supporting departments as their work touches on the well-being and rights of Aboriginal people. Government continues to work with organizations representing Aboriginal people in Nova Scotia to ensure that they benefit from the programs that support all Nova Scotians. The Office of Aboriginal Affairs ensures that this work continues and that all Nova Scotians have the opportunity to learn more about Aboriginal people, especially the Mi'kmaq.

A productive meeting between Cabinet and Nova Scotia's 13 Mi'kmaq Chiefs in June 2011 began a series of summer activities aimed at further building the relationship between government and Mi'kmaq leaders, and at showing all Nova Scotians what the region's first people accomplish and contribute to the Province.

The Office of Aboriginal Affairs works collaboratively with the Mi'kmaq and other federal and provincial agencies to foster economic and social development as well as community capacity building. It remains committed to enhancing Nova Scotians' awareness and understanding of Nova Scotia Mi'kmaq and to representing their interests in intergovernmental, bilateral, and triparty negotiations and initiatives.

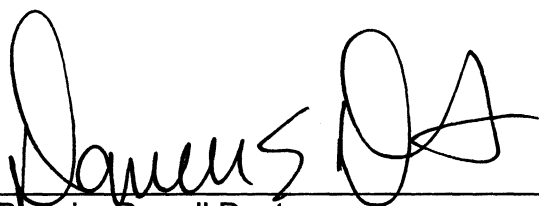
Specific achievements that help to build the relationship include the incorporation in the Bowater Act of a provision to ensure that Mi'kmaq interest was considered in land selection. Government's support of the Truth and Reconciliation Commission included a gesture of reconciliation by the Province – an annual scholarship to Aboriginal people who want to further their studies in the field of education.

The Aboriginal Affairs Working Group, a forum for Provincial/Territorial Ministers and National Aboriginal Leaders, continues to focus on improving educational outcomes, increasing economic participation, and eliminating violence against Aboriginal women and girls. Nova Scotia co-leads the National Aboriginal Affairs Working Group committee on domestic violence against women and girls. This year, Nova Scotia, through the Department of Justice, launched the Domestic Violence Action Plan, an important first step in making life safer for women and children in the Province.

The Province continues to work with Aboriginal communities and organizations to advance economic and employment initiatives through the JobsHere and Workforce Strategy. The Province supported the Mi'kmaq interest of involvement in the renewable energy sector and young people through investments in an innovative mentoring program at Cape Breton University and linking training with employment opportunities by investing in the Una'maki Economic Benefits Office.

Healthy Aboriginal people are self-sufficient, educated and proud of their heritage. They enrich our culture, enhance our understanding of our land and environment, demonstrate business and economic success, and develop innovative educational and social structures.

Nova Scotia is fortunate to have the opportunity to work with the Mi'kmaq and other Aboriginal people in the Province and look forward to another successful year.

A handwritten signature in black ink, appearing to read 'Darrell Dexter', written over a horizontal line.

Premier Darrell Dexter
Minister, Office of Aboriginal Affairs

A handwritten signature in black ink, appearing to read 'Catherine Blewett', written over a horizontal line.

Catherine Blewett
Deputy Minister & CEO, Office of Aboriginal Affairs

Financial Results

ABORIGINAL AFFAIRS		
	2011-2012 Estimate	2011-2012 Actual
Program and Service Area	(\$'thousands)	(\$'thousands)
Total Program Expenses:		
Aboriginal Affairs	\$4,195	\$4,189
Total Program Expenses	\$4,195	\$4,189*
Provincial Funded Staff (FTEs)	14.0	14.0

*The difference between the Estimate and the Actual is \$6,000. During 2011-2012, Aboriginal Affairs was to reduce their expenditures by \$36,000 from their Estimate as part of the Professional Services Reduction Directive issued on July 7, 2011. However, Aboriginal Affairs was only able to reduce their expenditures by a total of \$6,000. This was primarily due to costs associated with Boat Harbour Negotiations as well as an increase in grants (i.e. 2011 Mawiomi and the Truth and Reconciliation Commission's Atlantic National Event).

Measuring Our Performance

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.

Aboriginal and Intergovernmental Relations

The outcome, *the interests of Nova Scotians in intergovernmental, tripartite and bilateral initiatives and negotiations are effectively represented*, is measured by the percentage of government departments and agencies who agree that OAA effectively represents Nova Scotians' interests in Federal, Provincial, Territorial, and Aboriginal relations. This measure provides OAA with a perspective on the level of success we have had in effectively representing the interests of Nova Scotia through bilateral or trilateral negotiations and discussions.

In the 2010 internal client survey, 92% of respondents agreed or strongly agreed that OAA was effectively representing the interests of Nova Scotians. This is a slight decrease from the previous survey conducted in 2005 (96%).

OAA continues to provide leadership and support to government departments and agencies involved with the Mi'kmaq-Nova Scotia-Canada Tripartite Forum and the Made-in-Nova Scotia negotiation process. Forum working committees (Health, Education, Economic Development, Social, Culture and Heritage, Justice, Sports and Recreation) are co-chaired by provincial representatives and are supported through the active participation of approximately 30 provincial employees from across the province.

The Province, led by OAA, has undertaken a review of its participation in the Tripartite Forum. The review supports the need for increased communication within departments/agencies on Mi'kmaq issues and concerns; and identifies challenges and opportunities to enhance and strengthen existing and new relationships between the Mi'kmaq and provincial departments/agencies.

OAA remains involved on the national Aboriginal Affairs Working Group (AAWG) and a number of regional bilateral and trilateral initiatives. The AAWG continues to work towards three common goals:

- Closing the graduation gap;
- Closing the income gap; and
- Ending violence against Aboriginal women and girls (co-chaired by Nova Scotia).

The outcome, *improved relations between Government of Nova Scotia and Aboriginal communities and organizations*, is measured through an increase in the percentage of departments and agencies that are satisfied with their working relationship with Aboriginal communities and organizations.

This outcome is measured through an internal client survey which assesses government departments and agencies satisfaction on their working relationship with Aboriginal communities and organizations. This measure provides a point-in-time perspective on the level of engagement and satisfaction with the relationship between government and Aboriginal communities and organizations. 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.

Results from the 2010 survey indicated that 91% of respondents were satisfied or very satisfied with their relationship with Aboriginal communities and organizations. This represents an increase from 80% (2005) in the previously conducted survey.

Over the past year, government worked with Aboriginal communities and organizations to address a range of issues affecting Nova Scotia Mi'kmaw communities. For example:

- Communities, Culture and Heritage supported many heritage preservation initiatives;
- Economic and Rural Development played an active role in supporting employment and community economic development opportunities for Mi'kmaw communities;
- Education partnered on the establishment of a Mi'kmaw Early Childhood Curriculum Committee to ensure Early Childhood Education programs reflect Mi'kmaw language and culture;
- Health and Wellness worked diligently with it's Aboriginal partners to increase First Nations' access to federal and provincial mental health and addiction services, and to increase physical activity and recreation opportunities in Mi'kmaq communities;
- Justice identified opportunities to collaborate on a number of government and Aboriginal-led initiatives that address family violence in Mi'kmaw communities;
- Labour and Advanced Education incorporated Aboriginal components to their Welcoming Workplace policies and practices; and,
- the Advisory Council on the Status of Women partnered with OAA to engage Aboriginal women in policy and program discussions.

These initiatives demonstrate the ongoing commitment of departments and agencies to develop and strengthen working relationships between government and Aboriginal communities and organizations across Nova Scotia.

Coordination and Policy Advice

The outcome of *effective coordination and advice* is measured by the level of satisfaction of government departments and agencies with the services and advice provided by OAA.

Addressing Aboriginal issues involves a significant level of coordination. Key to designing effective and sustainable corporate practices and solutions are 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.

Results from the 2010 survey saw that 75% of respondents were very satisfied with the advice/coordination being provided by OAA. This is unchanged from the results of the last survey conducted in 2005. OAA is committed to increasing this level of satisfaction to 80%.

Key to achieving this improvement will be clearer guidance, timely advice and better information flow between OAA and other departments and agencies of government.

During 2011-12, OAA worked with a range of departments to provide clear and consistent advice on the development of a range of strategies being developed across government. Examples of this include:

- advice on the Coastal Strategy, the Natural Resources Strategy;
- *Together We Can*, the mental health and addictions plan for government;
- *Thrive*, the provincial obesity and physical activity plan; and,
- *JobsHere and the Workforce Strategy*, governments' plan to improve economic and employment opportunity for Nova Scotians.

Moving forward, OAA will establish a clearer policy framework to guide departments and agencies work on Aboriginal issues. This framework will be supported with appropriate tools and training.

Negotiations

The measure, *enhanced clarity on Mi'kmaq rights, title and treaty-related issues; improved and stable relations; and reduced social and economic disparity for the Mi'kmaq*, is measured through parties remaining committed to the 2007 Mi'kmaq-Nova Scotia Framework Agreement and making progress, including interim arrangements on priority negotiation topics. Experience from other jurisdictions indicates that these are long-term

discussions, typically taking more than 10 years to reach a final agreement. In the Mi'kmaq-Nova Scotia Framework Agreement, the parties committed, where possible, to work toward interim progress to provide tangible results of the parties' efforts at an earlier date. Therefore, assessing progress on priority issues is an important measure.

In 2010-11, the parties completed a four-year review of the negotiation process since the signing of the Framework Agreement in 2007. The Province is generally satisfied with the progress of negotiations and remains committed to the process.

The Province's strategic goals with respect to negotiation are as follows:

- Enhance legal clarity (lands and resources)
- Improved and stable relations
- Reduced social and economic disparity

Discussions continue in a variety of areas. The Negotiations Main Table with representatives of the Federal government, the Province and the Assembly of Nova Scotia Mi'kmaq Chiefs met ten times throughout the year. As well there was a number of working group meetings, including, for example, Wildlife management continues to be an area of collaboration, especially moose harvesting in the Cape Breton Highlands. In 2011-12 the Province and the Mi'kmaq established a pilot project to test customary law/restorative justice as an alternative to prosecutions for hunting offences. Under this project, a Mi'kmaq individual who is accused of a moose hunting offence has the option of having the matter addressed through a sentencing circle with members of their community, rather than going to court.

OAA will continue to seek interim progress on priority topics while developing a long term understanding of rights and governance issues.

Public Education and Awareness

The outcome, *an enhanced level of awareness and understanding of Aboriginal issues in Nova Scotia*, is measured by the percentage of Nova Scotians who feel informed and knowledgeable of Aboriginal issues in Nova Scotia. It is also measured by the percentage of government employees who strongly agree that OAA enhances awareness of Mi'kmaq culture. These measures provides a snapshot of the public awareness of Aboriginal issues in Nova Scotia and tells us whether we are doing working with departments and agencies on this important goal.

Results from the 2011 Omnibus Survey indicated that 42% of Nova Scotians feel informed about Aboriginal issues in Nova Scotia. This is unchanged since 2005. In 2010, 35% of internal respondents strongly agreed that we were enhancing awareness of Mi'kmaq culture. This is an increase from 33% in 2005

OAA wants to increase the level of public awareness and understanding among Nova Scotians by 10% and increase the percentage to 40% of clients surveyed internally that Strongly agree that OAA is supporting the awareness of Mi'kmaq culture.

This is critical to enhancing positive relationships among Aboriginal and non-Aboriginal Nova Scotians. Internal to government, a solid understanding of Mi'kmaq History and culture across departments is essential to developing respectful and meaningful progress on issues today.

OAA supports an on-going program of public education and awareness throughout the year. In 2011-12, this included several significant events, of which two are most notable: Mawio'mi 2011, the largest international powwow east of Montreal and the 25th annual Treaty Day celebration on October 3, including a 25th anniversary video to inform viewers of the significance of the relationship between the Province and the Mi'kmaq.

Through OAA, the Nova Scotia government provided significant support to the Atlantic National Event of Canada's Truth and Reconciliation Commission. A gesture of reconciliation by the Province will help an Aboriginal man or woman to pursue studies in the field of education, increasing the number of Aboriginal teachers in the school system. The coordination of video support allowed the TRC to document the Atlantic National Event for all Canadians, who continue to learn from it.

OAA also supported a number of cultural activities across Nova Scotia through small grants to communities and Aboriginal organizations. *Remember Me*, a concert celebrating the contributions and sacrifices of veterans of Aboriginal, Acadian and African Nova Scotia descent, was held in the Halifax train station and broadcast by Haligonias.ca, Eastlink Television, and Radio Canada on Remembrance Day and on significance Remembrance events thereafter.

In addition, OAA identified opportunities to increase the visibility of Mi'kmaq heritage and culture in public buildings across Nova Scotia. Two notable opportunities included supporting Government House in choosing craft items for display, offering visitors from around the world the opportunity to see these items up close, and supporting Province House operations in borrowing Mi'kmaq artifacts from the Nova Scotia Museum for permanent display in Province House.

Consultations

The outcome, *consultation between the Provincial government and the Mi'kmaq that is effective, transparent and efficient*, is measured by having a Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference (ToR) in place and working effectively to address consultation between the Mi'kmaq of Nova Scotia, Canada and Nova Scotia for government decisions, approvals and activities that may adversely impact proven or asserted Aboriginal or treaty rights.

This measure tells us that the Province is serious about meeting its commitment to address the duty to consult with the Mi'kmaq of Nova Scotia. In order to meet this measure, the Province will:

- involve the Mi'kmaq of Nova Scotia in those decisions that can potentially impact their asserted and/or proven Aboriginal and treaty rights within Nova Scotia;
- share information with the Mi'kmaq of Nova Scotia and allow time for them to be meaningfully involved in decisions that may impact them;
- work with the Mi'kmaq of Nova Scotia and provide information that enables them to better understand how government regulates natural resource development in the province; and,
- strive to deliver a consistent and coordinated consultation process across Nova Scotia departments, while also working with the Federal government to avoid duplication in consulting with the Mi'kmaq of Nova Scotia.

Over the past year, the Office of Aboriginal Affairs has advised Nova Scotia departments on over 60 new consultations with the Mi'kmaq of Nova Scotia. These consultations have focused mainly on projects involving crown land authorizations, mineral permitting and environmental assessments. To a lesser degree, they have included projects involving highway twinning, bridge replacements, aquaculture leases, and on-shore oil and gas exploration.

The Office of Aboriginal Affairs has had success in developing and maintaining an effective working relationship with the Assembly of Nova Scotia Mi'kmaq Chiefs and the Kwi'mu'kw Maw-klusuaqn Negotiation Office. This relationship enables fluid discussions for those provincial departments seeking consultation with the Mi'kmaq of Nova Scotia.

The Office of Aboriginal Affairs will continue to lead Nova Scotia's approach to consultation with the Mi'kmaq of Nova Scotia and ensure a common and consistent approach across departments. A main objective of the Office of Aboriginal Affairs is to enhance the

predictability of the consultation process for government and non-government project proponents.

The outcome, *capacity to undertake consultation efforts within other provincial government departments is improved*, is measured by having an Interim Policy on Consultation and department-specific guidelines for consultation with the Mi'kmaq. In addition, this outcome is measured by the support that the Office of Aboriginal Affairs provides to departments and training programs. This measure tells us that the Office of Aboriginal Affairs will play a key role in improving the capacity of Nova Scotia departments to consult with the Mi'kmaq of Nova Scotia.

There have been many developments in Nova Scotia's approach to Aboriginal consultation since the release of the interim consultation policy in 2007, including the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference and the Proponents Guide to Engaging the Mi'kmaq of Nova Scotia. In addition, several departments have already developed their own operational procedures for consultation and the Office of Aboriginal Affairs is supporting other departments with the development of their guidelines.

The Office of Aboriginal Affairs is providing consultation screening and support services to Nova Scotia departments to advise them when to consult with the Mi'kmaq and to assist them with issue resolution and maintaining records of consultation. In 2011-2012, the Office of Aboriginal Affairs trained over 100 provincial staff from the departments of Justice, Transportation and Infrastructure Renewal and Fisheries and Aquaculture. In addition, OAA provided joint federal/provincial training for approximately 25 staff.

OAA will lead the development of the new consultation policy and work closely with Nova Scotia departments to compile and further refine existing department specific guidelines for Aboriginal consultation. Together, this work will be released as the Nova Scotia Aboriginal Consultation Policy in the 2013 calendar year, which will be used by departments in conducting consultation with the Mi'kmaq of Nova Scotia.

The Office of Aboriginal Affairs will continue to offer consultation screening and support services to Nova Scotia departments and will aim to train over 100 provincial employees annually.

Annual Report under Section 18 of the Public Interest Disclosure of Wrongdoing Act

The Public Interest Disclosure of Wrongdoing Act was proclaimed into law on December 20, 2011.

The Act provides for government employees to be able to come forward if they reasonably believe that a wrongdoing has been committed or is about to be committed and they are acting in good faith.

The Act also protects employees who do disclose from reprisals, by enabling them to lay a complaint of reprisal with the Labor Board.

A Wrongdoing for the purposes of the Act is:

- a) a contravention of Provincial or Federal laws or regulations;
- b) a misuse or gross mismanagement of public funds or assets;
- c) an act or omission that creates an imminent risk of a substantial and specific danger to the life, health or safety of persons or the environment; or
- d) directing or counseling someone to commit a wrongdoing.

Information Required under Section 18 of the Act	Fiscal Year 2011-12
The number of disclosures received	0
The number of findings of wrongdoing	0
Details of each wrongdoing (insert separate row for each wrongdoing)	N/A
Recommendations and actions taken on each wrongdoing (insert separate row for each wrongdoing)	N/A