

# **Office of Aboriginal Affairs**

Annual Accountability Report

Fiscal Year 2013-2014

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## **Accountability Statement**

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2014 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 that just ended. 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 2013-2014 Statement of Mandate.

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Premier Stephen McNeil  
Minister of Aboriginal Affairs

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Julie Towers, CEO  
Office of Aboriginal Affairs

## **Message from the Minister and Chief Executive Officer**

The Nova Scotia Office of Aboriginal Affairs (OAA) leads Nova Scotia's relations with First Nations in the province, including management of rights based negotiations with the Mi'kmaq. OAA leads the corporate approach to the Duty to Consult, and provides strategic advice and support to key departments involved in consultation with the Mi'kmaq. OAA also provides effective coordination and policy advice to Provincial departments and agencies, issues management, and maintains significant dialogue and interface with federal agencies at national and regional levels that are involved with Aboriginal issues, support and mandates.

The mandate of OAA is to promote a coordinated approach within government on matters related to Aboriginal people, while representing the interests of the province in government to government negotiations and initiatives. Nova Scotia is moving forward by connecting with other provincial departments and federal, municipal and Aboriginal organizations to coordinate activities, provide advice and deliver programs of value to Aboriginal people.

Good relationships with aboriginal people are critical for success and OAA continually builds fosters or supports these relationships with departments having involvement with First nations. OAA continually strives to connect government with aboriginal people both directly and indirectly to generally influence wellbeing and rights of Aboriginal people by information provision and removal of barriers.

In this regard OAA works to build positive, collaborative relations with the Mi'kmaq and the government of Nova Scotia. It remains committed to enhancing Nova Scotians' awareness and understanding of Nova Scotia Mi'kmaq and to balance the interests of all parties in intergovernmental, bilateral, and tri-party negotiations and initiatives.

With the involvement and coordination of OAA it is notable this year that three major national aboriginal events will be held in Nova Scotia, Aboriginal Peoples Television Network (APTN) Aboriginal Day Live & Celebration, the 4<sup>th</sup> National Aboriginal Women's Summit and the Assembly of First Nations Annual General Assembly, which will highlight Aboriginal awareness, important issues, and culture of both our own population of Mi'kmaw residents and Aboriginal people from across Canada.

The Province believes in Nova Scotia's Aboriginal people, and is committed to ensuring that the Mi'kmaq of Nova Scotia have opportunities to participate in economic and employment initiatives through federal and provincial employment and training programming. OAA supports initiatives to enhance collaboration with the Mi'kmaq, federal and provincial agencies, and to build capacity and support social and economic development and prosperity.

In 2014-2015 the Office of Aboriginal Affairs will continue to support the priorities of the government by working with Aboriginal organizations and provincial departments to resolve long standing issues associated with Aboriginal and treaty rights, and to improve services for Aboriginal Nova Scotians.

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Premier Stephen McNeil  
Minister, Office of Aboriginal Affairs

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Julie Towers  
CEO, Office of Aboriginal Affairs

## Financial Results

ABORIGINAL AFFAIRS		
	2013-2014 Estimate	2013-2014 Actual
Program and Service Area	(\$'thousands)	(\$'thousands)
<b>Total Program Expenses:</b>		
Aboriginal Affairs	\$3,343	\$3,226
<b>Total Program Expenses</b>	\$3,343	\$3,226
Provincial Funded Staff (FTEs)	15.30	15.30

The difference between the Estimate and the Actual is \$117,000. This can be explained as follows:

1. Further decreases as a result of government wide spending reductions were achieved through operating efficiencies. OAA was able to meet budget reduction targets while maintaining the same level of corporate advice and support.
2. Additionally, OAA saw a slight decrease in professional services fees, meeting expenses and miscellaneous office efficiencies.

## **Measuring Our Performance**

The following section provides an overview of the work and performance of the Office of Aboriginal Affairs (OAA) in 2013 -2014. Many of OAA's priorities and functions are ongoing initiatives, based on a fundamental relationship with the Mi'kmaq and Aboriginal people in Nova Scotia. Therefore, the challenge in reporting performance for OAA's core functions is that most of these functions do not generally lend themselves well to meaningful quantitative measurement. Performance and success at OAA are defined by the quality of services and advice it provides. As a result, OAA opted to provide alternative measures to the ones identified in the Statement of Mandate.

By way of context, 2013-2014 was a year of significant staff and senior management change and transition for OAA. Staff acted for a large proportion of the year in key senior management positions (e.g. Executive Director, Director of Negotiations, and Director of Consultation). Also, in March 2014, the Province established OAA as a separate office with a new CEO, to provide dedicated focus to important Aboriginal matters. Once the senior management team is in place in 2014, OAA will work to refine its measurement system and establish base measures. Previous internal surveys were conducted on five-year intervals (2005, 2010), with the next logical benchmark in 2015.

This report attempts to reflect the performance of OAA in a meaningful and direct way. The available measures are summarized below and address each of OAA's four core business areas: Aboriginal and Intergovernmental Relations; Coordination and Policy Advice; Negotiations; and Consultation.

### ***1. Aboriginal and Intergovernmental Relations***

There are two areas of focus relating to Aboriginal and Intergovernmental Relations:

1. Improving relations between the Government of Nova Scotia and Aboriginal communities and organizations.
2. Ensuring that the interests of the Province are reflected in intergovernmental, tripartite and bilateral initiatives and negotiations.

To accomplish these goals OAA provided ongoing coordination and active involvement of government to work with Aboriginal organizations and Mi'kmaw communities to address a range of issues and opportunities. Some of the more notable activities and accomplishments include:

- OAA reestablished the DM's Committee on Aboriginal Affairs in fall 2013, which is supported by a Senior Officials Advisory Committee on Aboriginal Affairs representing all provincial departments, to enhance corporate coordination and approach on Aboriginal matters;
- OAA continued to provide leadership and support to government departments and agencies involved with the Mi'kmaq-Nova Scotia-Canada Tripartite Forum (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 more than 30 provincial employees from across Nova Scotia.
- OAA representatives participated in all seven Tripartite Forum working committees, co-chaired several project subcommittees, and provided guidance on overall activities and governance through the steering committee. Some key projects of the working committees include: Nova Scotia Mi'kmaw Nation Economic Development Strategy, Show Me Your Math Program in both Mi'kmaw Kina'matnewey (MK) and public schools, Tepi'ketuek Mi'kmaw Archives, Sisterness Domestic Violence Intervention Program, Evaluation of the Implementation of the Marshall Inquiry Recommendations, Critical Pathways to provincially and federally funded disability programs for First Nations living on-reserve in Nova Scotia, and a First Nation Lacrosse Program.
- The Province, led by OAA, continued to participate in a review of the Tripartite Forum. The review supports the need for increased communication within departments/agencies on Mi'kmaw issues and concerns; and identifies challenges and opportunities to enhance and strengthen existing and new relationships between the Mi'kmaq and provincial departments/agencies.

It should be noted that the timing of the annual Assembly of Nova Scotia Mi'kmaq Chiefs & Provincial Cabinet Meeting was delayed due to the fall 2013 provincial election. This meeting is important for the relationship between Cabinet and Assembly portfolio leads, and typically results in commitments for working together to build stronger communities and taking advantage of economic opportunities ahead in the province. The annual joint meeting took place in May 2014.

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).

Through these intergovernmental forums, OAA developed and represented provincial interests and support in areas of mutual interest between the Province and the Mi'kmaq. These processes brought the various partners to the table and through effective negotiations and collaboration has contributed to more positive long-term relationships.

In 2013-2014, various Provincial departments, in partnership with OAA, worked with Aboriginal communities and organizations to address a range of issues affecting Nova Scotia Mi'kmaw communities. For example:

- Communities, Culture and Heritage (CCH) developed the Mi'kmaw Cultural Activities Program, to enhance support for cultural activities across the province. CCH also invested in Mi'kmaq History Month (MHM), and along with OAA provided support to the MHM committee to support strategic planning and capacity development to bolster the success of October's series of events and activities.
- CCH and the Nova Scotia Provincial Lotteries and Casino Commission (NSPLCC) established an executive team to negotiate new First Nation Gaming Agreements with the 13 Mi'kmaq bands, and respond to emerging issues.
- Economic and Rural Development and Tourism (ERDT) played an active role in supporting employment and community economic development opportunities for Mi'kmaw communities through the Aboriginal Community Development Fund. With OAA's involvement, ERDT reached out to Mi'kmaw communities in the rollout of the Regional Enterprise Networks (REN); Glooscap First Nation is the first Mi'kmaw community to become a full partner in a REN.
- Education and Early Childhood Development (EECD) has expanded the Mi'kmaq Services Division, and reengaged three Ministers (EECD, LAE and OAA) in the Council on Mi'kmaq Education.
- Health and Wellness worked with Aboriginal partners to increase First Nations' access to federal and provincial mental health and addiction services, to support the integration of Mi'kmaw language into the provincial mental health crisis line and to increase physical activity and recreation opportunities in Mi'kmaw communities.
- Justice identified opportunities to collaborate on a number of government and Aboriginal-led initiatives that address family violence in Mi'kmaw communities, as well as coordinated a program service evaluation of Mi'kmaq Legal Support Network (MLSN).
- Community Services played a key role in the implementation and testing phase of the Active Measures Social Programs pilot.

- Natural Resources worked with OAA and the Mi'kmaq to develop the Mi'kmaw Forestry Initiative, which will see Mi'kmaw access to and management of parcels of crown land in the province.
- Labour and Advanced Education (LAE) focused on Aboriginal skill development and employment, through a joint term position at LAE/OAA, establishment of an interdepartmental working committee (LAE, ERDT, OAA) to maximize employment and training opportunities, development of strategic directions, and co-organization (with OAA) of a three-day symposium focused on collaboration for Aboriginal economic development and workforce attachment involving over 100 participants, including frontline workers from thirteen Mi'kmaw communities, staff from numerous Aboriginal organizations and six provincial departments.
- Transportation and Infrastructure Renewal continued to work on several major highway interchange projects that will unlock economic opportunities for Mi'kmaw communities, notably the Highway 125 interchange at Membertou.
- The Advisory Council on the Status of Women partnered with OAA to engage Aboriginal women in policy and program discussions. Both departments are also deeply involved in planning for Nova Scotia to host the 4<sup>th</sup> National Aboriginal Women's Summit in Membertou in October 2014.

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. OAA remains committed to providing tools and core mechanisms for engagement and resolution of issues, including the Tripartite Forum, Made-in-Nova Scotia Process negotiations, and the Consultation Terms of Reference. The growing relationship between Provincial Cabinet Ministers and the Assembly of Nova Scotia Mi'kmaq Chiefs through their portfolio system is another key avenue for improved relationships between the province and the Mi'kmaq.

## ***2. Coordination and Policy Advice***

A key focus of OAA is to provide effective coordination and policy advice to Provincial departments and agencies. There is also significant dialogue and interface with federal agencies at national and regional levels that are involved with Aboriginal issues, support and mandates.

The key to designing effective and sustainable corporate practices and solutions is made possible by the support and involvement of other departments and agencies. Addressing Aboriginal issues involves a significant level of coordination as the issues

are often complex and multi-jurisdictional. Aboriginal issues and developments touch almost all departments and agencies within the provincial government.

Often developing an understanding of the issues and corresponding advice involves several departments. These situations can be challenging, as OAA works to coordinate potentially differing interests or positions among departments. In these cases the internal coordination function also includes a good measure of communication, collaboration and developing a common position among departments.

The re-establishment of the Senior Officials Advisory Committee on Aboriginal Affairs in fall 2013 is one measure and example of corporate coordination on Aboriginal matters. The Committee comprised representatives from all provincial departments, and provides a forum for information sharing, coordination of complex issues and development of solutions and policy advice.

OAA consistently provided accurate research, analyses, and policy advice to departments to support sound decision making. Information provided was consistently timely and accurate. There were no known instances where OAA was confronted with deficiencies in this area. Notable areas where OAA performed important coordination and/or policy advice include:

- Working with other departments to ensure Aboriginal language and cultural safety are incorporated into the provincial mental health crisis line.
- Coordinating provincial multi-department involvement and discussion of institutional health care issues for Aboriginal people as a result of federal changes to policy and funding.
- Supporting job growth by investing in the Purdy Crawford Chair in Aboriginal Business Studies at Cape Breton University, through Nova Scotia Labour & Advanced Education, and federal funding partners.
- Continuing to support, along with provincial, federal, municipal and First Nation partners, the Collaborative Environmental Planning Initiative (CEPI) to develop an overall management plan for the Bras d'Or and its watershed.
- Coordinating and discussing how the federal legislation governing drinking water on reserve will be implemented and utilized by First Nations and what provincial strategy and approach is required.
- Supporting strategic planning and organizational development with the Mi'kmaq History Month committee towards the long-term vision of enhancing Nova Scotians' awareness and appreciation of Mi'kmaw culture and heritage.

During 2013-2014, OAA worked with a range of departments to provide clear and consistent advice on the development of a range of strategies and programs being led by other departments. Examples include:

- Advice on the Cultural Strategy, the Diversity Strategy;
- Support for the development of CCH's *Mi'kmaw Cultural Activities Program*;
- Guidance for Mi'kmaw engagement and integration into ERDT's Regional Enterprise Networks (REN);
- Collaboration and advice through the Western Crown Land planning process;
- Ongoing coordination and leveraging of provincial, and federal, contributions to important priority projects and initiatives to maximize investments.

Moving forward, OAA will continue to work with the Senior Officials Advisory Committee on Aboriginal Affairs to refine its corporate approach to guiding department and agency work on Aboriginal issues. OAA remains committed to bilateral and multi-departmental relationships on particular areas of interest and importance with respect to Aboriginal matters.

### ***3. Negotiations***

OAA represents the province in the Made-in-Nova Scotia Negotiation Process, which has been in place since the signing of the Mi'kmaq-Nova Scotia-Canada Framework Agreement in 2007. The purpose of the process is to address issues related to Mi'kmaq treaty and Aboriginal rights, including Aboriginal title, and Mi'kmaw governance. The goal for negotiations is to enhance clarity on Mi'kmaw rights, title and treaty-related issues; to improve and provide stability to relations; and to reduce social and economic disparity for the Mi'kmaq.

Experience from other jurisdictions indicates that these are challenging, long-term discussions. In March 2013, the Assembly of Nova Scotia Mi'kmaq Chiefs also indicated that they would take a pause from negotiations while they consulted with their communities on key issues. This resulted in a gap of several months in Main Table negotiations meetings, however provided an important opportunity for the Mi'kmaq to connect with their communities and ensure a solid communications strategy is in place for ongoing negotiations activities.

A key accomplishment started in 2012-2-13 was an agreement to provide \$500,000 a year for two years (\$1 million) to support the efforts of the Assembly of Nova Scotia

Mi'kmaq Chiefs to increase communication with communities and prepare for potential future agreements for Treaty and Aboriginal rights and title. The funding provided ongoing support in 2013-2014 to help the Assembly work with its communities to identify negotiation priorities and set a process to identify the beneficiaries.

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

#### ***4. Consultation***

There are three areas of focus relating to consultation with the Mi'kmaq of Nova Scotia, which ensure that:

1. The Provincial government has consistent and effective mechanisms for consulting with the Mi'kmaq and coordinating with the federal government.
2. Provincial departments are provided advice and are effectively supported in their consultations with the Mi'kmaq.
3. Provincial government employees and the public understand why government consults with the Mi'kmaq and how to conduct that consultation.

The outcome, consultations between the Provincial government and the Mi'kmaq that are effective, transparent and efficient, has been achieved by having a Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference (ToR) in place; and by working effectively to facilitate consultation between the Mi'kmaq, Canada and Nova Scotia for government decisions, approvals and activities that may have an adverse impact on proven or asserted Aboriginal or treaty rights. The Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference (ToR) is the first of its kind in Canada and is widely regarded as a national best practice.

This measure underscores 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:

- Involved the Mi'kmaq of Nova Scotia in decisions that could potentially have an impact on asserted and/or proven Aboriginal and treaty rights within Nova Scotia.
- Shared information with the Mi'kmaq of Nova Scotia and allowed time for them to be meaningfully involved in decisions that may impact them.

- Worked with the Mi'kmaq of Nova Scotia and provided information that enables them to better understand how government regulates natural resource development in the province.
- Delivered 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.

The outcome, Provincial departments are provided advice and are effectively supported in their consultations with the Mi'kmaq, has been achieved. In 2013-2014, the OAA advised Nova Scotia departments on more than 232 active consultations with the Mi'kmaq of Nova Scotia. These consultations focused mainly on projects involving crown land authorizations, mineral permitting and environmental assessments. There were also consultations on projects involving highway twinning, bridge replacements, aquaculture leases, and oil and gas exploration.

OAA has had success in developing and maintaining an effective working relationship with the Assembly of Nova Scotia Mi'kmaq Chiefs and the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO). This relationship enables fluid discussions for those provincial departments seeking consultation with the Mi'kmaq of Nova Scotia. To assist the Assembly of Nova Scotia Mi'kmaq Chiefs participating effectively and meaningfully in consultations with the Province, in 2012-2013 OAA reached an agreement with the KMKNO that more than doubled its provincial funding to \$500,000 annually for four years (a total commitment of \$2 million).

OAA 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.

The outcome, Provincial government employees and the public understand why government consults with the Mi'kmaq and how to conduct that consultation, was achieved and measured by having an Interim Policy on Consultation and department-specific guidelines for consultation with the Mi'kmaq. A significant piece of work that OAA initiated this year is the development of a new Policy on Consultation, which is anticipated to be completed and approved in 2014-15. OAA has engaged with the Mi'kmaq and many key provincial departments involved in consultation on the development of the draft policy.

In addition, this outcome is measured by the support that OAA provides to departments and training programs. This measure tells us that OAA plays a key role in improving the capacity of Nova Scotia departments to consult with the Mi'kmaq of Nova Scotia.

OAA also provided consultation screening and support services to Nova Scotia departments to advise them when to consult with the Mi'kmaq and to assist with issue resolution and maintaining records of consultation. In 2013-2014, OAA trained more than 50 provincial staff, and also provided joint training for 22 federal/provincial staff. OAA is in planning stages for a Consultation Learning Seminar in October 2014, which will focus on consultation and the environmental assessment process. Previous Learning Seminars have attracted over 150 participants.

## 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 Labour 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.

The following is a summary of disclosures received by the Office of Aboriginal Affairs.

<b>Information Required under Section 18 of the Act</b>	<b>Fiscal Year 2013-2014</b>
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