

Accountability Report 2017–2018

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, 2018 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 and Business Plan for the fiscal year just ended. The reporting of the Office of Aboriginal Affairs outcomes necessarily includes estimates, judgments and opinions by the 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 2017-2018 Business Plan.

Original signed by

Premier Stephen McNeil

Minister responsible for the Office of Aboriginal Affairs

Original signed by

Justin Huston

Deputy Head, Office of Aboriginal Affairs

Message from Minister and CEO

We are pleased to present the Nova Scotia Office of Aboriginal Affairs accountability report for 2017-2018. The accountability report is an opportunity to highlight departmental accomplishments while responding to commitments listed in the 2017-2018 statement of mandate.

The Office of Aboriginal Affairs (OAA) continues to work closely with the Mi'kmaq of Nova Scotia, promoting a collaborative approach in responding to challenges faced and opportunities for growth for Aboriginal peoples in Nova Scotia. Aboriginal Affairs leads rights-based negotiations related to Aboriginal and Treaty Rights with the Mi'kmaq of Nova Scotia and the Federal Government; coordinates and facilitates consultation between the Provincial Government and the Mi'kmaq of Nova Scotia; and provides strategic policy advice to government while exploring options to help foster social and economic prosperity in Aboriginal communities.

Over the past year, we continued to take a coordinated and collaborative approach in delivering our core functions and are pleased with progress made in several areas. We continued to work closely with Mi'kmaq communities, organizations, and leadership with a goal of strengthening relationships across the province. In December 2017, the Assembly of Nova Scotia Mi'kmaq Chiefs met with Executive Council for the eighth time to discuss and share ideas around issues of mutual importance. We continued to provide policy advice while collaborating with partners across government on intergovernmental and multi-lateral Aboriginal issues.

Treaty Education continues to create an opportunity to develop innovative and reconciliatory methods for learning about our shared history and responsibilities by promoting a deeper understanding of our shared treaty relationship. Treaty Day and Mi'kmaq History Month provide specific opportunities to commemorate the role of treaties in the relationship between the Nova Scotia Mi'kmaq and the Crown. Provincial government and Mi'kmaq officials continue to work together to develop specific Treaty Education programs and services for the education system, the provincial civil service and the broader public.

Nova Scotia is committed to pursuing reconciliation alongside our Mi'kmaq partners as it relates to the 94 Calls to Action from the Truth and Reconciliation Commission, as well as our partners in the federal, provincial, and municipal governments. Reconciliation must be based on trust and mutual respect; therefore, we feel a collaborative approach in responding to these calls to action is necessary.

Increasing collaboration and commitments at the Federal level has further strengthened work at the Provincial level. The challenges faced by Nova Scotia's Aboriginal population today are complex and long standing; responding to these challenges require a coordinated approach and expertise in a number of subjects. In 2018-2019, we will continue to collectively pursue solutions to these challenges in promoting a thriving Nova Scotia for all.

Financial Results

Office of Aboriginal Affairs			
	2017-2018 Estimate	2017-2018 Actuals	2017-2018 Variance
Program and Service Area	(\$ Thousands)	(\$ Thousands)	(\$ Thousands)
Office of Aboriginal Affairs	4,521	4,339	(182)
Total Gross Departmental Expenses	4,521	4,339	(182)
<i>Additional Information:</i>			
Ordinary Recoveries	-	-	-
TCA Purchase Requirements	1,000	965	(35)
Provincial Funded Staff (FTEs)	16.5	16.4	(.1)
Departmental Variance Explanation:			
Grants and Contributions increased due to a commitment made to Kwilmu'kw Maw-klusuaqn Negotiation Office for Consultation requirements and the Duty to Consult. Other grants and contributions were made to a variety of projects that support social prosperity initiatives and Aboriginal economic community development. OAA leverages grant funding with other provincial and federal departments. \$200,000 was found operationally to support these initiatives.			

Measuring Our Performance

Collaborative Partnerships to Improve Social and Economic Prosperity of Aboriginal Communities

Throughout the past year, the Office of Aboriginal Affairs (OAA) continued to identify and support opportunities to improve social and economic prosperity for Nova Scotia's Mi'kmaq and Aboriginal peoples and communities. This work increases participation of Aboriginal people in the workforce and strengthens the provincial economy, supporting inclusive economic growth. Economic development, education, and employment opportunities are enhanced through collaboration with Mi'kmaq communities and organizations, other provincial departments, federal departments, and other partners. Economic development led by Mi'kmaq communities and organizations is focused on building and supporting social enterprise and community investment through innovative initiatives that address complex gaps and emerging opportunities. This supports community capacity and connectedness, economic development and growth, and employment and skills development that enhance the prosperity of Aboriginal people and all Nova Scotians.

OAA continues to work collaboratively with a variety of funding partners through two grant funding streams: *Strategic Funding Initiatives* and the *Aboriginal Community Development Fund (ACDF)*. This strategic pooling and distribution of resources for major initiatives and community economic development projects allows OAA to successfully leverage funds federally, inter-departmentally, and from other external stakeholders. The *ACDF* is a modest funding stream of \$75,000, which supported twelve community-led initiatives whose combined total project budget was more than \$1,400,000. The *ACDF* stream supports community-led initiatives with economic and business development outcomes and benefits. This fund specifically leverages other resources within and outside of government to support these projects and initiatives that are community-led. Some examples of projects funded in 2017-18 include:

- Supporting Eskasoni First Nation and the Tripartite Forum Economic Development Working Committee in planning and coordinating *Edge of the Wedge Sustainable Tourism Training*, with a specific focus on First Nations tourism.
- Providing funding to KMKNO for a Greenhouse Feasibility study for waste heat generation and its potential social and economic uses for communities.
- A community solar project in We'koqma'q for long-term economic and environmentally stable and friendly benefit to the community.
- Water feasibility and well drilling to support Paqtnkek's commercial economic development.
- Supporting Glooscap Landing's development as a cultural tourism destination through trail development and business plan development for the Cultural Heritage Centre

Through *Strategic Funding Initiatives* grants and contributions, OAA continues to support a variety of initiatives related to economic development and social prosperity. Some of these include:

- Atlantic Aboriginal Community Economic Development Integrated Research Program (AAEDIRP), which conducts research and builds capacity related to Aboriginal economic development;
- Mi'kmaw Native Women's Association (NSNWA) Capacity funding to support leadership and opportunities for Aboriginal women in Nova Scotia related to addressing social, emotional, and health concerns and employment and training opportunities;
- Mi'kmaq Native Friendship Centre, Urban Community Liaison Officer who provides leadership, strategic direction, and expertise to ensure programs and initiatives adhere to the needs to the Urban Aboriginal community, as well as continued support in the development of the new centre and a 10-year strategic plan;
- Mi'kmaw Legal Support Network (MLSN), which provides culturally appropriate justice-related projects and programs to all Aboriginal people residing in Nova Scotia;
- Clean Foundation, Nova Scotia Youth Conservation Corps (NSYCC) Aboriginal Leadership Program, which provides training and employment opportunities within the environmental field to 20 Aboriginal youth;
- Funding to the Wabanaki 2Spirit Society to support a Two Spirit youth cultural gathering to educate and empower Two Spirit youth and to explore partnerships and relationship building; and,

- Halifax Local Immigration Project, which brought newcomers to Canada to Millbrook First Nation to promote meaningful relations between newcomers and the Mi'kmaq.

As a province, our relationship with the Mi'kmaq is critical to build trust, understanding, and cooperation on a wide array of issues, and socio-economic opportunities. We strengthen this relationship through ongoing identification and coordination of cross-departmental issues; managing bilateral relationships with the Mi'kmaq; and fostering intergovernmental relationships with Canada and other provinces.

OAA provides leadership and support to government departments and agencies involved with the Mi'kmaq-Nova Scotia-Canada Tripartite Forum (TPF), which marked its 20th year of innovative and collaborative partnerships in 2017. The TPF seven working committees (Health, Justice, Education, Economic Development, Communities and Heritage, Social, and Sports and Recreation) are co-chaired by provincial representatives and supported through active participation of over 30 Nova Scotia provincial employees. At an operational level, the seven working committees of the Mi'kmaq-Nova Scotia-Canada Tripartite Forum demonstrate a commitment to practical and tangible progress on issues and opportunities to improve social and economic outcomes for the Mi'kmaq, and the province as a whole. OAA also participates in the Executive, Steering, and Officials committees that provide overall guidance on TPF governance and activities. The TPF considers key priorities and areas of mutual concern. The seven working committees are currently focusing on priorities identified through the *Truth and Reconciliation 94 Calls to Action*, which include developing an aftercare model for communities dealing with addictions, developing a process map for instituting by-laws in communities, and developing Mi'kmaq tourism experiences in Nova Scotia.

Effective Coordination and Strategic Policy Advice to Nova Scotia Government

A key focus of OAA is to provide effective coordination and policy advice to provincial departments, offices, and agencies. There is also significant dialogue and interface with federal agencies at national and regional levels. To design effective and sustainable corporate practices and solutions, OAA coordinates inter-departmental interests or positions through internal coordination, communication, collaboration, and development of common positions.

The Annual Chiefs and Cabinet meeting, held December 14, 2017, brought together all 13 Mi'kmaq Chiefs and Executive Council committee members to discuss issues of mutual interest. These included: the National Inquiry into Murdered and Missing Indigenous Women and Girls, the implementation and prioritizing of the TRC 94 Calls to Action and a provincial response, economic development opportunities, emergency management, child welfare, and Mi'kmaq forestry and harvesting.

As Chair of the Senior Officials Advisory Committee on Aboriginal Affairs, OAA coordinates with other departments around priorities and complex issues that touch multiple departments. A key priority is identifying actions and programming that address the Truth and Reconciliation

Commission's (TRC) 94 Calls to Action. The Nova Scotia Truth and Reconciliation Symposium was held in September 2017 in Membertou. A *TRC Calls to Action Implementation Plan* was developed and approved by all 13 Chiefs in February 2018. This plan identifies key priorities areas for the Mi'kmaq and links this work to the seven working committees of the Tripartite Forum. These committees have committed to this work in their annual work plans to begin addressing and implementing these priorities.

OAA works closely with the Department of Intergovernmental Affairs (IGA) on Federal/Provincial/Territorial initiatives that may benefit or impact Aboriginal peoples in Nova Scotia. The annual meeting of Premiers and National Indigenous Organizations presents opportunities to discuss key issues and priorities. Of focus were the issues of Indigenous Children in Care, a Socio-Economic Action Plan for Indigenous Women, and engagement and governance. In addition, the Federal-Provincial-Territorial-Indigenous Forum (FPTIF; replacing the Aboriginal Affairs Working Group since July 2016) focuses on improving outcomes for Indigenous peoples and promoting reconciliation through dialogue between federal, provincial, and territorial governments with National Indigenous Organizations to coordinate cross-jurisdictional issues.

OAA continues to provide ongoing advice and support to the First Nations gaming executive team (established by OAA, Communities, Culture & Heritage, and Nova Scotia Provincial Lotteries and Casino Commission) to work across government departments with the Mi'kmaq to update Gaming Agreements with the 13 Mi'kmaq bands, respond to emerging issues, and explore governance options for oversight and management of the file.

Coordinated Approach to Ensure Government Meets its Legal Consultation Obligations

In Canada, the Crown has a constitutional obligation to consult with First Nations when contemplating decisions or actions that may adversely impact Aboriginal or treaty rights. OAA provides policy leadership, guidance and advice to government departments regarding the duty to consult with the Mi'kmaq of Nova Scotia, and advises on the process to fulfill consultation obligations. With a complex and evolving legal landscape, it is critical that government understands and meets its legal obligations regarding consultation with the Mi'kmaq of Nova Scotia.

Throughout 2017-2018 OAA continued to coordinate provincial consultation between provincial departments, federal agencies and Mi'kmaq communities on over 250 active files. Ongoing operational support to line departments included providing consistent advice, facilitating targeted training for over 75 provincial staff from the Department of Natural Resources (DNR) and the Department of Environment (NSE), policy making and the development of tools to ensure that departments, offices, and agencies are effectively equipped to lead consultations with the Mi'kmaq of Nova Scotia. The division also offers an intensive, one-day training session on The Duty to Consult with the Mi'kmaq of Nova Scotia. The training includes a historical overview; consultation

from a legal and practical perspective; explanation and application of the Nova Scotia Consultation Terms of Reference; best consultation practices; and concludes with a hands-on, practical consultation screening exercise on real-life cases involving consultation. The work of OAA's Consultation Division is guided by the corporate Consultation Policy and Guidelines (2015) as well as the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference (ToR - 2010).

The Consultation Division has developed and maintains an effective working relationship with the Assembly and staff of the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO). OAA is also maintaining relationships and leading discussions regarding the development of parallel consultation processes with Sipekne'katik and Millbrook First Nations, two Mi'kmaq communities in Nova Scotia that have chosen to consult outside the ToR.

In September 2017, OAA undertook a review of the province's approach to consultation. OAA considered what was happening in other jurisdictions, identified options, and identified ways to develop a modified, enhanced corporate approach to consultation in Nova Scotia that allows the Consultation Division to shift some of its focus from administrative tasks to more strategic level activities that contribute to effective, efficient and consistent processes and approaches to consultation. The Consultation Division will work towards implementation of this enhanced approach to consultation in 2018-2019.

Also in 2017-2018 the Consultation Division initiated a review of its guidance document entitled 'Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia'. Interviews were held with potentially impacted parties including proponents, consultants and Mi'kmaq representatives in an effort to ascertain the strengths and weaknesses of the current guide and to identify any gaps or outdated information. Nova Scotia's revised Proponents' Guide will be released in 2018-2019.

The development of an Aboriginal Consultation Tracking Database to assist in efficiently facilitating activities related to consultation processes with the Mi'kmaq of Nova Scotia continued in 2017-2018. The new system will assist the Consultation Division in coordinating consultation files, maintaining a consistent record of provincial consultations and will readily enable the generation of summary reports. It will provide a single, central location for curated consultation records and file-specific analyses for complex projects involving multiple departments. OAA is currently working with ICT Services to advance the database to meet the needs of the Consultation Division.

Made-in-Nova Scotia Process: Mi'kmaq Aboriginal and Treaty Rights Negotiations

The Made-in-Nova Scotia Process is the formal tripartite Aboriginal and Treaty Rights negotiation process involving Nova Scotia, Canada, and the Mi'kmaq of Nova Scotia, as represented by the

Assembly of Nova Scotia Mi'kmaq Chiefs through the Kwilmu'kw Maw-klusuaqn Negotiations Office (KMKNO).

This negotiation process allows the three parties to resolve issues related to Mi'kmaq asserted and established Aboriginal and Treaty Rights, including Aboriginal title and Mi'kmaq governance, in a collaborative and interest-based manner. The negotiation process helps maintain and foster a positive and productive relationship between the Province and the Mi'kmaq of Nova Scotia as the parties work toward mutually beneficial short term and long-term negotiated arrangements.

Through the negotiation process, OAA represents Nova Scotia's interests and negotiation goals. These include focusing on enhancing legal clarity on rights issues, improving and maintaining stable relations, and reducing social and economic disparity for the Mi'kmaq of Nova Scotia.

In 2017-2018, the three parties focused on developing new interim and incremental approaches to addressing and implementing Mi'kmaq rights in Nova Scotia, called *Rights Reconciliation Arrangements*. This innovative work involves finding mutually agreeable ways to enhance clarity and predictability in the exercise of Mi'kmaq fishing rights, wildlife rights, and rights in National Parks. Another priority for the Main Table was discussing the implications for Nova Scotia of the emerging federal legislative and policy approach to Aboriginal and Treaty rights in Canada (*Recognition and Implementation of Rights Framework*). Additional efforts in 2017-2018 also included:

- supporting Mi'kmaq efforts to develop their membership and enrollment criteria as a key aspect of Mi'kmaq governance;
- developing the structural aspects of rights arrangements including ratification processes; and,
- acquisition of Crown land of interest to the Mi'kmaq to support negotiations.

Treaty Education and Enhanced Public Awareness

Greater awareness of Mi'kmaq and Aboriginal culture and history provides a foundation for positive relations. OAA plays a leadership and coordination role across provincial government to ensure that departments have the tools and information they need to support greater internal and external awareness and appreciation of Mi'kmaq rights, culture, and history in the province. OAA also supports provincial and municipal departments seeking advice and understanding of Aboriginal context and voluntary engagement with local groups on important projects, initiatives and efforts. In addition, OAA coordinates and supports provincial engagement at public events and activities that promote and showcase Aboriginal and Mi'kmaq people and organizations.

Continuing to build understanding of historical and contemporary Mi'kmaq and Aboriginal context across Nova Scotia is a critical ongoing step as we continue to build stronger relationships and work towards reconciliation between Aboriginal and non-Aboriginal Nova Scotians. OAA plays a critical role in sharing messages and knowledge to celebrate Nova Scotia's diverse cultural heritage and build welcoming and inclusive communities. Through collaboration with Mi'kmaq

organizations, communities, and government departments and colleagues, OAA works to build capacity of organizations, celebrate culture and history, and extend the reach of education opportunities.

OAA in collaboration with the Public Service Commission (PSC) and the Department of Education (EECD) and Early Childhood Development offer training for public servants on *Understanding the Aboriginal Context in Nova Scotia*. This course is an important introduction for Nova Scotia government employees from across government to build their understanding of Aboriginal history, contemporary context and issues. For the year 2017-2018 there were 4 separate training sessions engaging 110 public servants from departments across government.

Mi'kmaq History Month aims to celebrate and build understanding of Mi'kmaw culture, history and language. OAA continues to support increased awareness of Mi'kmaq History Month through strategic planning and capacity development to bolster the success of October's series of events and activities. Events were held in every Mi'kmaw community throughout the province and included cultural showcases, talks and speakers' series, workshops, as well as feasts and community celebrations.

OAA coordinates annual Treaty Day celebrations with the Mi'kmaq annually on October 1st, which commemorates the role of treaties in the relationship between Nova Scotia Mi'kmaq and the Crown. Each year, hundreds of people gather in Halifax to participate, celebrate, and learn about an important piece of Nova Scotia's founding history. OAA is the lead for planning the award ceremony portion of Treaty Day and funds the event. OAA also provides funding annually to Mi'kmaw Kina'matnewey for scholarships awarded on Treaty Day.

OAA is working in partnership with EECD, CCH, PSC, Mi'kmaq partners, Mi'kmaw Kina'matnewey (MK), and Millbrook First Nation on the Treaty Education initiative. This includes supporting the work of EECD to integrate Treaty Education into the Nova Scotia curriculum for grades P-12. In 2015, grades P-6 were completed, and implementation began for grades 7-12 in 2017-2018.

Aboriginal Affairs provides funding, coordination and staff resources to support the Treaty Education initiative, as well as specific events, projects and initiatives, such as elders and knowledge holder gatherings and ceremonies. OAA, on behalf of Treaty Education Nova Scotia, signed an MOU with KAIROS Canada for a four-year term. Mi'kmaw and Aboriginal public servants, educators and allies received training to facilitate the KAIROS Blanket Exercise throughout the public service.

Provincial government and Mi'kmaq officials will continue to work together to develop specific Treaty Education programs and services for the education system, the provincial civil service and the broader public.

Public Interest and 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 contravention of Provincial or Federal laws or regulations;
- a misuse or gross mismanagement of public funds or assets;
- 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
- directing or counseling someone to commit a wrongdoing.

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

Information Required under Section 18 of the Act	Fiscal Year 2017-2018
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	N/A