



# Accountability Report 2021–22

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L'Nu Affairs

  
**NOVA SCOTIA**

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Accountability Report 2021–2022

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## Accountability Statement

The Accountability Report of the Office of L'nu Affairs for the year ended March 31, 2022 is prepared pursuant to the Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of L'nu Affairs Statement of Mandate and Business Plan for the fiscal year just ended. The reporting of the Office of L'nu Affairs outcomes necessarily includes estimates, judgments and opinions by the Office of L'nu Affairs management.

We acknowledge that this Accountability Report is the responsibility of the Office of L'nu 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 L'nu Affairs 2021-22 Business Plan.

*Original signed by:*

Honourable Karla MacFarlane  
Minister responsible for the Office of L'nu Affairs

*Original signed by:*

Justin Huston  
Deputy Head, Office of L'nu Affairs

## Message from Minister and CEO

We are pleased to present the Nova Scotia Office of L'nu Affairs accountability report for 2021-22. The accountability report is an opportunity to highlight departmental accomplishments while responding to commitments listed in the 2021-22 statement of mandate and business plan.

The Office of L'nu Affairs (OLA) continues to work jointly with the Mi'kmaq of Nova Scotia, promoting a collaborative and well-established approach in responding to challenges faced and opportunities for growth for Indigenous peoples in Nova Scotia. L'nu Affairs leads the rights-based Made-In-Nova Scotia negotiations process 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 Indigenous communities.

On September 3<sup>rd</sup>, 2021, Nova Scotia announced it would recognize September 30<sup>th</sup> annually as Truth and Reconciliation Day and close all provincial government offices, public schools and regulated childcare to acknowledge the importance of honouring First Nations, Inuit and Métis residential school survivors and their families and communities. OLA assisted in the preparation of this recognition.

Treaty Education continues to create an opportunity for every Nova Scotian to learn about our shared history in the province and in Canada. October 1<sup>st</sup>, Treaty Day, and Mi'kmaq History Month in October provide specific opportunities to commemorate the role of treaties in the relationship between the Nova Scotia Mi'kmaw and the Crown. Provincial and Mi'kmaw 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.

In collaboration with Communities, Culture, Tourism and Heritage (CCTH), Education and Early Childhood Development (EECD) and Department of Justice (DoJ), OLA was the provincial lead in co-developing Mi'kmaw Language Legislation with the Mi'kmaq. The Act was introduced in the House of Assembly in 2021/22 and received Royal Assent on April 22, 2022.

Over the past year, we continued to take a coordinated and collaborative approach in delivering our core functions. Due to the ongoing COVID-19 pandemic, OLA was able to maintain work in an online format, ensuring minimal disruptions. OLA's move in late 2021 to a new office in the Homburg building, 1741 Brunswick Street, Halifax helped our gradual progression to more in-person meetings as COVID-19 public health measures changed. We strengthened our relationships with the Mi'kmaw communities, organizations, and leadership through close collaboration. For example, OLA provided support to organizations during urgent pandemic planning and response, including providing funding directly and in coordination with other departments and the Federal government, connecting key health officials with Chiefs, communities, and other organizations with information flow regarding the pandemic, and collaborated with communities and organizations on vaccination rollout planning in First Nations and with the Mi'kmaw Native Friendship Centre in Halifax.

We continued to provide policy advice while collaborating with partners across government on intergovernmental and multi-lateral issues, including issues related to the Truth and Reconciliation Commission's Calls to Action and the Missing and Murdered Indigenous Women and Girls Calls to Justice. Reconciliation must be based on trust and mutual respect; therefore, a collaborative approach in our work is necessary.

Increased collaboration and understanding commitments at the federal level has further strengthened work at the provincial level. The challenges faced by Nova Scotia's Indigenous population today are complex and long standing; responding to these challenges requires a coordinated approach and expertise in many subject areas. In 2021-22, we continued to collectively pursue solutions to these challenges in promoting a thriving Nova Scotia for all.

## Financial Results

Office of L'nu Affairs	2021-22 Estimate	2021-22 Actuals	2021-22 Variance
Program & Service Area	<i>(\$thousands)</i>		
Office of L'nu Affairs	4,257	4,225	(32)
Total: Departmental Expenses	4,257	4,225	(32)
TCA Purchase Requirements	1,000	168	(832)
Provincial Funded Staff (FTEs)	17.5	16.7	(0.8)
<b><u>Departmental Expenses Variance Explanation:</u></b>			
Variance primarily due to temporary salary savings.			
<b><u>TCA Purchase Requirements Variance Explanation:</u></b>			
Actual TCA spending was lower than estimate due to COVID-19 restrictions limiting the ability to purchase land.			
<b><u>Provincial Funded Staff (FTEs) Variance Explanation:</u></b>			
Variance due to temporarily vacant positions.			

## Measuring Our Performance

### Collaborative Partnerships to Improve Social and Economic Prosperity of Indigenous Communities

Throughout the past year, OLA continued to identify and support opportunities to improve social and economic prosperity for Mi'kmaq and Indigenous people and communities in Nova Scotia. Economic development, education, and employment opportunities are enhanced through collaboration with Mi'kmaw communities and organizations, other provincial departments, federal departments, the Mi'kmaq Nova Scotia Canada Tripartite Forum and other partners. This supports increased community capacity and connectedness, economic development and growth, employment and skills development that improve the prosperity of Indigenous people and all Nova

Scotians and contributes to the Government priority to Position the Economy for Growth, Promote Equity and Inclusion.

OLA participates in a variety of reconciliatory and restorative processes to sustain and improve relationships with Indigenous and Mi'kmaw partners. This is the first year of the renamed Office of L'nu Affairs. This name change better reflects the unique and important relationship between the Province and the Mi'kmaq of Nova Scotia.

OLA 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 OLA to successfully leverage funds federally, inter-departmentally, and from other external stakeholders. The ACDF is a funding stream of \$75,000, which supported several community-led initiatives whose combined total project budget was more than \$500,000. This fund specifically leverages other resources within and outside of government to support projects and initiatives that are community-led. Some examples of projects funded in 2021-22 include:

- Bear River First Nation for an E-bike Social Enterprise;
- Phase two implementation of the Mi'kmaw Cultural Tourism Strategy; and
- We'koqma'q First Nation's five-year strategic plan.

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

- Ongoing support to the Mi'kmaq-Nova Scotia-Canada Tripartite Forum to address issues relating to the TRC Calls to Action and include governance, health and wellness, culture and heritage, economic development, education, justice, and sport and recreation;
- Ongoing support for the Mi'kmaw Legal Support Network (MLSN), which provides culturally appropriate justice-related projects and programs to all Indigenous people residing in Nova Scotia;
- Clean Foundation, Nova Scotia Youth Conservation Corps (NSYCC) Indigenous Leadership Program, which provides training and employment opportunities within the environmental field to 20 Indigenous youth;
- Atlantic Aboriginal Community Economic Development Integrated Research Program (AAEDIRP), which conducts research and builds capacity related to Indigenous economic development;
- Bras d'Or Lakes Collaborative Environmental Planning Initiative (CEPI) support via Unama'ki Institute of Natural Resources (UINR);
- Continued support to UINR for the Collaborative Moose Management Initiative;
- Support for 2023 North American Indigenous Games (NAIG) hosted in Kijipuktuk (Halifax). Development of key projects – Indigenous Cultural Awareness Volunteer training, Mi'kmaw translation for signage, and Mi'kmaw educational marketing campaign; and
- Support to Potlotek First Nation and their planning costs to host the Mi'kmaw Summer Games in July 2022.

As a province, our relationship with the Mi'kmaq is critical in building 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.

OLA provides leadership and support to government departments and agencies involved with the Mi'kmaq-Nova Scotia-Canada Tripartite Forum (TPF). This innovative and collaborative partnership was established in 1997 and continues to grow and adapt to the needs of the Mi'kmaw community. The TPF seven working committees (Health, Justice, Education, Economic Development, Culture and Heritage, Social, and Sports and Recreation) are co-chaired by provincial representatives and supported through active participation of over thirty provincial employees. At an operational level, the seven working committees of the TPF 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. OLA also participates in the Executive and Officials committees that provide overall guidance on TPF governance and activities.

### Effective Coordination and Strategic Policy Advice to Nova Scotia Government

A key focus of OLA 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, OLA coordinates inter-departmental interests or positions through internal coordination, communication, collaboration, and development of common positions. The new OLA office in Homburg building, 1741 Brunswick Street, Halifax allows better coordination and collaboration with Mi'kmaq and Indigenous partners, as well as all levels of government. The new OLA office renovations meet accessibility requirements.

The Policy Division at OLA leads various engagement files, assisting other departments and organizations on projects, plans, services, and opportunities affecting the Indigenous communities throughout Nova Scotia. The Policy Division successfully helps build and maintain positive working relationships for these departments, organizations, and communities to ensure that priorities and needs that do not fit within formal Consultation continue to be met and addressed.

As Chair of the Senior Officials Advisory Committee on L'nu Affairs, OLA coordinates with other departments around priorities and complex issues that touch multiple departments.

OLA continues to provide ongoing coordination and advice regarding Mi'kmaw gaming agreements, working across government departments with the 13 Mi'kmaw communities, and responding to emerging issues.

OLA coordinates the gathering of provincial department actions to the Truth and Reconciliation Commission (TRC) Calls to Action and NS priorities. Provincial departments and agencies lead their own responsibilities in commitments to the TRC Calls to Action.

OLA operates as a focal point for provincial government for Jordan's Principle. Understanding the highest need areas of programs and services for Indigenous children under Jordan's Principle.

Ongoing participation with Nova Scotia Advisory Council on the Status of Women in the National Inquiry into Murdered and Missing Indigenous Women and Girls and other initiatives that work to prevent and educate on the causes and issues of Domestic Violence.

As a Government priority to Continue to Keep Nova Scotians Safe, the ongoing COVID-19 pandemic in 2021-22 continued to present many issues related to the health and well-being and socio-economic stability for the 13 Mi'kmaw communities, their off-reserve populations, and the general off-reserve Indigenous communities throughout the province. OLA provided support to many Mi'kmaw communities and organizations that were continuing their response to the COVID-19 Pandemic and provincial state of emergency. OLA worked with the Mi'kmaw Native Friendship Centre, the 13 Mi'kmaw communities and Nova Scotia public health in the efficient and timely distribution of COVID-19 vaccinations. OLA worked with organizations and the federal government on funding availability to ensure the most vulnerable populations had access to adequate housing, food, and health care when needed.

### 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. OLA 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 requirements regarding consultation with the Mi'kmaq of Nova Scotia.

In 2021-22 OLA continued to coordinate provincial consultation between provincial departments, federal agencies, and all Nova Scotia Mi'kmaw communities on many active files. Due to Covid-19 restrictions, all consultation activities, including all consultation meetings between relevant parties continued to utilize virtual platforms. Consultation occurred with the Mi'kmaq through the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO), as well as with Mi'kmaw communities no longer represented by KMKNO by development of an amended consultation approach. The Province instituted more flexible consultation timelines where possible and offered extensions to the Mi'kmaq to allow for Covid-19 related limitations.

Ongoing operational support to line departments included development of policies and tools to enhance Nova Scotia's approach to consultation, including department-specific consultation guidelines and protocols, building consultation capacity for provincial public servants through regular offer of consultation training, and revision of consultation training materials for virtual platforms and continued delivery of virtual training in 2021-22.

The Consultation Division has developed and maintains an effective working relationship with the Assembly of Nova Scotia Mi'kmaw Chiefs and staff of the KMKNO. Bi-monthly process meetings are held between KMKNO and OLA consultation teams to coordinate and provide updates on all consultation files. OLA is also maintaining relationships, and coordinating consultation with

Sipekne'katik, Millbrook and Membertou First Nations, three Mi'kmaq communities in Nova Scotia that have chosen to consult outside the Mi'kmaq Nova Scotia Canada Consultation Terms of Reference (ToR).

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*' to reflect revised consultation practices, recent legal decisions, and the changing context of Aboriginal consultation in Nova Scotia. Though COVID-19 has impacted progress, OLA has continued incorporation of key learnings into guidance materials that will inform the development of a new, revised Proponents' Guide in 2022-23.

### 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, primarily represented by the Assembly of Nova Scotia Mi'kmaw Chiefs through the KMKNO. Several Mi'kmaw First Nations have decided to advance their Aboriginal and Treaty rights as individual First Nations, creating additional challenges to the successful negotiation and implementation of Mi'kmaw Aboriginal and Treaty rights in Nova Scotia.

During 2021-22, the three parties continued with an online negotiation model, which allowed regular negotiations to continue despite the challenges posed by COVID-19 and restrictions on in-person meetings. This negotiation process allows the three parties to resolve issues related to Mi'kmaw asserted and established Aboriginal and Treaty Rights, including Aboriginal title and Mi'kmaw governance, in a collaborative and interest-based manner. The negotiation process helps maintain and foster a strong and respectful relationship through open dialogue on new and emerging rights issues related to Mi'kmaw asserted and established Aboriginal and Treaty rights.

Through the negotiation process, OLA represents Nova Scotia's interests and negotiation goals. These include focusing on enhancing legal clarity on rights issues, exploring interim and incremental approaches to addressing Mi'kmaw rights, focusing on developing negotiated agreements that bring clarity and predictability to the exercise of Mi'kmaw rights in Nova Scotia and reducing social and economic disparity for the Mi'kmaq of Nova Scotia.

Mi'kmaw moderate livelihood fishing continued to be a priority issue. Canada and the Mi'kmaq maintained a dedicated bilateral side-table on fish harvesting issues, while matters related to Provincial jurisdiction were discussed through the tripartite Main Table. The parties pursued their shared interest in improving clarity and understanding surrounding Mi'kmaw moderate livelihood fishing rights in Nova Scotia and the appropriate exercise of this Mi'kmaw Treaty right.

Negotiations concerning Mi'kmaw governance over social programs continued. This included child and family services and enhanced social assistance.

## Treaty Education and Enhanced Public Awareness

Greater awareness of Mi'kmaw and Indigenous culture and history provides a foundation for positive relations. OLA 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'kmaw rights, culture, and history in the province. OLA also supports provincial and municipal departments seeking advice and understanding of Indigenous context and voluntary engagement with local groups on important projects, initiatives and efforts. In addition, OLA coordinates and supports provincial engagement at public events and activities that promote and showcase Indigenous and Mi'kmaw people and organizations.

As mentioned in the message from the Minister and CEO, OLA was the provincial lead in co-developing Mi'kmaw Language Legislation with the Mi'kmaq. OLA takes immense pride in bringing forward this Legislation as it is a strong example of our commitment to reconciliation.

OLA, in collaboration with the Public Service Commission (PSC), offers education and awareness opportunities on Treaty Education for public servants via the KAIROS Blanket Exercise. This experiential learning activity is an important introduction for Nova Scotia government employees from across government to build their understanding of Indigenous history, contemporary context and issues. For the year 2021-22, this activity continued to be suspended due to COVID -19 as it is an experiential, in-person event not effective for online formats. During the pandemic, presenters from the Treaty Education Speakers Bureau continued with online presentations.

October, Mi'kmaq History Month, aims to celebrate and build understanding of Mi'kmaw culture, history and language. OLA 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. Treaty Education held several public service employee online lunch and learn sessions in October.

OLA continues the co-coordination of the annual Treaty Day celebrations with the Mi'kmaq on October 1st, which commemorates the role of Treaties in the relationship between Nova Scotia Mi'kmaw and the Crown. This year's ceremonies were smaller and held by invite only at the Lieutenant Governor's house. OLA coordinated the distribution of Treaty Day awards and celebrated recipients. OLA also provides funding annually to Mi'kmaw Kina'matnewey for scholarships awarded on Treaty Day.

OLA is working in partnership with Education and Early Childhood Development, Communities, Culture Tourism and Heritage, the Public Service Commission, Mi'kmaw 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, as well as educating public servants and the general public. Treaty Education continues to oversee its Speakers Bureau and its social media presence on Facebook.

OLA strengthens the government mandate on education through support to EECD on their review and update of curriculum related to diversity, including education on Residential Schools, and in their consultation to determine a governance model for P-12 education that allows for increased Mi'kmaw voice in education policy and decision-making.

Provincial government and Mi'kmaw 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 L'nu Affairs.

Information Required under Section 18 of the Act	Fiscal Year 2021-22
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