

Accountability Report

2016–2017

Office of Aboriginal Affairs
July 2017

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Accountability Statement

The accountability report of the Office of Aboriginal Affairs for the year ended March 31, 2017 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 2016-2017 Statement of Mandate.

Message from Minister and CEO

We are pleased to present the Nova Scotia Office of Aboriginal Affairs accountability report for 2016-2017. The accountability report is an opportunity to highlight departmental accomplishments while responding to commitments listed in the 2016-2017 statement of mandate.

The Office of Aboriginal Affairs (OAA) continues to work closely with the Aboriginal population of Nova Scotia, promoting a collaborative approach in responding to challenges faced and opportunities for growth in Aboriginal communities. 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 providing our core services and are pleased with progress made in several areas. We continued to work closely with Aboriginal communities and leadership with a goal of strengthening relationships across the province. In November 2016, the Assembly of Nova Scotia Mi'kmaq Chiefs met with Executive Council for the seventh 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. In 2016-2017, over 120 public servants completed training on the Duty to Consult or Understanding the Aboriginal Context in Nova Scotia.

Treaty Education creates 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 Aboriginal communities as it relates to the 94 Calls to Action from the Truth and Reconciliation Commission, as well as our partners in the federal government. Reconciliation must be based on trust and mutual respect; therefore, we feel a collaborative approach in responding to these calls to action is necessary. On February 16, 2017, the late Grand Chief Gabriel Sylliboy was granted a posthumous pardon and apology from the Province of Nova Scotia for his conviction in 1927 for hunting out of season. This is a significant and symbolic step on the path to reconciliation.

Increasing collaboration and commitments at the Federal level has further strengthened synergies at the Provincial level. This work can be primarily seen at the Tripartite Forum and the Federal-Provincial-Territorial-Indigenous Forum. 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 2017-2018 we will continue to collectively pursue solutions to these challenges in promoting an energetic and thriving Nova Scotia for all.

Original signed by

Premier Stephen McNeil
Minister of Aboriginal Affairs

Original signed by

Justin Huston, Chief Executive Officer
Office of Aboriginal Affairs

Financial Results

Office of Aboriginal Affairs			
	2016-2017 Estimate	2016-2017 Actuals	2016-2017 Variance
Salary & Employee Benefits	1,572,000	1,497,194	(74,806)
Operating Costs	639,000	340,270	(298,730)
Grants & Contributions	1,263,000	2,348,875	1,085,875
Total Gross Departmental Expenses	3,474,000	4,186,339	712,339
Chargeable to Other Departments	(7,000)	(719,510)	(712,510)
Total Net Departmental Expenses	3,467,000	3,466,829	(171)
<i>Additional Information:</i>			
Ordinary Recoveries	-	(14,400)	(14,400)
TCA Purchase Requirements	1,000,000	961,800	(38,200)
Provincial Funded Staff (FTEs)	15.5	15.7	0.2
<u>Departmental Variance Explanation:</u>			
<p>Grants and Contributions increased due to a commitment made to KMKNO 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. Approximately \$700,000 was recovered from partnerships with other departments and approximately \$385,000 was found operationally to support these initiatives. The Office of Aboriginal Affairs closed 2016-2017 under budget.</p>			

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. Economic development, education, and employment

opportunities are enhanced through collaboration with Mi'kmaq and Aboriginal communities and organizations, other provincial departments, federal departments, and other partners. Economic development led by Aboriginal communities and organizations is intrinsically focused on building and supporting social enterprise and community investment through innovative initiatives that address complex gaps and emerging opportunities related to community capacity, economic development, 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: *Regular Grants and Contributions* 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 \$1,600,000. The *ACDF* stream supports community-led initiatives with economic and business development outcomes and benefits for Nova Scotia's Aboriginal people. This fund specifically leverages other resources within and outside of government to support these projects and initiatives that are community-led. Some examples projects funding in 2016-2017 are:

- Mi'kmaq Native Friendship Centre Feasibility Needs Assessment and Business Plan for a new space to ensure added capacity and continued support to the Urban Aboriginal Population and the variety of programming available to this community;
- International Aboriginal Tourism Conference, which brought together over 300 delegates from across Canada and internationally to share best practices in developing, promoting, and marketing the Aboriginal Tourism experience;
- Paqtnkek Community Vote to allow the community to plan and strategize to leverage significant economic opportunities for the development of an interchange on the Trans-Canada highway and the adjoining land; and,
- Eskasoni Cultural Journeys Expansion for the community to expand upon their existing *Goat Island Tourism and Cultural Experience* to allow for enhancement to the current programming.

Through regular grants and contributions, OAA continues to support a variety of initiatives related to Aboriginal 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;
- Leave Out Violence (LOVE) *Leadership Event* that saw 40 Youth Leaders from Membertou First Nation, Sipekne'katik First Nation, and Halifax hone their leadership skills and engage in a cross-cultural exchange;
- 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;

- Mi'kmaw Legal Support Network (MLSN), which provides culturally appropriate justice-related projects and programs to all Aboriginal people residing in Nova Scotia; and,
- 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.

As a province, our relationship with Aboriginal people 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 Aboriginal 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 in 2017 marks its 20th year of innovative and collaborative partnerships. 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. In 2015-16, the TPF Economic Development and Social Working Committees created and developed the Social Enterprise Toolkit. In 2016-2017, this project was finalized and the Toolkit was made available across Nova Scotia's Mi'kmaw communities and Aboriginal organizations. Through the Health Committee, Aboriginal Affairs supports the Aboriginal Continuing Care Policy Forum, which brings together First Nation community, health authorities, and provincial and federal government representation to facilitate action on multi-jurisdictional issues that will advance improved quality of continuing care and access to continuing care and related services for Aboriginal peoples 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 November 24, 2016, brought together the 13 Mi'kmaq Chiefs and Executive Council committee members to discuss issues of mutual interest. These included: the implementation and prioritizing of the TRC 94 Calls to Action and a provincial

response, resource revenue sharing opportunities and options, continued work on Treaty Education implementation, the development of a Mi'kmaq license plate, and continued collaboration to address harvester identification related to Aboriginal rights.

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. OAA provided support to the Tripartite Forum for the organization and development of a Nova Scotia Truth and Reconciliation Symposium to address these 94 Calls to Action, which will seek to identify the priorities for the Mi'kmaq and focus on identification and promotion for provincial departments and agencies, as well as external stakeholders. The symposium is scheduled to take place in September 2017.

OAA works closely with the Department of Intergovernmental Affairs (IGA) on Federal/Provincial/Territorial initiatives that have an impact on the Aboriginal population. The Federal-Provincial-Territorial-Indigenous Forum (FPTIF) was established in July 2016 to replace the Aboriginal Affairs Working Group. This new forum is intended to improve outcomes for Indigenous peoples and promote reconciliation through dialogue between federal, provincial, and territorial governments with National Indigenous Organizations to coordinate cross-jurisdictional issues. In 2016-2017, ongoing and coordinated strategic advice was provided on a number of Aboriginal issues. Some of these issues include supporting the Department of Health and Wellness Continuing Care Strategy, and providing funding to support the Aboriginal Continuing Care Policy Forum to engage First Nation communities regarding care services and the needs of First Nations, and liaising with other line departments such as Energy, Labour and Advanced Education, and Justice on policies and programming that have a specific impact on Aboriginal peoples and communities in Nova Scotia. Through the leadership of the Advisory Council on the Status of Women, OAA actively participates in working towards bringing the National Inquiry for Murdered and Missing Indigenous Women and Girls (MMIWG) to Atlantic Canada. The National Inquiry has scheduled Community Hearings for August 2017, with Family Hearings occurring in October 2017 in Nova Scotia.

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 First Nation 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](#)

OAA provides policy leadership, guidance and advice to government departments on the duty to consult with the Mi'kmaq of Nova Scotia, and advises on the process to fulfill consultation

obligations. Consultation is directed by the Supreme Court of Canada ruling that provincial and federal governments have a duty to consult with Aboriginal peoples when contemplating decisions that may impact Treaty and Aboriginal rights. 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 2016-2017 OAA continued to coordinate provincial consultation between provincial departments, federal agencies and Mi'kmaq groups on over 200 active files. Ongoing operational support to line departments included providing consistent advice, targeted training for over 50 provincial staff from various departments, 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 work of OAA 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 ToR is a three-party protocol outlining the consultation process between the Mi'kmaq, Canada and Nova Scotia. A joint review of the Consultation ToR was completed in June 2016 by OAA, Canada and the Assembly of Nova Scotia Chiefs (Assembly). OAA continues to implement the results of this review with Canada and the Assembly focusing on three areas of further work: clarifying the post-consultation approach, developing an engagement process outside the ToR for non-rights based issues, and clarifying the spectrum of notification and consultation. 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 Consultation Terms of Reference.

In 2016, the Consultation Division began the development of an Aboriginal Consultation Tracking System to assist in efficiently facilitating activities related to consultation processes with the Mi'kmaq of Nova Scotia. The new tracking system will support keeping the consultation process efficient, maintaining a record of all consultations and enable generation of reports. OAA also initiated the update of the *Proponents' Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia*, a guide which was last reviewed in 2012.

[Positive and Productive Relationship Through Negotiations with Canada and the Nova Scotia Mi'kmaq](#)

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 and the long-term goal of a Mi'kmaq of Nova Scotia Accord.

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 2016-2017, the parties explored interim and incremental approaches to addressing Mi'kmaq rights in Nova Scotia. This focused on negotiated agreements that bring greater clarity and predictability to the exercise of Mi'kmaq wildlife and fishing rights in Nova Scotia. In addition, work continued building consensus on forestry issues and piloting forest management agreement to build Mi'kmaq capacity. Other areas of ongoing work include increased demands to address issues of Mi'kmaq governance and citizenship criteria, rights agreement ratification processes, the acquisition of land of interest to the Mi'kmaq, and continuing to explore the land and geographic extent of land claim issues. This work will continue into 2017-2018.

Enhanced Public Awareness and Appreciation of the Mi'kmaq and Aboriginal History and Culture

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 Aboriginal people 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 Aboriginal 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 and the Department of Education 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 2016-2017 there were three separate training sessions held on this topic:

- April 21, 2016 (20 participants)
- November 23, 2016 (24 participants)
- February 21, 2017 (25 participants)

The Office of Aboriginal Affairs 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. In 2016-2017, OAA offered Duty to Consult through the Public Service Commission training as follows:

- June 1, 2016 (18 participants)
- October 7, 2016 (16 participants)
- February 16, 2017 (20 participants)

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, 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 the Treaty Day and funds the event. OAA also provides \$6,000 annually to Mi'kmaw Kina'matnewey for scholarships awarded on Treaty Day.

OAA is working in partnership with EECD, CCH, PSC, and Mi'kmaw Kina'matnewey (MK) 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, with grades 7-12 implementation beginning in 2016-2017, and will continue into 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.

Treaty Education creates 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, we can create greater understanding of matters pertaining to many important sectors of Nova Scotia’s economy, including natural resources and energy. On February 16, 2017, in the spirit of recognition and reconciliation, Nova Scotia granted a posthumous full pardon and apology of Grand Chief Gabriel Sylliboy who was convicted of illegal hunting in 1927, before treaties were legally recognized as they are today.

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 2016-2017
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

