



Accountability Report 2019–20

Aboriginal Affairs

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Accountability Statement

The Accountability Report of the Office of Aboriginal Affairs for the year ended March 31, 2020 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 2019-20 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 2019-20. The accountability report is an opportunity to highlight departmental accomplishments while responding to commitments listed in the 2019-2020 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 Indigenous 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 Indigenous communities.

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 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.

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. We continued to provide policy advice while collaborating with partners across government on intergovernmental and multi-lateral issues. These include issues as they relate to the 94 Calls to Action from the Truth and Reconciliation Commission and the Report on Murdered and Missing Indigenous Women and Girls. Reconciliation must be based on trust and mutual respect; therefore, a collaborative approach in responding to these calls 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 Indigenous population today are complex and long standing; responding to these challenges require a coordinated approach and expertise in many subject areas. In 2019-2020, we continued to collectively pursue solutions to these challenges in promoting a thriving Nova Scotia for all.

Financial Results

Office of Aboriginal Affairs			
	2019-20 Estimate	2019-20 Actuals	2019-20 Variance
Program and Service Area	(\$ Thousands)	(\$ Thousands)	(\$ Thousands)
Office of Aboriginal Affairs	4,406	4,376	(30)
Total Gross Departmental Expenses			
Ordinary Recoveries			
TCA Purchase Requirements	1,000	976	(24)
Provincial Funded Staff (FTEs)	17.5	17	(.5)
Departmental Variance Explanation: Grants and Contributions continue to increase 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 economic community development. OAA leverages significant grant funding from the federal government and other partners.			

Measuring Our Performance

Collaborative Partnerships to Improve Social and Economic Prosperity of Indigenous Communities

Throughout the past year, the Office of Aboriginal Affairs (OAA) continued to identify and support opportunities to improve social and economic prosperity for Mi'kmaq and Indigenous peoples and communities in Nova Scotia. This work increases participation of Indigenous 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, the Tripartite Forum and other partners. Economic development led by Mi'kmaw 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 increased community capacity and connectedness, economic development and growth, and employment and skills development that improve the prosperity of Indigenous 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 funding stream of \$75,000, which supported several community-led initiatives whose combined total project budget was more than \$600,000. 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 projects and initiatives that are community-led. Some examples of projects funded in 2019-20 include:

- Patqnekek 5-year Strategic Plan to develop and manage a highway showcase of mixed use development that will provide employment and economic benefits for the Band.
- Supporting the KMKNO on a nation-approach to cultural tourism in Nova Scotia to engage all 13 communities in advancing the implementation of the *2018 Cultural Tourism Strategy for Nova Scotia Mi'kmaq*.
- Assisting Bear River with their Off-Bottom Oyster Aquaculture training that would see the ultimate goal of the development of a commercial oyster business.
- Driver Education and Licensing Program aimed at poverty reduction to improve opportunities for workforce attachment in marginalized communities through addressing transportation barriers for training and employment.

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 Indigenous economic development;
- Nova Scotia Native Women's Association (NSNWA) capacity funding to support leadership and opportunities for Indigenous women in Nova Scotia related to addressing social, emotional, and health concerns and employment and training opportunities;
- NSNWA support for a feasibility study to develop and build a resiliency centre to address social, emotional, economic development, and health related programming and services;
- 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 Indigenous community, as well as continued support in the development of the new centre and a 10-year strategic plan;
- Mi'kmaq Legal Support Network (MLSN), which provides culturally appropriate justice-related projects and programs to all Indigenous people residing in Nova Scotia; and,
- 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.

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.

OAA 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 community. 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 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 and Officials committees that provide overall guidance on TPF governance and activities. The seven working committees are currently focusing on priorities identified through the *Truth and Reconciliation 94 Calls to Action*, and related activities such as developing an aftercare model for communities dealing with addictions, developing a process map for instituting by-laws in communities, increasing women and girls participation in sport and recreation activities, 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. Several department projects, programs, and initiatives that OAA assisted on included language translations and interpretation services in healthcare, justice, and public communications, environmental and energy efficiency programming, and rural highspeed internet availability. The Policy Division at OAA 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 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. A *TRC Calls to Action Implementation Plan* was developed and approved by all 13 Chiefs in February 2018. This plan identifies key priority 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 continue addressing and implementing these priorities.

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

The end of 2019-20 presented many issues related to the health and well-being and socio-economic stability for the 13 Mi'kmaw Bands, their off-reserve populations, and the general off-reserve Indigenous communities throughout the province. OAA provided support to many Bands and Organizations that were beginning their response to the COVID-19 Pandemic and provincial state of emergency. The Policy Division specifically worked with the Mi'kmaw Native Friendship

Centre, Nova Scotia Native Women's Association, and the Native Council of Nova Scotia to ensure relationships and connections were kept and maintained so that these organizations could continue to provide essential services and obtain needed supplies for the safety of their staff. OAA 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. This work will continue into 2020-21 and is expected to have a further impact on these organizations.

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

Throughout 2019-20 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 44 provincial staff from the Department of Fisheries and Aquaculture and the Department of Environment; as well as presenting an overview of the provincial Consultation Policy and Guidelines to key staff from Fisheries and Oceans Canada; 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. Specifically, OAA supported the Department of Lands and Forestry in developing a draft Regional Services Consultation Protocol and supported the Department of Energy and Mines in commencing inter-departmental discussions regarding a review of the Mining Consultation Protocol.

The division also delivers an intensive, one-day training session on The Duty to Consult with the Mi'kmaq of Nova Scotia, which is offered through the Nova Scotia Public Service Commission Learning and Development calendar. In April 2019, twenty public servants participated in the training, which 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 of Nova Scotia Mi'kmaq Chiefs and staff of the Kwi'mu'kw Maw-klusuaqn Negotiation Office (KMKNO). OAA is also maintaining relationships, and coordinating consultation 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 organizational structures and best practices in other jurisdictions, identified options, and identified ways to develop a modified, enhanced corporate approach to consultation in Nova Scotia. The intent is to enable 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 across the Province. In working towards implementation of this enhanced approach to consultation, the Consultation Division first focused on increasing its capacity by hiring a fourth Consultation Advisor in Fall 2019. OAA continued, throughout 2019-20, to make additional changes to consultation tools and templates and to fine-tune the proposed enhanced approach to ensure that it aligns with the most recent consultation-related court decisions. OAA will continue to work with departments to implement key aspects of the enhanced consultation approach in 2020-21.

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. In 2019-20 OAA continued to work with KMKNO representatives to review the existing approach to proponent engagement and based on these discussions developed revised consultation templates. This work remains ongoing with the KMKNO in advance of finalizing the Proponents' Guide. In 2019-20, OAA also began an examination of some of the most recent direction provided by the Courts on proponent delegation. Key learnings from this examination will be incorporated into a final Proponents' Guide.

An Aboriginal Consultation Tracking Database, which assists in efficiently tracking and facilitating activities related to consultation processes with the Mi'kmaq of Nova Scotia, was successfully developed and put into operation in 2018-19 with support from ICT Services. The new system assists the Consultation Division in coordinating consultation files, maintains a consistent record of provincial consultations and enables the generation of summary reports. It provides a single, central location for curated consultation records and file-specific analyses for complex projects involving multiple departments. In 2019-20, OAA hired an Information Systems Specialist who is now responsible for the maintenance, operation and optimization of the database. The Consultation Division worked with ICT Services throughout 2019-20 to test and refine the database design and functionality. OAA's Information Systems Specialist will continue to work with ICT Services in 2020-21 to improve the functionality of the Aboriginal Consultation Tracking Database and to ensure it meets the needs of the 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 Kwi'mu'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 2019-20, the three parties continued their work to develop 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. The Main Table also worked on a number of Mi'kmaq self-governance topics, including social assistance and child and family services. Additional ongoing efforts in 2019-20 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 Indigenous 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 Indigenous 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 Indigenous and Mi'kmaq people and organizations.

Continuing to build understanding of historical and contemporary Mi'kmaq and Indigenous context across Nova Scotia is a critical ongoing step as we continue to build stronger relationships and work towards reconciliation. 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'kmaw 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) 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 2019-20, there were 50 separate learning sessions engaging over 250 public servants from departments across government. In 2020-21, OAA will pilot a new course for the learning calendar called *Understanding the Treaty Relationship*. Learners will gain practical knowledge of terminology, an introduction into allyship, Mi'kmaq culture, and protocols when working with Mi'kmaq and Indigenous communities.

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 co-coordinates 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'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 Education and Early Childhood Development, Communities, Culture & Heritage, the Public Service Commission, 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, as well as educating public servants and the general public. In 2018-19, Treaty Education formally launched its Speakers Bureau, developed a 60-second public awareness and 13-minute educational video, participated in 12 conferences/public forums and sponsored six events. The Speakers Bureau has reached over 4,500 participants with over 100 presentations since its formation.

Aboriginal Affairs provides funding, coordination and staff resources to support the Treaty Education initiative, as well as specific events, projects and initiatives, such as speakers bureau gatherings, Indigenous People's Day and Mi'kmaq History Month. OAA, on behalf of Treaty Education Nova Scotia, signed an MOU with KAIROS Canada for a four-year term (beginning in 2017). Mi'kmaw and Indigenous public servants, educators and allies received training to facilitate the KAIROS Blanket Exercise throughout the public service.

Treaty Education made substantial contributions to the preparations for the North American Indigenous Games – NAIG 2020. Working across departments, with Mi'kmaq partners, and with the NAIG 2020 staff, Treaty Education provided an updated culture awareness document for volunteers, participated in the identification and training of trainers for NAIG volunteer training sessions, and collaborated on the creation of videos and other collateral materials for the games.

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 2019-20
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