



# Accountability Report 2022–23

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L'nu Affairs



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## Accountability Statement

The Accountability Report of the Office of L'nu Affairs for the year ended March 31, 2023 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 2022-23 Business Plan.

*Original signed by*

Honourable Karla MacFarlane

Minister responsible for the Office of L'nu Affairs

*Original signed by*

Justin Huston

Deputy Head and CEO, Office of L'nu Affairs

## Message from Deputy Head and CEO

We are pleased to present the Nova Scotia Office of L'nu Affairs accountability report for 2022-23. The accountability report is an opportunity to highlight departmental accomplishments while responding to commitments listed in the 2022-23 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 well-established, collaborative approach in responding to challenges and opportunities 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.

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 the Mi'kmaw Language Act with the Mi'kmaq. The Act received Royal Assent April 22, 2022, and had support from all provincial parties and Mi'kmaq partners. The Act was proclaimed July 17, 2022, by the Province, and affirmed by the Mi'kmaq during a ceremony in Potlotek First Nation. The Act came into force on October 1, 2022, Treaty Day, and recognizes Mi'kmaq as the original and first language of this land, and commits the province to work with the Mi'kmaq in its promotion and revitalization.

September 30, 2022 was the second Truth and Reconciliation Day. All provincial government offices, public schools and regulated childcare closed to acknowledge the importance of honouring First Nations, Inuit and Métis residential school survivors and their families and communities. OLA assisted in the communication 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.

We continued to take a coordinated and collaborative approach in delivering our core functions. OLA's first full year in a new office in the Homburg building, 1741 Brunswick Street, Halifax has helped our progression to more in-person meetings in a welcoming environment.

We continued to provide policy advice while collaborating with partners across government on intergovernmental and multi-lateral matters, including government action and responses related to the Truth and Reconciliation Commission's Calls to Action and the Missing and Murdered Indigenous Women and Girls National Inquiry's Calls for 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.

## 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. These supports and collaborations increase community capacity and connectedness, economic development and growth, and employment and skills development that improve the prosperity of Indigenous people and all Nova Scotians and contribute 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. On October 1, 2022, Nova Scotia enacted the *Mi'kmaq Language Act*, the first of its kind in Canada. Language is fundamental to the worldviews and self-determination of the Mi'kmaq, including customs, values, traditions, knowledge, laws, identity, culture, spirituality and relationships to the land. The Act recognizes Mi'kmaq as the original and first language of Nova Scotia and will support efforts to protect and revitalize the language. Supporting the revitalization of Mi'kmaq language directly supports several Calls to Action from the Truth and Reconciliation Commission and several Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

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 intended to leverage other resources within and outside of government to support in support of community-led initiatives. Over \$700,000 in combined total project budget was leveraged in 2022-23. Some examples of projects funded include:

- Market Feasibility Study identifying the short, medium and long-term economic opportunities associated with the development of an interchange on Highway 101 connected to property owned by Annapolis Valley First Nation;
- Branding and Marketing for Bear River First Nation;
- Confederacy of Mainland Mi'kmaq business feasibility studies; and,
- Mi'kmaw tourism sector development with continued implementation of the Mi'kmaw Cultural Tourism Strategy.

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 Indigenous Economic Development Integrated Research Program (AIEDIRP), 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 Kjiipuktuk (Halifax). Development of key projects – Indigenous Cultural Awareness Volunteer training, Mi'kmaw translation for signage, and Mi'kmaw educational marketing campaign; and,
- Support to the Mi'kmaw Native Friendship Centre for the projects and activities of the community planner.

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, strengthening 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, alongside Mi'kmaw and federal co-chairs, 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.

OLA has begun work with Mi'kmaw Kina'matnewey (MK) and other Mi'kmaw representatives to support Mi'kmaw language revitalization and promotion in accordance with the *Mi'kmaw Language Act*.

The new OLA office in the Homburg building, 1741 Brunswick Street, Halifax has improved accessibility requirements by the installation of a power-assisted door in OLA main entrance.

The Policy Division at OLA leads various engagement files, assisting other departments and organizations on projects, legislation, and initiatives 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 works with the Mi'kmaw Native Friendship Centre and other organizations to help address urban and off-reserve Indigenous 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 coordinated response to the National Inquiry into Murdered and Missing Indigenous Women and Girls Calls for Justice and other initiatives that work to prevent and educate on the causes and prevention of gender-based violence.

### **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 2022-23 OLA continued to provide consultation advice and to coordinate consultation between provincial departments, and the Mi'kmaq of Nova Scotia, as well as with federal departments when relevant on numerous files. Government's emerging focus on supporting the development of green energy has resulted in the development of new government programs and increased submissions of projects for Provincial Environmental Assessment. This has contributed to an increased number of consultations in the Province, both on strategic level decisions and physical projects. Consultations 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.

Ongoing operational support to line departments included development of policies, protocols, tools and templates to enhance Nova Scotia's consistent approach to consultation. OLA is also tasked with building consultation capacity for provincial public servants through regular offer of consultation training. In 2022-23, thirty-seven participants from various Provincial departments took part in a one-day training session on the duty to consult. The Consultation Division is revising the virtual training for in-person delivery post pandemic.

Over the years, 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 continue to be held between KMKNO and OLA consultation teams to coordinate and provide updates on all consultation files.

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

### **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 2022-23, the three parties continued with a hybrid of online and in-person negotiations. The 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 ultimately 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 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.

Tripartite negotiations regarding Mi'kmaw self-governance over social programs also continued throughout the year. This included discussion of Mi'kmaq child and family services (Maw-Kleyu'kik Knijannaq) and enhanced social assistance (Ta'n Etli-tpi'tmk).

## 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.

OLA had direct support of two mandates of the Minister of Education and Early Childhood Development (EECD): inclusion of the education of Indian Residential Schools and of Indigenous voices in Education policy and decision-making in the review and update of curriculum alongside a governance model of P-12; as well as support to EECD in a review and update of curriculum related to Diversity. This direct support was via the Treaty Education Implementation Committee and onboarding of the Treaty Education and Reconciliation consultant at the Mi'kmaq Services Branch of EECD.

OLA is working in partnership with EECD, CCTH, 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.

OLA continues to support education about residential schools via the work on the National Centre for Truth and Reconciliation's Truth and Reconciliation Week planning for teachers and students throughout Nova Scotia. Our Treaty Education Booklet is being translated into French so it can be made available to all teachers as a resource in the new school year. OLA is exploring Mi'kmaq translation of this Booklet as well. OLA was also the co-lead with MK on the production of the Honour Song book, now available for use in schools in three languages (English, Mi'kmaq, French). Our Information sheets as shared with EECD for distribution within the system.

As well, OLA has created a resource booklet, four resource pieces (Office name change, Mi'kmaq language, Mi'kmaw place names, and Land Acknowledgements), facilitated KAIROS Blanket Exercises, Understanding the Treaty Relationship, provided lunch and learns, and created individualized learning places for a number of departments and organizations. We also continue to provide presenters for all sectors, including schools,

via our Speakers Bureau, which we are in the process of updating. In 2022-23, 1400 Nova Scotia public servants were engaged via five training sessions and twenty-five engagement sessions.

October, Mi'kmaq History Month, aims to celebrate and build understanding of Mi'kmaq 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'kmaq 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'kmaq Kina'matnewey for scholarships awarded on Treaty Day.

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.

## Financial Results

| Office of L'nu Affairs  | 2022-23 Estimate     | 2022-23 Actuals | 2022-23 Variance |
|---|----------------------|-----------------|------------------|
| <b>Program &amp; Service Area</b>   | <i>(\$thousands)</i> |                 |                  |
| Office of L'nu Affairs  | 4,224                | 3,846           | (378)            |
| <b>Total: Departmental Expenses</b>   | <b>4,224</b>         | <b>3,846</b>    | <b>(378)</b>     |
| TCA Purchase Requirements   | 1,000                | 71              | (929)            |
| Provincial Funded Staff (FTEs)  | 17.5                 | 16.5            | (1.0)            |
| <p><b><u>Departmental Expenses Variance Explanation:</u></b><br/>Office of L'nu Affairs expenses were \$378 thousand lower than estimate due to temporary salary savings, and other operating savings.</p> <p><b><u>TCA Purchase Requirements Variance Explanation:</u></b><br/>Actual TCA spending was lower than estimate due to timing and results of ongoing land purchase negotiations.</p> <p><b><u>Provincial Funded Staff (FTEs) Variance Explanation:</u></b><br/>FTEs were lower than estimate due to temporarily vacant positions.</p> |                      |                 |                  |

## 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 2022-23 |
|---|---------------------|
| The number of disclosures received                                      | 0                   |
| The number of findings of wrongdoing                                    | 0                   |
| Details of each wrongdoing<br>(insert separate row for each wrongdoing) | N/A                 |
| Recommendations and actions taken on each wrongdoing                    | N/A                 |