

Aboriginal Affairs

Annual Report
2016–2017

Aboriginal Affairs Secretariat
Annual Report 2016-2017

Province of New Brunswick
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Transmittal letters

From the Minister to the Lieutenant-Governor

The Honourable Jocelyne Roy Vienneau
Lieutenant-Governor of New Brunswick

May it please your Honour:

It is my privilege to submit the annual report of the Aboriginal Affairs Secretariat, Province of New Brunswick, for the fiscal year April 1, 2016, to March 31, 2017.

Respectfully submitted,



Honourable Roger Melanson
Minister responsible for Aboriginal Affairs

From the Deputy Minister to the Minister

Honourable Roger Melanson
Minister responsible for Aboriginal Affairs

Sir:

I am pleased to be able to present the annual report describing operations of the Aboriginal Affairs Secretariat, Province of New Brunswick for the fiscal year April 1, 2016, to March 31, 2017.

Respectfully submitted,



H el ene Bouchard
Acting Deputy Minister

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Minister's message

I am very proud of the work of the Aboriginal Affairs Secretariat in serving as the gateway for contact between the provincial government and First Nations communities. We are listening to First Nations and getting things done.

The secretariat plays a leading role within the provincial government in addressing Aboriginal interest. It continues to act as the liaison with the Mi'gmaq and Maliseet communities and Aboriginal organizations on key matters linked to economy-building, education, consultation, social development and special projects.

The secretariat also ensures the Duty to Consult with First Nations proceeds to uphold the Honour of the Crown regarding Aboriginal or treaty rights and leads the Government of New Brunswick in the comprehensive claim process more commonly known as Tripartite.

The secretariat remains committed to the development of long-term positive relationships with First Nations leaders. The secretariat works to ensure the Public Service is educated and aware of Aboriginal interests as well as stimulating awareness of the Aboriginal culture at a provincial level.

At the Aboriginal Affairs Secretariat, we are working to open the door to better growth through better relationships. We are moving our province forward.



Honourable Roger Melanson
Minister responsible for Aboriginal Affairs

Deputy Minister's message

The Aboriginal Affairs Secretariat is committed to working closely with First Nations communities to ensure the provincial government in meeting its commitment to establish a positive relationship with First Nations.

Throughout the past year, the secretariat continued to meet its duties and responsibilities, lead negotiations, provide advice and direction on consultation and economic development opportunities and provide input and advice on social matters and inclusion.

The secretariat is focused on partnership with our First Nations and to be responsive to their needs while respecting the interests of both governments. It works collaboratively with First Nations leaders to improve education, encourage job creation, growth and development, and promote quality of life in their communities.

It has also been an active participant at the national level to improve relationships and develop a new approach in support of improving outcomes for Aboriginal peoples and promoting reconciliation.

This annual report outlines the work and accomplishments of the Aboriginal Affairs Secretariat in 2016-2017, and we look forward to more positive results in future years.



Hélène Bouchard
Acting Deputy Minister

Strategic priorities

Strategy management

The Government of New Brunswick (GNB) uses a Formal Management system built on leading business practices to develop, communicate and review strategy. This process provides the Public Service with a proven methodology to execute strategy, increase accountability and continuously drive improvement.

The development of the strategy, using the Formal Management system, starts with a strategic vision to move New Brunswick forward. This vision is anchored in five priority areas:

- **Jobs** – Creating the best environment for jobs to be generated by New Brunswickers, by businesses, by their ideas, by their entrepreneurial spirit and by their hard work. Growth efforts will be guided by the *New Brunswick Economic Growth Plan*, which focuses on strengthening the workforce; expanding innovation capacity; increasing the agility of government; fostering public and private investment in strategic infrastructure; and growing capital investment from the private sector.
- **Education** – Improving education as guided by two 10-year plans, *Everyone at Their Best* for the anglophone sector and *Donnons à nos enfants une longueur d'avance* for the francophone sector that identify objectives for the early learning and education system and establish clear expectations for standards and performance. The areas of focus for the first year are: ensuring children and other learners develop the competencies they need to be successful in school and life; improving both literacy and numeracy skills for all learners; and working to make post-secondary education more accessible and affordable.
- **Families** – Creating a healthier and stronger New Brunswick by focusing on seven key areas: improving access to primary and acute care; promoting wellness; supporting those with mental health challenges; fostering healthy aging and support for seniors; advancing women's equality; reducing poverty; and providing support for persons living with a disability.
- **Federal and Aboriginal Relations** – Building stronger relationships with First Nations; strengthening action on climate change; and working with the federal government to maximize federal funding, including optimizing infrastructure funding and growing the workforce through immigration.
- **Smart Province** – Providing taxpayers with better value for their money by transforming the culture of government by eliminating duplication; adopting new innovations in technology to improve services and savings; and ensuring GNB has a ready workforce that has the skills, training, support, leadership and working environments it needs to thrive.

Highlights

During the 2016-2017 fiscal year, the Aboriginal Affairs Secretariat focused on these strategic priorities through:

- Led a delegation of New Brunswick officials, which included Aboriginal leaders, Aboriginal women and government officials, to the 5th National Indigenous Women's Summit in Toronto. This summit served as a forum for Indigenous representatives and government to share knowledge and expertise, with the aim of building a better future for Indigenous women and their communities. Discussions were on important topics relating to the summit theme, *Empowering Indigenous Women: Now and Into the Future*.
- Negotiated and signed in collaboration with the Departments of Energy and Resource Development, Finance and Post-Secondary Education, Training and Labour the Sisson Mine Accommodation Agreement with the six Maliseet First Nations in New Brunswick.
- Negotiated and signed in collaboration with the Department of Energy and Resource Development the Lands and Resources Strategic Planning Table Agreement with the six Maliseet First Nations in New Brunswick.
- Provided an increase in grants and contributions toward First Nations and Aboriginal organizations' initiatives and projects relating to economic development, education, family and community services, and sport and culture.
- Provided \$62,950 to 37 recipients through the secretariat's grants program. The program supports small-scale, non-profit projects/initiatives of a social, cultural and educational nature such as Pow Wows and National Aboriginal Day celebrations; and educational events such as National Aboriginal Science Camp.
- Established in collaboration with the Department of Education and Early Childhood Development a First Nations Integrated Service Delivery Coordinator to ensure that the Integrated Service Delivery model is reflective and responsive to the needs of First Nations children and youth.
- Collaborated with various departments to create partnerships that supported First Nations and Aboriginal sports and recreation in New Brunswick. The secretariat provided grants and contributions directly linked to First Nation and Aboriginal sports and recreation such as the New Brunswick Indian Summer Games, held in Eel Ground First Nation.

Performance measures

Jobs	Measures
Support private sector business growth.	Dollars invested in First Nations economic development initiatives/ projects.
Education	Measures
Ensuring First Nations children develop the competencies they need to be successful in school and life.	Tuition dollars re-invested in First Nations education.
Federal and Aboriginal Relations	Measures
Ensuring GNB has a ready workforce.	Number of participants who attended the Duty to Consult training sessions.
Smart Province	Measures
Meet or underspend budget.	Ratio of actual to budgeted expenditures.

Jobs

Objective of the measure

Support private sector business growth.

Measure

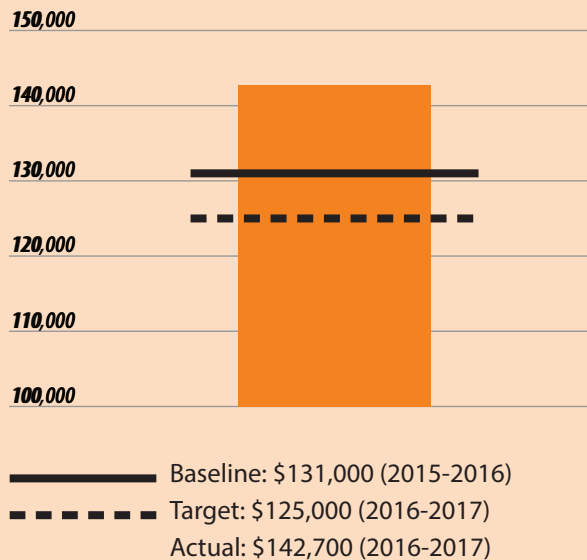
Dollars invested in First Nations economic development initiatives/projects.

Description of measure

This measure captures the dollar amounts specifically allocated for First Nation and Aboriginal economic development initiatives/projects.

Overall performance

An increase in grants and contributions for the fiscal year allowed the secretariat to provide a 9-per-cent increase in support toward economic development initiatives/projects from the previous year.



Why do we measure this?

Promoting economic development is a priority area of activity given its potential for creation of jobs throughout the province.

What initiatives or projects were undertaken in the reporting year to achieve the outcome?

The secretariat, in collaboration with various departments, created partnerships that supported several economic development initiatives/projects for First Nations as well as Aboriginal organizations in New Brunswick. The secretariat also provided actual grants and contributions directly linked to economic development initiatives/projects.

The secretariat provided core funding to the Joint Economic Development Initiatives Inc. (JEDI). The focus of JEDI is practical, results-oriented undertakings using existing and future programs and services. This includes initiatives in the areas of entrepreneurship funding and business development in various industry sectors. JEDI is working to increase employment and income for all Aboriginals in New Brunswick.

Education

Objective of the measure

Ensuring First Nations children develop the competencies they need to be successful in school and life.

Measure

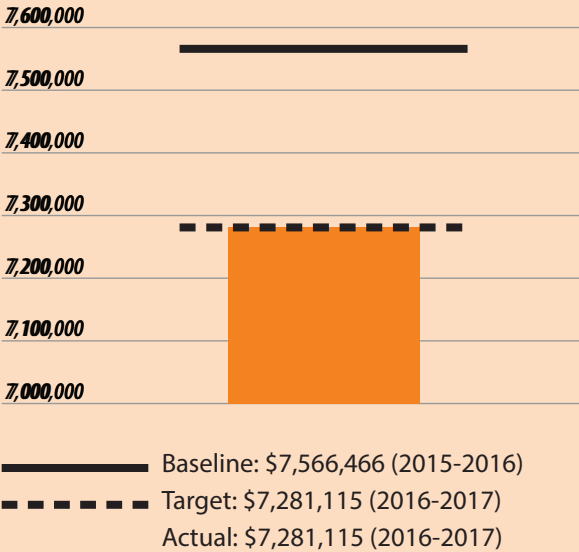
Tuition dollars re-invested in First Nations education.

Description of measure

Tuition amount re-invested to support the provision of programs and services to enhance the educational experience of First Nation students. The amount is calculated by the number of First Nation students in public schools multiplied by the cost of tuition per student, divided by two. (1,315 x \$11,074/2 = tuition amount re-invested).

Overall performance

The secretariat in collaboration with the Department of Education and Early Childhood Development continued to monitor and collect tuition dollars based on the new five-year Enhanced First Nations Education Programs and Services Agreement with each First Nation. These agreements allowed for the continuation of funds to be re-invested in First Nation education.



Why do we measure this?

First Nation education is a key priority of GNB. A shared priority of all partners is closing the gap in educational outcomes between First Nation students and their non-First Nation peers in public schools. The goals are to ensure a quality education, creating greater opportunity for all First Nation learners and to ensure that the federal government continues to provide adequate tuition funding/resources to support innovations and initiatives in education.

What initiatives or projects were undertaken in the reporting year to achieve the outcome?

With the new five-year Enhanced First Nations Education Programs and Services Agreement with all First Nations in place, the secretariat in collaboration with the Department of Education and Early Childhood Development continue to monitor and collect current tuition throughout the invoice period based on funding accounts per agreements. Tuition collected is used by the discretion of each First Nations education director and the superintendent based on recommendations from their teams on needs for First Nation students. Funds are used for resources such as teacher assistants, learning assessment and tools, language learning opportunities, literacy mentors and First Nation guidance personnel.

Federal and Aboriginal Relations

Objective of the measure

Ensuring GNB has a ready workforce.

Measure

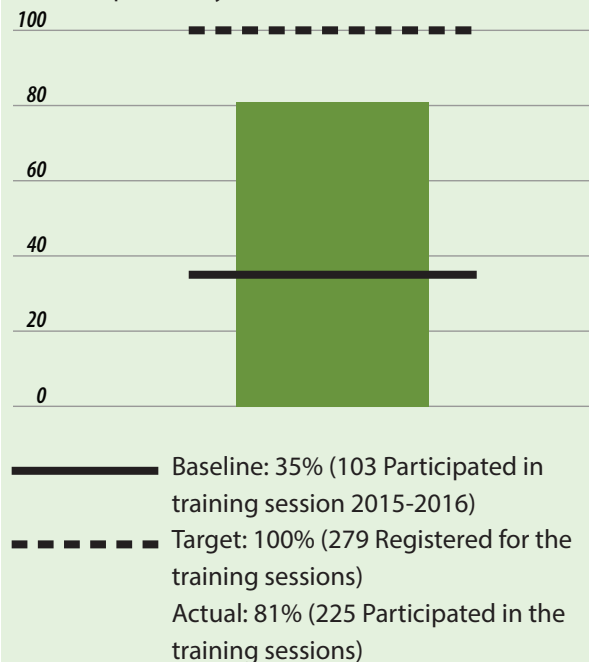
Number of participants who attended the Duty to Consult training sessions.

Description of measure

This measure captures the number of GNB employees who registered for the training sessions against the number of GNB employees that participated in the sessions.

Overall performance

Invitations were sent to GNB departments requesting employees to register and attend one of four training sessions on Duty to Consult. Two hundred and seventy nine registered for the training sessions, and 225 participated in the sessions, an 81-per-cent attendance rate. There was a 46-per-cent increase in participation from the previous year.



Why do we measure this?

GNB has identified building and strengthening relationships with First Nations as a priority. In order to build stronger relationships with First Nations, New Brunswick's civil servants should be better educated and informed about First Nations interests, historical content, the Crown's obligations and legal responsibilities around engagement and consultation.

What initiatives or projects were undertaken in the reporting year to achieve the outcome?

The secretariat provided four training sessions. The general training session provided civil servants with the general principles of the Duty to Consult, an overview of the Crown's legal obligations, and how departments can work together to meet these obligations. The session for deputy ministers and assistant deputy ministers provided them with a deeper operational perspective on the Duty to Consult. The session's key themes focused on the complexities of Aboriginal right-holders in New Brunswick, the elements of Consultation/Accommodation process, communications with First Nations, the preliminary assessment process, recording Consultation/Accommodation process, best practices and legal updates. A practitioner's session was an in-depth, hands-on discussion of Consultation and Accommodation. The fourth session provided Members of the Legislative Assembly a deeper operational perspective on the Duty to Consult in the context of government decision making.

Smart Province

Objective of the measure

Meet or underspend expense budget.

Measure

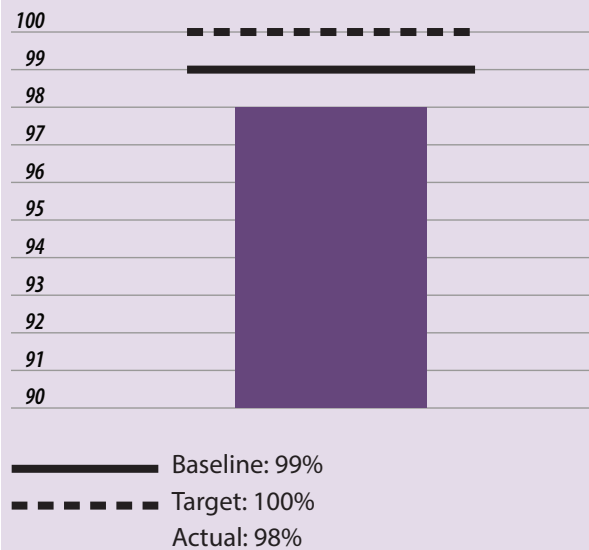
Ratio of actual to budgeted expenditures.

Description of measure

The ratio measures whether the secretariat is over or under budget. The ratio will exceed 100 per cent when spending is over-budget and be less than 100 per cent when spending is under-budget.

Overall performance

The secretariat's budget was set at \$2,538,000. After close monitoring of expenditures, the secretariat closed out the fiscal year \$54,837 under-budget.



Why do we measure this?

This indicator measures the ability of the secretariat to manage its overall expenses as compared to budget. The secretariat must ensure that expenses are managed in accordance with the budget and be prepared to take corrective action if expenses are projected to be over-budget during the year.

What initiatives or projects were undertaken in the reporting year to achieve the outcome?

The secretariat closely monitored expenses to ensure that the fiscal targets are met.

Overview of departmental operations

The Aboriginal Affairs Secretariat implements a coordinated governmental approach on matters related to Aboriginal people; represents the interests of GNB in multilateral initiatives and negotiations; supports consultation with Aboriginal people; and provides research, analysis and policy advice to GNB on Aboriginal issues.

The secretariat is involved in complex social, economic and legal issues. In New Brunswick, there are 15 First Nations communities, six Maliseet (or Wolastoqiyik) communities along the St. John River and nine Mi'kmaq communities along the eastern and northern coasts, as well as Aboriginal organizations. Due to the range of issues and topics, the secretariat deals with many parties, including various federal and provincial departments, First Nations communities and Aboriginal organizations. The secretariat is the gateway for contact between GNB and First Nations.

The secretariat plays a lead role within GNB in addressing Aboriginal issues. It works closely with all provincial departments on issues related to environment, education, health, housing, family and community services, sport and culture, natural resource management, economic development, and strengthening relationships with Aboriginal people.

It also acts as the liaison with the Mi'kmaq and Maliseet communities and Aboriginal organizations to ensure the development of long-term positive relationships with the Aboriginal leaders within the province. The secretariat ensures that the Public Service is educated and aware of Aboriginal issues and cultural differences as well as stimulates awareness of the Aboriginal culture at a provincial level.

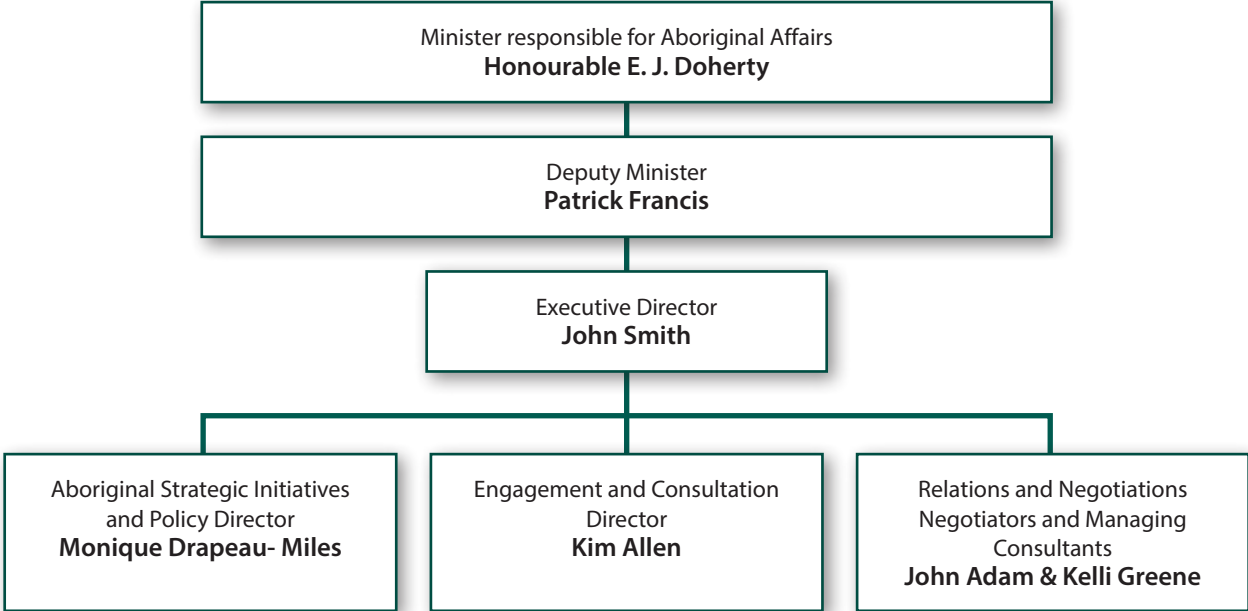
Mandate:

- To provide information and advice to the Minister responsible for Aboriginal Affairs and to departments on planning, policy development, communications, interdepartmental co-ordination and intergovernmental relations pertaining to Aboriginal matters;
- To act as a liaison with Mi'kmaq and Maliseet communities and Aboriginal organizations; and
- To further cultural awareness in relation to Aboriginal people within the Public Service and with the public.

The secretariat employed 21 regular, part-time, term and temporary employees, up from 14 in the previous fiscal year. With the addition of new staff, the secretariat was restructured into three branches:

- Aboriginal Strategic Initiatives and Policy;
- Engagement and Consultation; and
- Relations and Negotiations.

High-level organizational chart



As of March 31, 2017

Division overview and highlights

The **Aboriginal Strategic Initiatives and Policy Branch** provides a range of key supports and direct services to the secretariat. It works in partnership with other branches of the secretariat to assist in the success of the organization's finances, Information Management, research, evaluation, planning as well as policy and strategic initiatives. The branch is the departmental lead on a number of interdepartmental tables and represents GNB on intergovernmental forums related to Aboriginal matters.

The branch's responsibilities include:

- provide effective direction and strategic advice to department and agencies concerning First Nations and Aboriginals social matters;
 - provide advice and recommendations on all Notices of Intent (NOI) and Memorandum to Executive Council (MEC) that may have an impact on First Nations and Aboriginal people;
 - undertake research and policy development in support of GNB initiatives and the secretariat's operational objectives;
 - represent the secretariat on interdepartmental and intergovernmental committees related to social matters (i.e., Missing and Murdered Indigenous Women and Girls, Housing, Mental Health and Addictions, Domestic Violence, Disaster Mitigation, Emergency Management, New Brunswick Advisory Committee on Violence against Aboriginal Women, First Nations Committee on the Action Plan for Mental Health, Fetal Alcohol Spectrum Disorder Committee, Health Services Integration Fund Committee, Suicide Prevention Task Force);
 - coordinate federal/provincial/territorial (FTP) relations, provide ministerial support for the FPT Indigenous Forum and participate in relevant sub-committees;
 - coordinate an integrated strategic planning cycle, including accountability reporting and financial administration;
 - administer the Aboriginal Affairs Grants Program;
 - coordinate responses to requests under the *Right to Information and Protection of Privacy Act*;
 - coordinate GNB's response to requests to Addition to Reserve (ATR) and ensure linkages between the federal and provincial processes; and,
- coordinate responses to inquiries and investigations by the Ombud, the Access to Information and Privacy Commissioner, the Commissioner of Official Languages, the Child and Youth Advocate and the New Brunswick Human Rights Commission.

HIGHLIGHTS

- ◆ *The branch coordinated, reviewed documents and prepared responses for eight requests under the Right to Information and Protection of Privacy Act, down from 18 in the previous year.*
- ◆ *The branch provided advice and recommendations on 25 MECs from other departments that may have had an impact on First Nations and Aboriginal people in New Brunswick, up from 18 in the previous year. The branch reviewed MECs to identify Aboriginal issues or concerns and/or a requirement for notification/consultation with First Nations.*
- ◆ *The branch filed seven MECs and one Notice of Intent (NOI).*
- ◆ *The branch received six proposals for Addition to Reserve from Indigenous and Northern Affairs Canada (INAC); Addition to Reserve is a federal jurisdiction. The federal government has authority to add land to existing reserves or create new reserves. The branch considers proposals and comment on issues that include, but are not limited to, availability of Crown lands, impact on taxation revenue, and resource benefits infrastructure in a coordinated approach with other departments. The branch coordinated, reviewed documents and prepared two responses to request received from previous years.*
- ◆ *The branch supported management in ensuring the secretariat delivered services and initiatives while managing budget.*
- ◆ *The branch in collaboration with the Women's Equality Branch, the Interdepartmental Working Team and the Advisory Committee on Violence against Aboriginal Women and Girls developed a draft plan to prevent and respond to violence against Aboriginal women and girls, which builds on the Strategic Framework to End Violence against Wabanaki Women in New Brunswick and identifies priority areas for action in terms of violence prevention and response.*

- ◆ *The branch worked collaboratively and was actively involved in developing the Obesity and Tobacco Initiative's policy action plan to combat obesity and work toward a smoke-free New Brunswick.*
- ◆ *The branch supported the Council of the Federation – Premiers and National Indigenous Organization (NIO) leaders meeting, in Haines Junction, Yukon, in July 2016. Premiers and NIO leaders engaged in discussions centred on the economic challenges and the important role that Aboriginal development corporations businesses entrepreneurs and communities and individuals plays in the economic development of Canada. They discussed the second National Roundtable on Missing and Murdered Indigenous Women and Girls and the announcement of the national inquiry.*

GNB recognizes the Supreme Court decisions regarding the Duty to Consult with First Nations when contemplating actions or decisions that may infringe on proven or asserted Aboriginal and treaty rights. The **Engagement and Consultation Branch** coordinates the development and implementation of consultation approaches in collaboration within government, with Aboriginal peoples and with industry.

The branch's responsibilities include:

- provide effective coordination and strategic advice to departments and agencies;
- coordinate project assessment process/procedures;
- coordinate approach to consultation;
- improve relationships/early engagement and partnerships;
- make recommendations on accommodation options for GNB;
- research and develop ethno-historic reports for the province;
- provide training to GNB employees; and
- provide public awareness.

HIGHLIGHTS

- ◆ *The branch provided consultation, advice and guidance on a number of resource development files. The branch provided information and advice on the degree of infringement on Aboriginal and treaty rights in regard to each Environmental Impact Assessment (EIA) as well as for proposals that do not require EIA review, plus initiatives and strategies involving resource development.*
- ◆ *The branch was a member of the Technical Review Committee under the EIA process. Thirty EIA registrations were received in 2016-2017, and the branch provided input on 37 projects, some of which were registered in previous years. The branch improved the turnaround time for the issuing of an initial assessment by an average of seven days, going from 28 to 21 days.*
- ◆ *The branch in collaboration with the departments of Energy and Resource Development and Agriculture, Aquaculture and Fisheries continued to support GNB's five-year financial commitment with each Maliseet First Nation toward the establishment of a Maliseet First Nations resource development consultation coordinator.*
- ◆ *The branch in collaboration with the departments of Energy and Resource Development and Agriculture, Aquaculture and Fisheries supported GNB's new five-year financial commitment with the Mi'gma'we'l Tplu'taqnn Incorporated, a new group representing the nine Mi'gmaq First Nations, toward the establishment of the Mi'gmaq First Nations resource development consultation coordinators.*

The **Relations and Negotiations Branch** continued to identify opportunities to improve economic prosperity for New Brunswick's Aboriginal people and communities, which will increase participation of Aboriginal people and strengthen the economy. It recognizes that enhanced education for Aboriginal students is integral to success. The secretariat through the branch continued to advocate for increased investment in education, cultural awareness and economic development. The secretariat leads in strengthening GNB and First Nations relationships.

The branch's responsibilities include:

- align all aspects of GNB negotiations at the bilateral and tripartite level;
- coordinate GNB position(s) at negotiating tables;

- foster Aboriginal economic growth;
- support community development projects;
- identify and develop training/skills opportunities and coordinate financial support;
- facilitate, monitor and when necessary, negotiate financial reimbursement in regard to education agreements (Enhanced First Nation Education Programs and Services Agreements and Tuition Arrears Repayment Agreements);
- carry out advisory role on education initiatives;
- build strong community relationships at the technical level on multiple files; and
- represent the secretariat on interdepartmental and intergovernmental committees related to economic development and education matters.

HIGHLIGHTS

- ◆ *The branch continued working in good faith, on a government-to-government basis, with the First Nations to resolve issues identified through the bilateral and the tripartite process.*
- ◆ *The branch provided \$7,000 toward the creation of a business plan for Woodstock First Nation's Cultural/Heritage site to assist with its proposal to Atlantic Canada Opportunity Agency (ACOA) for financial assistance.*
- ◆ *The branch provided the Metepenagiag Heritage Park \$1,500 toward the development of the United Nations Educational, Scientific and Cultural Organization (UNESCO) proposal to Heritage Canada for consideration to apply for World Heritage Site classification.*
- ◆ *The branch facilitated a partnership between Esgenoôpetitj First Nation and the Department of Post-Secondary Education, Training and Labour to secure training funding for Esgenoôpetitj's new power centre.*
- ◆ *In a phased approach, the branch began work with the six First Nation communities in northeastern New Brunswick to develop a strategic plan to adapt and implement the Integrated Service Delivery model for First Nations children and youth.*

Financial information

This financial overview was prepared based on the best available information at the time of publication, and therefore, may not correspond exactly with the figures that were subsequently published in GNB's Public Accounts.

Ordinary Budget – The Ordinary Budget expenditures cover the day-to-day operations of the secretariat.

Regional Development Corporation (RDC) – Aboriginal Affairs Initiatives Fund – The RDC Fund includes additional funds above the secretariat’s budget, accessed for developmental initiatives and processed through the secretariat’s accounting system

**Table 1: Departmental Expenditure
Status report by program / primary
Fiscal year ending March 31, 2017**

	Budget (\$)	Actual (\$)
Personal services	1,195,100	1,433,836
Other services	165,800	200,881
Material and supplies	11,600	9,271
Property and equipment	15,500	9,075
Contributions, grants and subsidies	<u>1,150,000</u>	<u>830,100</u>
Total	<u>2,538,000</u>	<u>2,483,163</u>

The secretariat was under-budget by \$54,837.

**Table 2: Regional Development Corporation –
Aboriginal Affairs Initiatives Fund
Status report by program / primary
Fiscal year ending March 31, 2017**

	Budget (\$)	Actual (\$)
Contributions, grants and subsidies	<u>\$ 1,895,000</u>	<u>\$1,895,000</u>
Total	<u>\$ 1,895,000</u>	<u>\$ 1,895,000</u>

Summary of staffing activity

Pursuant to section 4 of the *Civil Service Act*, the Secretary to Treasury Board delegates staffing to each Deputy Head for his or her respective department(s). Please find below a summary of the staffing activity for 2016-2017 for the secretariat.

Number of permanent and temporary employees as of Dec. 31 of each year		
Employee type	2016	2015
Permanent	16	14
Temporary	5	0
Total	21	14

The secretariat advertised two competitions, including one open (public) competition and one closed (internal) competition.

Pursuant to sections 15 and 16 of the *Civil Service Act*, the secretariat made the following appointments using processes to establish merit other than the competitive process:

Appointment type	Appointment description	Section of the <i>Civil Service Act</i>	Number
Specialized Professional, Scientific or Technical	An appointment may be made without competition when a position requires: <ul style="list-style-type: none"> – a high degree of expertise and training – a high degree of technical skill – recognized experts in their field 	15(1)	0
Equal Employment Opportunity Program	Provides Aboriginals, persons with disabilities and members of a visible minority group with equal access to employment, training and advancement opportunities.	16(1)(a)	0
Department Talent Management Program	Permanent employees identified in corporate and departmental talent pools, who meet the four-point criteria for assessing talent, namely performance, readiness, willingness and criticalness.	16(1)(b)	0
Lateral transfer	The GNB transfer process facilitates the transfer of employees from within Part 1, 2 (school boards) and 3 (hospital corporations) of the Public Service.	16(1) or 16(1)(c)	4
Regular appointment of casual/temporary	An individual hired on a casual or temporary basis under section 17 may be appointed without competition to a regular properly classified position within the Civil Service.	16(1)(d)(i)	0
Regular appointment of students/ apprentices	Summer students, university or community college co-op students or apprentices may be appointed without competition to an entry level position within the Civil Service.	16(1)(d)(ii)	0

Pursuant to section 33 of the *Civil Service Act*, no complaints alleging favouritism were made to the Deputy Head of the secretariat and no complaints were submitted to the Ombud.

Summary of legislation and legislative activity

The secretariat did not have any legislative activity.

Summary of Official Languages activities

Introduction

The secretariat revised its action plan to complement the GNB's *Plan on Official Languages – Official Bilingualism: A Fundamental Value*. The plan determines the activities, evaluation methods and anticipated outcomes for each of the four focus areas for the next five years. The plan allows for all employees to feel supported in working in their Official Language of choice as well as ensuring the public receives quality service in their Official Language of choice at all times. The secretariat continues to create objectives to assist in the achievement of quality service in both Official Languages.

Focus 1:

The secretariat continued to ensure all new employees completed the iLearn modules on Language of Service upon commencement. The Official Languages coordinator continued to conduct random audits to verify that the active Offer of Service was made in both Official Languages by telephone, in person, through signage, correspondence and all electronic services.

Focus 2:

The secretariat continued to ensure all new employees completed the iLearn modules on Language of Work upon commencement. The secretariat provided all outgoing communication to employees in both Official Languages and encouraged employees to work in their Official Language of choice. The secretariat continued to ensure that performance reviews were offered and conducted in the employee's Official Language of choice. During the annual performance review, managers reviewed the Language of Work and Language of Service policies with their employees to ensure they understood their right to work in their Official Language of choice as well as their obligation to provide an active offer and service in both Official Languages.

Focus 3:

The secretariat continued to consider the potential impact of all policies and programs on both Official Linguistic communities when it submitted Memorandums to Executive Council (MECs) and briefs to the Executive Council Office.

Focus 4:

The secretariat continued to implement procedures to ensure it provided services in both Official Languages and to ensure that employees had thorough knowledge of their obligations under the *Official Languages Act*. The secretariat continued to monitor employee compliance with the *Official Languages Act* and the Language of Service policy.

Conclusion:

The secretariat did not have any Official Languages complaints for fiscal 2016-2017.

Summary of recommendations from the Office of the Auditor General

Name and year of audit area with link to online document	Recommendations	
	Total	Adopted
Accounts Receivable – First Nation Tuition (2013) Recommendation 5.124 - Given the current five year Enhanced Agreements with First Nations are ending in 2013, we recommend the Aboriginal Affairs Secretariat and the Department of Education and Early Childhood Development establish payment arrangements for all arrears owing prior to the signing of new Enhanced Agreements. Reinvestment of provincial funds (under the new Agreements) should not take place until payment arrangements have been negotiated. http://www.agnb-vgnb.ca/content/dam/agnb-vgnb/pdf/Reports-Rapports/2013V2/agrepe.pdf (Chapter 5, page 191)	1	1

Report on the *Public Interest Disclosure Act*

As provided under section 18(1) of the *Public Interest Disclosure Act*, the chief executive shall prepare a report of any disclosures of wrongdoing that have been made to a supervisor or designated officer of the portion of the Public Service for which the chief executive officer is responsible. The secretariat did not receive any disclosure(s) of wrongdoings in the 2016-2017 fiscal year.

Appendix A

First Nations in New Brunswick

In New Brunswick there are nine Mi'kmaq communities along the eastern and northern coasts, and six Maliseet (Wolastoqey) communities along the St. John River, totalling 15 First Nation communities with 27 reserve locations across the province. Each First Nation community is governed by an elected chief and council. The type of system used by a First Nations in the selection of its chief and councillors can be either under the *Indian Act* election system, the *First Nations Elections Act*, a custom system or under the provisions of a self-governing agreement. Most First Nation communities in New Brunswick used the *Indian Act* election system, which is a two-year term, with the exception of four First Nations that use the *First Nations Election Act*, which is a four-year term, and one that has a custom system, which is a five-year term.

According to Indigenous and Northern Development Canada's Indian Registry System, as of Dec. 31, 2016, 15,830¹ First Nations people lived in New Brunswick, both on- and off-reserve (See Table 2). However, based on the 2016 census, it is estimated that there are 29,380² Aboriginals (Aboriginal identity) living in New Brunswick.

1 Source: NAC's Indian Registry System as of Dec. 31, 2016
 2 Source: Statistics Canada, 2016 Census of Population.

"Aboriginal identity" includes persons who reported being an Aboriginal person (First Nations [North American Indian], Métis or Inuk [Inuit]) and/or those who reported Registered or Treaty Indian status (registered under the *Indian Act of Canada*, and/or those who reported membership in a First Nation or Indian band). Aboriginal peoples of Canada are defined in the *Constitution Act*, 1982, section 35 (2) as including the Indian, Inuit and Métis peoples of Canada.

New Brunswick's total population in 2016 was 747,101³, meaning that First Nations accounted for four per cent. Even though this may seem a small percentage, the First Nations population had a much higher population growth of 12 per cent compared to the -0.5 per cent for New Brunswick overall (See Table 3 and Table 4 below).

Again, based on the 2016 census, in New Brunswick, as in the rest of Canada, the Aboriginal population was much younger than the rest of the population. The median age of the First Nation population in New Brunswick was 32 compared to 45 for the population as a whole.⁴

3 Source: Statistics Canada, 2016 Census of Population
 4 Source: Statistics Canada, National Household Survey, 2016.

Table 1

New Brunswick and First Nations population		
Year	New Brunswick population	First Nations population
2016	747,101	15,830

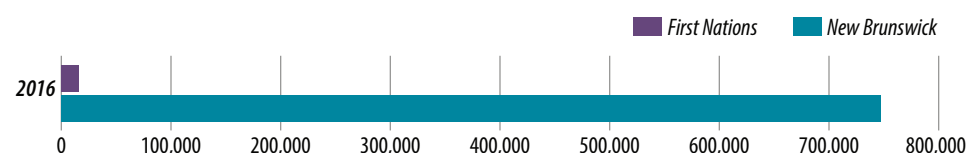
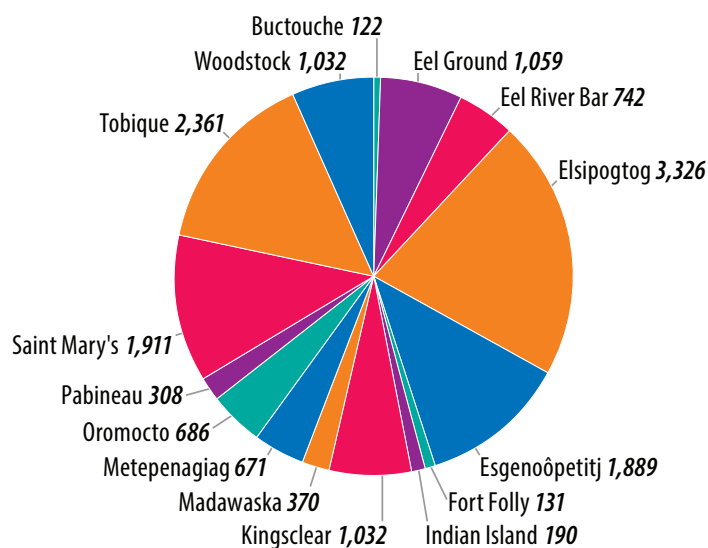


Table 2

First Nations total population in New Brunswick – 2016 ⁵			
	Total	On-reserve	Off-reserve
New Brunswick	15,830	9,644	6,186
Buctouche	122	79	43
Eel Ground	1,059	598	461
Eel River Bar	742	364	378
Elsipogtog	3,326	2,593	733
Esgenoôpetitj	1,889	1,361	528
Fort Folly	131	36	95
Indian Island	190	108	82
Kingsclear	1,032	723	309
Madawaska	370	154	216
Metepenagiag	671	456	215
Oromocto	686	317	369
Pabineau	308	104	204
Saint Mary's	1,911	917	994
Tobique	2,361	1,541	820
Woodstock	1,032	293	739

Note: On-reserve numbers for each First Nation should not be taken to represent the true population for the following reasons:

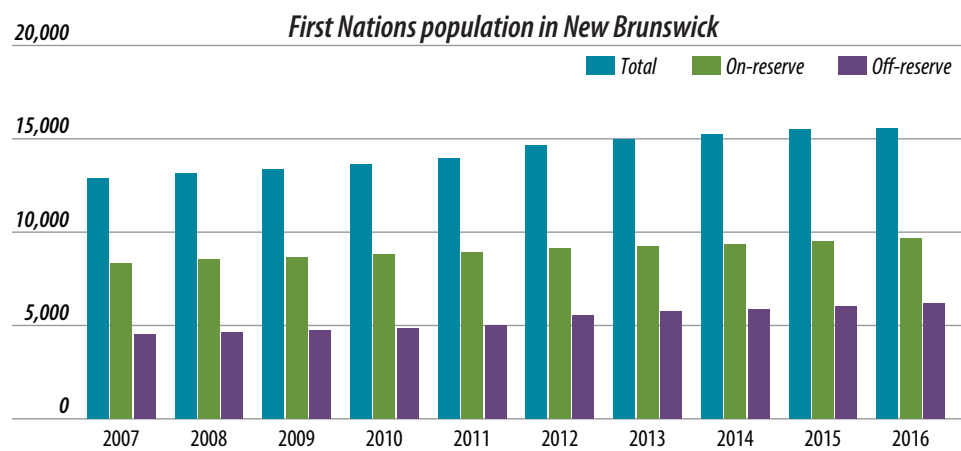
- 1) They contain no information on any non-registered individuals who may be living on reserve, and
- 2) Similarly, they contain no information on any members registered to other bands who may be living on reserve.



⁵ Source: INAC's Indian Registry System as of Dec. 31, 2016.

Table 3

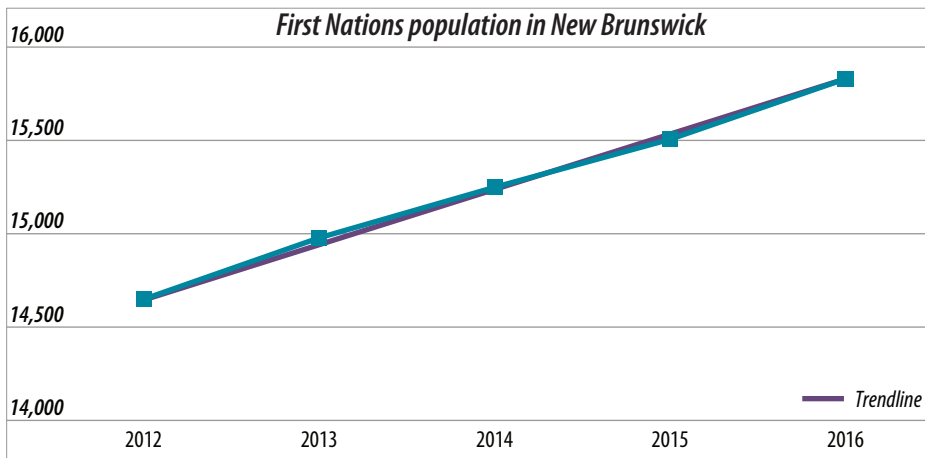
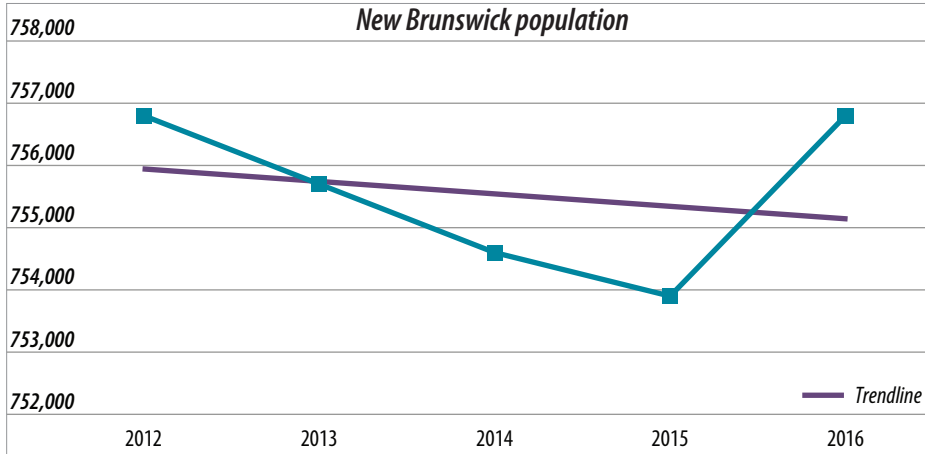
First Nations population in New Brunswick ⁶			
Year	Total	On-reserve	Off-reserve
2007	12,868	8,325	4,543
2008	13,175	8,527	4,648
2009	13,366	8,632	4,734
2010	13,626	8,795	4,831
2011	13,948	8,931	5,017
2012	14,649	9,113	5,536
2013	14,978	9,233	5,740
2014	15,249	9,366	5,883
2015	15,506	9,501	6,005
2016	15,830	9,644	6,186



⁶ Source: INAC's Indian Registry System.

Table 4

New Brunswick and First Nations population		
Year	New Brunswick population ⁷	First Nations population in New Brunswick ⁸
2012	756,800	14,649
2013	755,700	14,978
2014	754,600	15,249
2015	753,900	15,506
2016	747,101	15,830



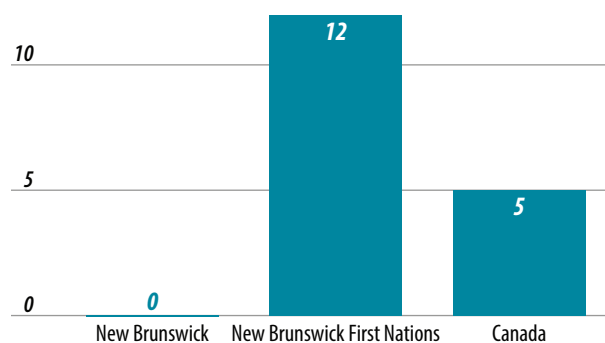
⁷ Source: Statistics Canada, 2016 Census of Population

⁸ Source: INAC's Indian Registry System.

Table 5

Population growth ⁹			
Year	New Brunswick population	First Nations population in New Brunswick	Canada population
2011	751,171	13,948	33,476,688
2016	747,101	15,830	35,151,728
Population growth rate	-0.5%	12%	5%

15



First Nations agreements

GNB provided First Nations with several programs and services

Under the **Department of Finance**, there are several revenue-sharing agreements between GNB and the First Nations. Under section 11.1 of the *Revenue Administration Act* and section 24 of the *Gaming Control Act*, the Minister of Finance is authorized to enter into agreements with First Nations respecting the sharing of on-reserve tax and gaming revenues. These agreements return vital funding to the communities and are designed to foster economic development and provide the means for First Nations to provide important social programs for community members.

During 2016-2017, new tax-sharing agreements were reached between GNB and the six Maliseet First Nation communities that aim to promote economic development and job creation in First Nation communities while protecting provincial revenues.

Under the **Department of Justice and Public Safety**, there is a framework agreement between GNB and the Government of Canada to provide policing services to all First Nation communities. Most First Nations fall under the Provincial Police Service Agreement, a 20-year agreement

signed in 2012. Under it, First Nations are policed by a pool of RCMP members shared among the other communities and local service districts (LSDs) in their area. Elsipogtog and Tobique signed an agreement between GNB and the Government of Canada for the RCMP First Nations Community policing service, which provides each community with its own members and support staff. Saint Mary's signed an agreement between GNB, the Government of Canada and the City of Fredericton for the Fredericton City Police Force policing service.

Under the **Department of Energy and Resource Development**, there are First Nation commercial harvesting agreements. These agreements have been in place since 1998 and are not linked to Aboriginal and treaty rights but are intended to provide access to Crown timber to generate employment and economic development opportunities for First Nation communities. Under these agreements, five per cent of the Annual Allowable Cut (AAC) on provincial Crown land is allocated to First Nations; and specific allocations are distributed among all bands on the basis of population. These agreements specify the volume of softwood and hardwood allocated

⁹ Source: Statistics Canada, 2016 Census of Population

to each First Nation. Each First Nation community has signed an agreement and, through its chief and council, manages these resources in the manner that most effectively meets its economic development goals.

The Department of Energy and Resource Development is responsible for managing these agreements; it received royalties collected on behalf of each First Nation from the mill purchasing the wood and returns this money to each band, usually on a monthly basis.

Under the **Department of Education and Early Childhood Development**, there are Enhanced First Nations Education Programs and Services Agreements with all 15 First Nations in New Brunswick plus Listuguj Mi'gmaq First Nation in Quebec. Under these agreements, once a First Nation remits a tuition payment to GNB, 50 per cent of the total received is re-invested in First Nation students' education. A First Nation district education committee with representatives from the First Nation and school districts considers investment proposals for personnel, programs and services ranging from Aboriginal language learning opportunities, transition projects and more.