

Aboriginal Affairs

Annual Report
2017–2018



Table of contents

Minister's message	1
Deputy Minister's message	2
Strategic priorities	3
Highlights	4
Performance measures	5
Overview of departmental operations	8
Financial information	12
Summary of staffing activity	13
Summary of legislation and legislative activity	14
Summary of Official Languages activities	14
Summary of recommendations from the Office of the Auditor General	15
Report on the <i>Public Interest Disclosure Act</i>	15
Appendix A	16

Aboriginal Affairs
Annual Report 2017-2018

Province of New Brunswick
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www.gnb.ca

ISBN 978-1-4605-1565-5 (bilingual print edition)
ISBN 978-1-4605-1566-2 (PDF: English edition)

ISSN 1496-6220 (Bilingual print edition)
ISSN 1496-6239 (PDF: English edition)

12071 | 2018.11 | Printed in New Brunswick

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, 2017, to March 31, 2018.

Respectfully submitted,



Honourable Jake Stewart
Minister

From the Deputy Minister to the Minister

Honourable Jake Stewart
Minister of Aboriginal Affairs

Sir:

I am pleased to be able to present the annual report describing operations of the Aboriginal Affairs Secretariat for the fiscal year April 1, 2017, to March 31, 2018.

Respectfully submitted,



Hélène Bouchard
Deputy Minister

Minister's message

I am very proud of the work the Aboriginal Affairs Secretariat has accomplished over the past year. The secretariat serves as the gateway for contact between the provincial government and Aboriginal communities and organizations.

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

The secretariat works with all departments to achieve a whole of government approach so that the Honour of the Crown is upheld, and that the Duty to Consult with Aboriginal Nations with respect to Aboriginal and treaty rights is appropriately implemented. The secretariat also provides guidance and leadership to the Government of New Brunswick in bilateral and tripartite negotiations with the Nations and federal government.

Aboriginal Affairs remains committed to the development of long-term positive relationships with Aboriginal Nations as we continue our work to ensure the Public Service is educated and aware of Aboriginal interests, as we continue to promote awareness of Aboriginal history and cultures throughout the Province.

Over the past year, Aboriginal Affairs has worked collaboratively with the Chiefs and their representatives, Aboriginal organizations, as well as all levels of government to provide support to Aboriginal Nations with governance, economic development, rights implementation, and provision of services. I look forward to leading the department as we continue this important work.

A handwritten signature in black ink, appearing to read "Jake Stewart". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Honourable Jake Stewart
Minister of Aboriginal Affairs

Deputy Minister's message

The Aboriginal Affairs Secretariat undertakes projects each year to ensure government is meeting its commitment to the development and maintenance of positive relations with the First Nations communities of our province.

During the period of this report, the secretariat worked with the Department of Energy and Resource Development to strike a first agreement with the Peskotomuhkati to allow a moose hunt on their traditional territory.

The secretariat also took part in the second Aboriginal Economic Opportunity Summit with the Joint Economic Development Initiative in Oromocto. This, along with grant programs, allows the secretariat to support self-led initiatives.

In celebration of Canada 150, the secretariat partnered with the New Brunswick Art Bank to add works by Aboriginal artists. A touring show traveled the province in 2017 and 2018 to celebrate Aboriginal art and culture in our libraries and other venues.

The secretariat's work to ensure New Brunswick is respecting the Duty to Consult continued, with two of three documents prepared. Work in this area will continue in 2018-2019.

The staff of the Aboriginal Affairs Secretariat have worked hard to develop partnerships with our federal counterparts so we may best serve the needs of our province. We look forward to continuing our positive impact for both government and the province.



H el ene 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 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 2017-2018 fiscal year, Aboriginal Affairs Secretariat focused on these strategic priorities through:

- The secretariat provided grants and contributions directly linked to First Nation and Aboriginal sports and recreation such as the New Brunswick Indian Summer Games, which was held in Kingsclear First Nation. The Indian Summer Games is a five-day sporting event that draws about 1,200 athletes, coaches, and community volunteers from Mi'gmaq and Wolastoqey (Maliseet) communities across the province.
- The secretariat also supported Team New Brunswick at the 2017 North American Indigenous Games, which were held in Toronto, ON. The North American Indigenous Games brings thousands together to celebrate indigenous culture and compete in a variety of traditional and non-traditional sports. Team New Brunswick competed in six events and brought home 16 medals.
- Supported the second Aboriginal Economic Opportunities Summit held in Oromocto, NB. Participants at the summit included representatives from the Joint Economic Development Initiative, the provincial government, Indigenous and Northern Affairs Canada, and the Collège communautaire du Nouveau-Brunswick, as well as economic development officers from First Nations and various Aboriginal organizations.
- Provided a two-year funding commitment to the Joint Economic Development Initiative along with the federal government, which aims to strengthen entrepreneurship and economic development opportunities for First Nations.
- Celebrated Canada 150 by augmenting the New Brunswick Art Bank's exhibit of Aboriginal artwork. Mi'gmaq, Wolastoqey, and Passamaquoddy artists residing in New Brunswick were invited to submit their work for consideration. 27 pieces of Aboriginal artwork were purchased by the Art Bank and has being exhibited throughout the province.
- Collaborated with Justice and Public Safety and Women's Equality in support of the Aboriginal Domestic Violence Outreach Program established in the Miramichi region. Eel Ground, Esgenoôpetitj and Metepenagiag now have access to community-based resources and services for victims of intimate partner violence with the establishment of an Aboriginal Domestic Violence Outreach Program.
- Negotiated and signed in collaboration with the Department of Energy and Resource Development, an agreement with the Peskotomuhkati (Passamaquoddy) people for a special moose harvest. The Peskotomuhkati people are signatories to the Peace and Friendship Treaties in New Brunswick and have began formal negotiations with the federal government.

Performance measures

Federal and Aboriginal Relations	Measures
Build stronger relationships with First Nations.	Per cent of planned Duty to Consult resource documents produced.
Smart Province	Measures
Balance the provincial budget.	Ratio of AAS actual to budgeted expenditures.

Federal and Aboriginal Relations

Objective of the measure

Build stronger relationships with First Nations.

Measure

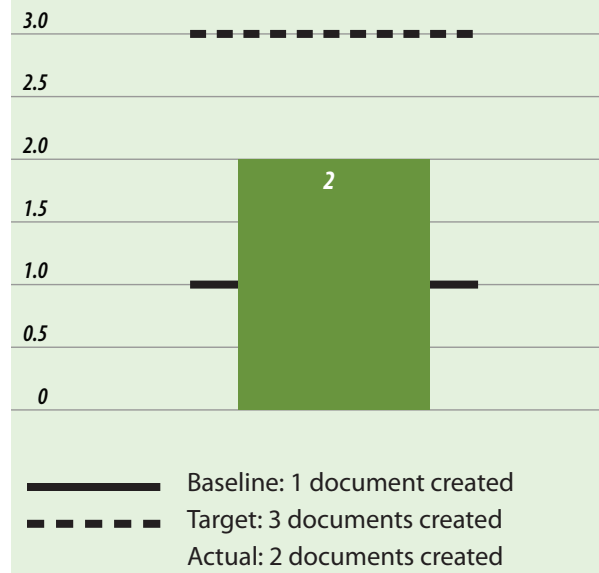
Per cent of planned Duty to Consult resource documents produced.

Description of measure

This measure tracks the development of Duty to Consult process related resource documents for use by GNB employees/departments and industry proponents.

Overall performance

Not all documents were created.



Why do we measure this?

We measure the progress on documents completed because these documents are the enablers for discussion between employees/departments and industry proponents. If these documents are created then a guide is available for GNB.

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

The initiative that was undertaken to achieve this outcome was: Review of the consultation process related to Duty to Consult.

Smart Province

Objective of the measure

Balance the provincial budget.

Measure

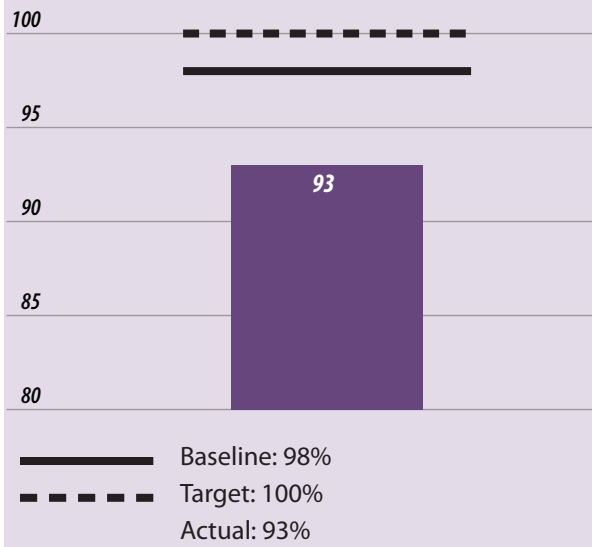
Ratio of AAS actual to budgeted expenditures.

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 \$2,570,386. After close monitoring of expenditures, the secretariat closed out the fiscal year \$176,779 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.

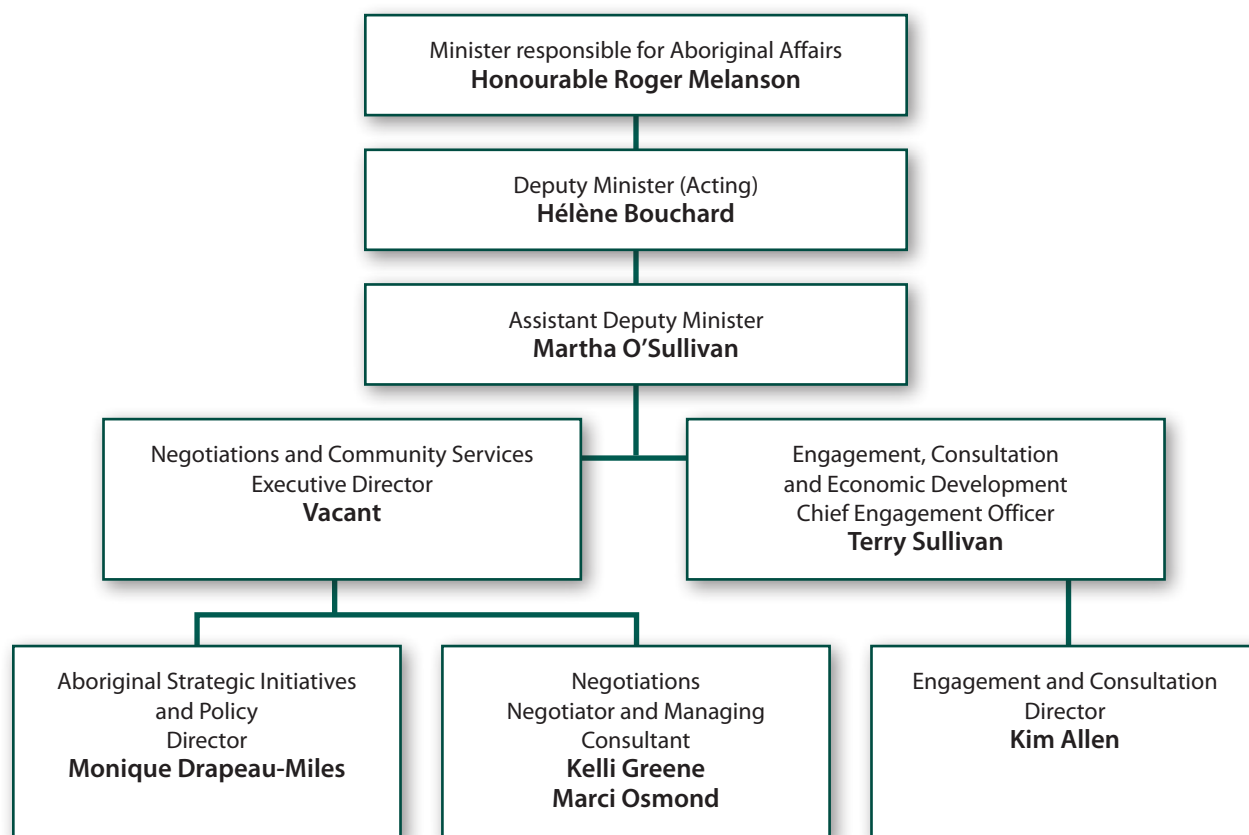
What initiatives or projects were undertaken in the reporting year to achieve the outcome?

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.

As of March 31, 2018



Division overview and highlight

The Aboriginal Affairs Secretariat employed 27 individuals on a full-time, casual or contract basis in 2017-2018 together with the addition of an Assistant Deputy Minister and the integration of the First Nations and Community Engagement Division of Energy and Resource Development and Agriculture, Aquaculture and Fisheries. The secretariat also experienced changes with the appointment of a new minister and deputy minister.

The secretariat has no divisions but is internally divided into two main units: 1) Negotiations and Community Services; and 2) Engagement, Consultation and Economic Development.

Negotiation and Community Services

The **Negotiation and Community Services** unit consists of two branches: Aboriginal Strategic Initiatives and Policy Branch and Negotiations Branch.

Aboriginal Strategic Initiatives and Policy Branch

The **Aboriginal Strategic Initiatives and Policy Branch** provides a range of key supports and direct services to the secretariat. The branch 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 stra-

tegic initiatives. The branch is the departmental lead on several 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 educational and 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, New Brunswick Advisory Committee on Violence against Aboriginal Women, Housing, Mental Health and Addictions, Domestic Violence, Emergency Management, First Nations Committee on the Action Plan for Mental Health, Health Services Integration Fund Committee, Suicide Prevention Task Force, etc.);
- coordinate federal/provincial/territorial (FPT) 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 seven requests under the Right to Information and Protection of Privacy Act, down from eight in the previous year.*

- ♦ *The branch filed four Memorandums to the Executive Council (MEC) and one Notice of Intent (NOI).*
- ♦ *The branch provided advice and recommendations on Memorandums to the Executive Council from other departments that may have had an impact on First Nations and Aboriginal people in New Brunswick. The branch reviewed Memorandums to the Executive Council to identify Aboriginal issues or concerns and/or a requirement for notification/consultation with First Nations.*
- ♦ *The branch received three 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 five responses to request received from previous year.*
- ♦ *The branch supported management in ensuring the secretariat delivered services and initiatives while managing budget.*
- ♦ *Provided \$44,450 to 36 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.*

Negotiations Branch

The **Negotiation Branch** strives to resolve rights related issues and provides a means to operational clarity as long-term negotiations continue on land, resources and governance related matters. The overarching goals are to enhance clarity on Aboriginal and Treaty Rights through agreements and policies, and to reduce economic disparity for First Nation peoples in New Brunswick by continuing discussions with Canada and First Nations to foster a positive and productive partnership.

The branch is responsible for negotiations with Canada and the Peskotomuhkati, Wolastoqey and Mi'gmaq Nations. Additionally, this unit is responsible for the secretariat's overall strategic alignment of initiatives with government's strategy.

HIGHLIGHTS

- ◆ *Negotiated and signed, in collaboration with the Department of Energy and Resource Development, an interim rights implementation agreement with the Passamaquoddy people for a special moose harvest. The Passamaquoddy (Peskotomuhkati) people are signatories to the Peace and Friendship Treaties in New Brunswick and have begun formal negotiations with the federal government.*
- ◆ *Coordinated two annual meetings between the Premier and the Wolastoqey and Mi'gmaq Nations. These annual meetings between the Premier and First Nation leaders provide an opportunity for the Premier to reaffirm the province's commitment to a positive relationship and discuss recent initiatives and challenges of importance to rights holders.*
- ◆ *The branch provided capacity funding under bilateral and tripartite agreements for both the Mi'gmaq and Wolastoqey Nations in the amount of \$634,650.*
- ◆ *Established a change management process to begin alignment of the secretariat to government objectives.*
- ◆ *Implemented a formal process of reporting to government the secretariat's progress on Priority Development Unit initiatives.*

Engagement, Consultation and Economic Development

The **Engagement, Consultation and Economic Development** unit consist of two branches: Engagement and Consultation Branch and Economic Development Branch.

Engagement and Consultation Branch

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 GNB, with Aboriginal peoples and

with industry. The branch with the integration of the First Nations and Community Engagement Division of the Department of Energy and Resource Development, and focuses and support work with industry partners to find employment and economic opportunities for First Nation communities.

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 several resource development files. The branch provided information and advice on the degree of infringement on Aboriginal and treaty rights regarding 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. 39 EIA registrations were received in 2017-2018, and the branch provided input on 52 projects, some of which were registered in previous years.*
- ◆ *The branch provided \$25,000 towards Mawiw Tribal Council to assist with the cost associated with hosting the 2018 Mawiw Wolastoqey Forestry Gathering.*
- ◆ *The branch provided capacity funding for First Nations Resource Development Consultation Coordinators for both the Mi'gmaq and Wolastoqey Nations in the amount of \$750,000.*
- ◆ *The branch provided \$76,000 toward Esgenoôpetitj First Nation's Wild Blueberry Training Program in partnership with the Department of Agriculture, Aquaculture and Fisheries and the Department of Post-Secondary Education, Training and Labour.*

Economic Development Branch

The **Economic Development Branch** continues 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.

The branch's responsibilities include:

- foster Aboriginal economic growth;
- support community development projects;
- identify and develop training/skills opportunities and coordinate financial support; and
- represent the secretariat on interdepartmental and intergovernmental committees related to economic development.

HIGHLIGHTS

- ◆ *Supported the second Aboriginal Economic Opportunities Summit held in Oromocto, NB. Participants at the summit included representatives from the Joint Economic Development Initiative, the provincial government, Indigenous and Northern Affairs Canada, and the Collège communautaire du Nouveau-Brunswick, as well as economic development officers from First Nations and various Aboriginal organizations. Discussions focused on actions implemented over the past year, as well as developing plans for future action and considering new economic opportunities for First Nations Communities.*
- ◆ *Provided \$105,000 per year as part of a two-year funding commitment to the Joint Economic Development Initiative along with the federal government, which aims to strengthen entrepreneurship and economic development opportunities for First Nations. The Joint Economic Development Initiative provides programs and services to support indigenous entrepreneurship, economic development, workforce development, and partnership with the public and private sectors.*
- ◆ *The branch provided \$45,000 toward Eel Ground's development of a recreation centre feasibility study to provide an in-depth analysis of Eel Ground's current and future needs related to maintaining a healthy lifestyle, provide quality recreation and fitness activities and a space to embrace and promote their culture.*

- ◆ *The branch provided \$10,000 toward the North Shore Micmac District Council's development of a feasibility study in the branding of First Nation specialty foods such as seasonal traditional foods. The completion of the feasibility study would lead into a marketing plan.*
- ◆ *The branch provided \$5,000 toward Kingsclear First Nation revitalization of the Economic Development Corporation.*

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.

- A. Ordinary Budget – The Ordinary Budget expenditures cover the day-to-day operations of the secretariat.
- B. Additional Budget from Regional Development Corporation (RDC) – RDC provides AAS with additional funding for special projects and initiatives.

Table 1: Departmental Expenditure

Status report by program/primary
 Fiscal year ending March 31, 2018

	Budget (\$)	Actual (\$)
Personal services	1,346,186	1,195,762
Other services	157,800	141,269
Material and supplies	11,600	6,929
Property and equipment	8,500	3,897
Contributions, grants and subsidies	1,046,300	1,045,750
TOTAL	2,570,386	2,393,607

The secretariat was under-budget by \$176,779.

Table 2: Funds provided by Regional Development Corporation

Status report by program/primary
 Fiscal year ending March 31, 2018

	Budget (\$)	Actual (\$)
Contributions, grants and subsidies	1,368,369	1,368,369
TOTAL	1,368,369	1,368,369

Summary of staffing activity

Pursuant to section 4 of the *Civil Service Act*, the Deputy Minister of the Department of Human Resources delegates staffing to each Deputy Head for his or her respective department(s). Please find below a summary of the staffing activity for 2017-2018 for Aboriginal Affairs Secretariat.

Number of permanent and temporary employees as of Dec. 31 of each year		
Employee type	2017	2016
Permanent	17	16
Temporary	4	5
TOTAL	21	21

The secretariat advertised seven competitions, including five open (public) competitions and two closed (internal) competitions.

Pursuant to sections 15 and 16 of the *Civil Service Act*, the department 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)	3
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's 2015-2020 action plan, which complement the GNB's *Plan on Official Languages – Official Bilingualism: A Fundamental Value*, determines the activities, evaluation methods and anticipated outcomes for each of the four focus areas. 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 training 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 training modules on Language of Work upon commencement. The secretariat provided 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 2017-2018.

Summary of recommendations from the Office of the Auditor General

The secretariat did not have any recommendations from the Office of the Auditor General.

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 2017-2018 fiscal year.

Appendix A

Aboriginal people in New Brunswick

In New Brunswick there are nine Mi'gmaq communities and six Wolastoqey (Maliseet) communities, totalling 15 communities with 27 reserve locations across the province. Each community is governed by an elected chief and council. The type of system used by a community 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 communities in New Brunswick are now moving towards the election system under the *First Nations Election Act*, which is a four-year term, apart from four communities that still use the system under the *Indian Act*, which is a two-year term, and one community that has a custom system, which is a five-year term.

The Peskotomuhkati (Passamaquoddy) Nation are currently seeking Band status under the *Indian Act*. A claim by the Peskotomuhkati Nation at Skutik living in Southwest New Brunswick has been received by the federal government; and the federal government has a mandate to negotiate with the group. Recognition of Rights and/or Status is under the jurisdiction of the federal government. The province has been participating in negotiations between the federal government and the Peskotomuhkati, as an observer; however, the province is seeking a mandate to negotiate as well and start interim Rights implementation agreements (i.e. moose) to enable the practice of Aboriginal and Treaty rights in New Brunswick.

A Métis is a person of mixed ancestry usually of European and Aboriginal descent, many of which are descendants of the Red River Settlers in what is now southern Manitoba. In 2003, the Powley SCC decision defined and affirmed Métis rights recognized in Section 35(1) of the Canadian Constitution (1982). For this ruling to apply in New Brunswick, the individual or organization would have to demonstrate that their ancestors were members of a historically established Métis settlement prior to the occupation of land by the Crown. No such demonstration has been made to date.

According to the federal Indian Registry System, as of Dec. 31, 2017, 16,123¹ 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. "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 2017 was 759,655³, meaning that First Nations accounted for two per cent. Even though this may seem a small percentage, based on Statistics Canada's 2011 and 2016 census, 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

¹ Source: NAC's Indian Registry System as of Dec. 31, 2017

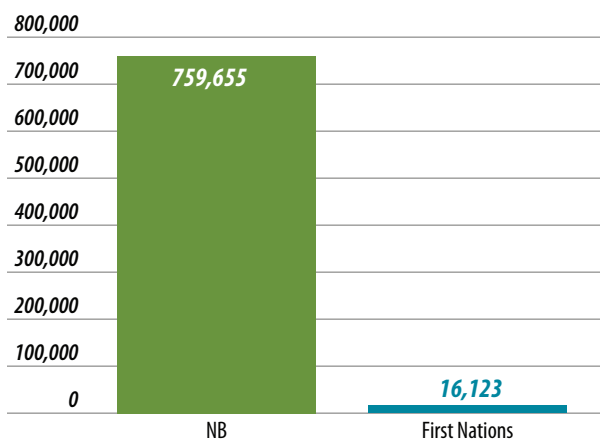
² Source: Statistics Canada, 2016 Census of Population.

³ Source: Statistics Canada, Table 17-10-0009-0 Population estimates, quarterly

⁴ Source: Statistics Canada, National Household Survey, 2016.

Table 1

New Brunswick and First Nations population		
Year	New Brunswick population	First Nations population
2017	759,655	16,123

Chart 1**Table 2**

New Brunswick First Nations by Residency and Gender– 2017 ⁵					
	Total	On-reserve	Off-reserve	Male	Female
New Brunswick	16,123	9,732	6,391	7,808	8,315
Buctouche	123	80	43	68	55
Eel Ground	1,070	600	470	530	540
Eel River Bar	745	363	382	352	393
Elsipogtog	3,348	2,605	743	1,662	1,686
Esgenoôpetitj	1,917	1,374	543	933	984
Fort Folly	132	36	96	56	76
Indian Island	199	108	91	90	109
Kingsclear	1,045	735	310	485	560
Madawaska	374	151	223	190	184
Metepenagiag	689	473	216	335	354
Oromocto	707	322	385	337	370
Pabineau	318	105	213	169	149
Saint Mary's	1,928	931	997	898	1,030
Tobique	2,459	1,554	905	1,193	1,266
Woodstock	1,069	295	774	510	559

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, 2017.

Chart 2A

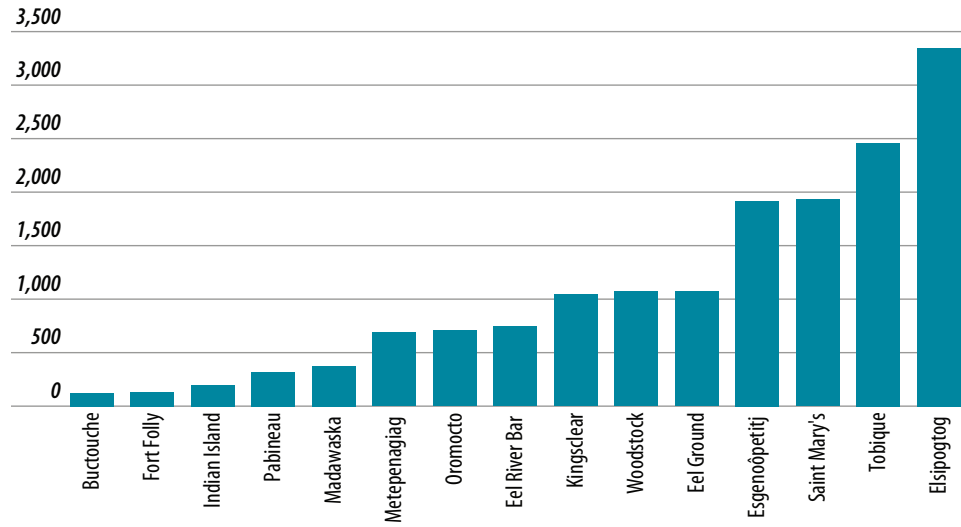


Chart 2B

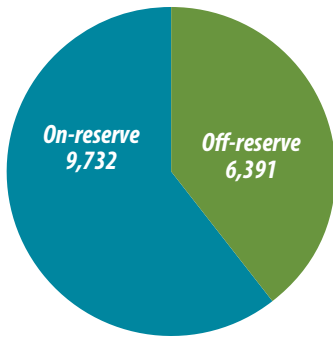


Chart 2D

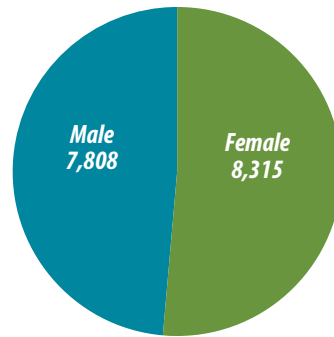


Chart 2C

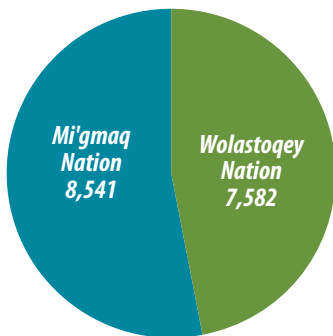
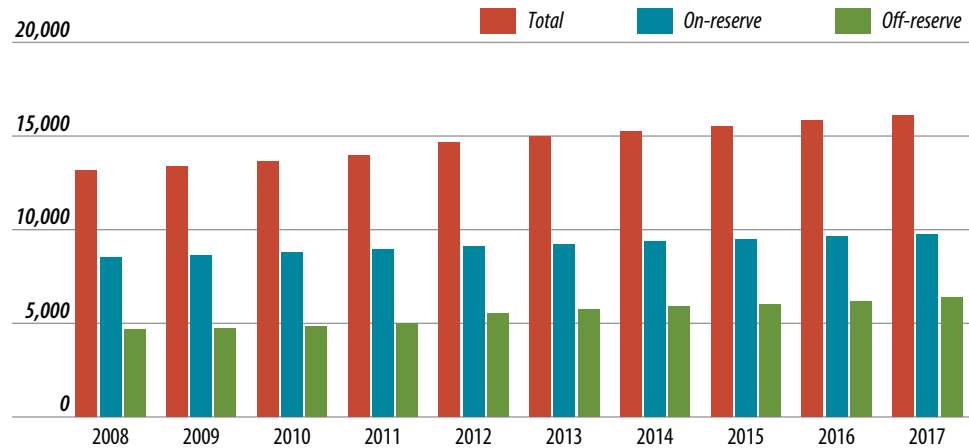


Table 3

First Nations population in New Brunswick ⁶			
Year	Total	On-reserve	Off-reserve
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
2017	16,123	9,732	6,391

Chart 3

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
2013	755,700	14,978
2014	754,600	15,249
2015	753,900	15,506
2016	747,101	15,830
2017	759,655	16,123

Chart 4A
760,000

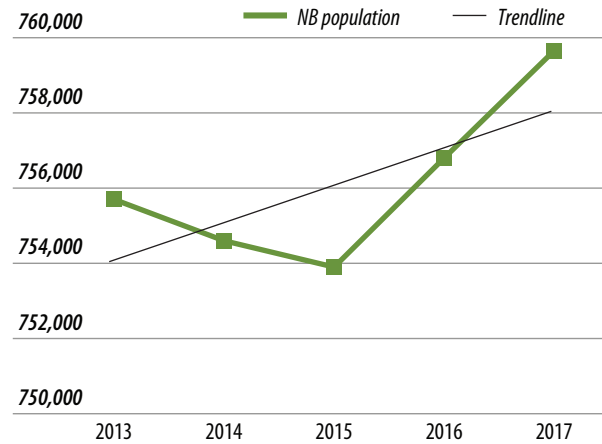


Chart 4B
16,500

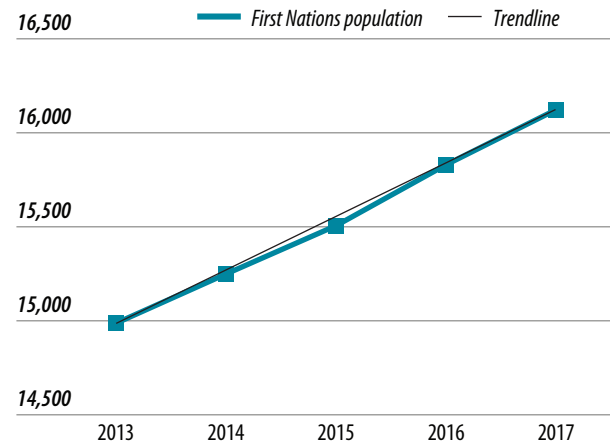
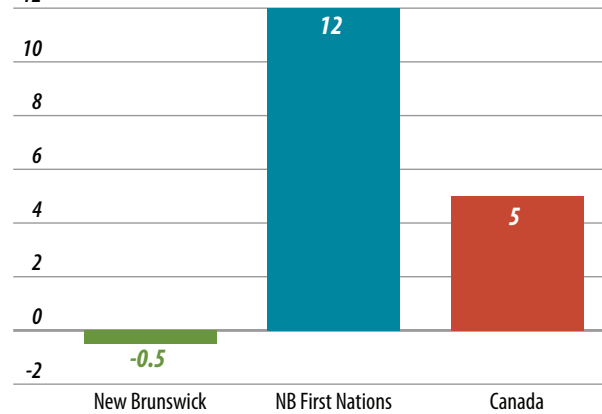


Table 5

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%

Chart 5
12



7 Source: Statistics Canada, 2016 Census of Population

8 Source: INAC's Indian Registry System.

9 Source: Statistics Canada, 2016 Census of Population

