



## COUNCIL ON CORPORATE ABORIGINAL RELATIONS



### HOTEL ACCOMMODATION:

**The Radisson Suites**  
1649 Hollis St  
Halifax, NS B3J 1V8  
Tel: (902) 429-7233

### MEETING LOCATION:

The Halifax Club  
1682 Hollis Street  
Halifax, NS B3J 2R7  
Tel: (902) 425-8775

### Contact:

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## A Comparative Overview of Aboriginal Consultation

November 14<sup>th</sup> - 15<sup>th</sup>, 2013  
Halifax, NS

### Meeting Agenda

### Meeting Objectives:

1. Learn about recent developments and the current situation surrounding the duty to consult across Canada
2. Gain clarity about the delegation of the procedural aspects of consultation to third parties, and the implications for proponents and Aboriginal groups
3. Develop a better understanding of the respective roles and responsibilities surrounding consultation
4. Learn how to better structure your strategies, efforts and objectives with regard to consultation and accommodation

### Thursday, November 14, 2013

#### Almon Room

7:45 - 8:30 a.m.      **Networking Breakfast**

8:30 – 8:45 a.m.      **Opening Prayer**  
**Debbie Eisan: Coordinator at Halifax Aboriginal Peoples' Network**

8:45 -9:00 a.m.      **Welcome Remarks**  
**Stefan Fournier: Network Manager, Council on Corporate Aboriginal Relations**

9:00-10:30 a.m.      **Comparative Overview of Consultation Across the Provinces**  
**Sandra Gogal: Partner, Miller-Thomson LLP**

In response to recent court decisions, provinces have developed consultation guidelines and policies to guide proponents in engaging aboriginal communities. Depending on the jurisdiction where the development activity occurs, delegation to the proponent can vary from all to some of the procedural aspects of consultation, and can range from funding capacity to disclosure of any agreements to the Crown. Have the provinces gone beyond what the courts have indicated to fall within the delegation of procedural aspects? This talk will present an overview of the consultation guidelines across Canada as well as an overview of what it can mean for developers.

10:30 – 10:45 a.m.      **Health Break**

10:45 -12:00 a.m.      **Consultation in Nova Scotia: The Practical Application of the Terms of Reference and Proponents Guide**  
**Justin Huston: Director of Consultation and Acting Executive Director, Office of Aboriginal Affairs, Government of Nova Scotia**

Justin will discuss consultation and accommodation from the perspective of the Government of Nova Scotia's mandate. Specifically, he will talk about the unique and forward looking *Terms of Reference for a Mi'kmaq-Nova Scotia- Canada Consultation Process* as well as its application and implications in practice. He will also discuss the recently re-released *Proponents Guide: The Role of Proponents in Crown Consultation with the Mi'kmaq of Nova Scotia*, and the implementation of the guidelines in relation to particular projects.

#### Cunard Room

12:00 – 1:00 p.m.      **Networking lunch**

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## Almon Room

**1:00-2:30 p.m.      The Maritime Link Project: Community Engagement and the Link to Formal Consultation**  
**Ken Meade: Director, Environmental and Aboriginal Affairs, Emera Newfoundland and Labrador**

Ken will talk about Emera Newfoundland and Labrador's *Maritime Link Transmission Project*. He will discuss the Aboriginal engagement component of the initiative and share some of the successes, challenges and lessons learned that were associated with this aspect of the project. He will also explore the link between aboriginal engagement and more formal consultation processes, and will share his insights on the implications of the delegation of the procedural aspects of consultation within the context of Nova Scotia and Newfoundland and Labrador.

**2:30 – 3:00 p.m.      Networking Break**

**3:00- 4:30 p.m.      Mi'kmaq Perspectives on Consultation and Engaging with Proponents**  
**Twila Gaudet: Consultation Liaison, Kwilmu'kw Maw-klusuaqn, Mi'kmaq Rights Initiative**

Twila will look at current challenges and opportunities facing the Mi'kmaq with respect to consultation, and emerging practices surrounding their engagement with proponents. She will discuss the role of the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) and its consultation assessment process, which, along with the overall framework in Nova Scotia, reflect a progressive and unique approach to consultation. Twila will also talk a bit about proponent engagement, expectations surrounding engagement with the private sector, and the importance of effective business partnerships.

**6:30 p.m.              Networking Dinner - Five Fishermen, 1740 Argyle St. Halifax, NS - (902) 422-4421**

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## Friday, November 15<sup>th</sup>, 2013

### Almon Room

**7:45 – 8:30 a.m.      Networking Breakfast – Hot Breakfast Served**

**8:30 – 10:00 a.m.      Consultation: The Federal Level and the Path Ahead**  
**John Pratt: Senior Counsel, Major Projects Management Office, Natural Resources Canada**

John will provide an overview of current developments surrounding the duty to consult at the federal level, and discuss how best to proceed with consultation in the years ahead. He will

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explore the federal process, including a discussion of how proponents can approach First Nations engagement as a project-effective practise. John will discuss how the Federal process aligns with provincial approaches and processes. He will look at some of the recent changes to the regulatory environment and talk about how they will affect consultation as well as their implications for Aboriginal groups and project proponents. With the current context surrounding consultation and accommodation as a backdrop, John will offer his insights on how to productively and constructively move forward, and what types of strategies and approaches will prove in the best interest of all stakeholders.

**10:00 – 10:30 a.m.      Networking Break**

**10:30 – 12:00 p.m.      Legal Update**  
**Sandra Gogal, Partner, Miller-Thomson LLP**

Sandra Gogal will provide her regular legal update. She will discuss current court cases and legal developments that are shaping the future of aboriginal relations.

**12:00 – 12:15 p.m.      Meeting adjourns**