March 9, 2017

Section 40(1)

Dear

Section 40(1)

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [LAAO 002 2017]

On February 9, 2017 the Labrador and Aboriginal Affairs Office received your request for access to the following records:

All correspondence and records (from April 14, 2016 to Feb. 8, 2017) related to the provincial government’s plan to implement the calls to action (those which fall under provincial jurisdiction) outlined in the Truth and Reconciliation report.

I am pleased to inform you that a decision has been made by the Deputy Minister of Indigenous Affairs to provide access to some of the requested information. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

27. (1) (a) Advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;

27. (1) (h) A record created during the process of developing or preparing a submission for the Cabinet;

27. (1) (i) That portion of a record which contains information about the contents of a record within a class of information referred to in paragraph (a) to (h);

27. (2) The head of a public body shall refuse to disclose to an applicant (a) a cabinet record;

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;
30. (1) The head of a public body may refuse to disclose to an applicant information (b) that would disclose legal opinions provided to a public body by a law officer of the Crown;

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to (a) harm the conduct by the government of the province of relations between that government and the following or their agencies (i) the government of Canada or a province, and (b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies;

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public; and

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

Please note the following full pages have been redacted and will not appear in the enclosed records:

- Pages 30 to 170 - Sections 27. (1)(h) and 27 (2)(a);
- Pages 171 to 177 - Section 35. (1) (c); and
- Pages 178 to 202 - Sections 27. (1)(a) and 27. (2)(a).

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at (709) 729-7487 or by email at rcarter@gov.nl.ca.

Sincerely,

Ruby Carter
ATIPP Coordinator

Enclosures
Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
From: Bustin, Clare  
To: Harvey, Brian; Gover, Aubrey  
Subject: RE: Budget 2016 and Reconciliation  
Date: Friday, April 15, 2016 9:20:07 AM  
Attachments: TRC notes on April 15.docx  

Please see attached. Please let me know if you need anything further or would like me to identify other examples.

Clare Bustin  
Senior Policy Analyst – Aboriginal Affairs  
Labrador and Aboriginal Affairs Office  
Government of Newfoundland and Labrador  
tel: (709) 729-4959  
cell: (709) 725-0359  
email: clarebustin@gov.nl.ca

From: Harvey, Brian  
Sent: Friday, April 15, 2016 9:40AM  
To: Guest, Kevin J; Gover, Aubrey  
Cc: Bustin, Clare; Bowles, Ron  
Subject: Re: Budget 2016 and Reconciliation

Looks good at first blush. I have asked Clare to identify other areas related to the TRC where government is already taking action, so we should be able to beef it up a little.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Guest, Kevin J  
Sent: Friday, April 15, 2016 9:29AM  
To: Gover, Aubrey; Harvey, Brian  
Subject: RE: Budget 2016 and Reconciliation

Here is a draft response. I believe it is best if we keep it at a high level. For review:

As outlined in my mandate letter, I remain committed to the province’s Aboriginal people. As you are aware, our province is facing serious financial pressures and actions that were taken in yesterday’s budget ensure that we can continue to deliver critical programs and services to all residents of Newfoundland and Labrador.

Our government remains committed to implement the calls to action set out in the Truth and Reconciliation Commission Report that are applicable to the Provincial Government. The funding will be made available in departmental budgets. For example, Aboriginal health could be improved by use of the Department of Health’s budget. There is further analysis required before specific funding levels are required for each call to action.

The Air Foodlift Subsidy has been eliminated. However, a new program will be created with
funding going directly to the Nunatsiavut Government, Innu Nation and the NunatuKavut Community Council, rather than retailers, to promote nutritional and artistic endeavors for the membership of these governments and organizations.

Given the financial situation of our province we did reduce grant funding. One of those grants was the Youth Christian Conference grant. When expenditures were reviewed, this grant did not align with the mandate of Labrador and Aboriginal Affairs. With regards to the elimination of the recreation grant to the Sheshatshiu Innu First Nation Band Council, no other municipality (Aboriginal or non-Aboriginal) received a grant of this nature. The community is eligible to apply annually for funding support under the Community Healthy Living Fund, like other municipalities throughout the province.

Our government is continuously having dialogue with Aboriginal people in our province and will continue to do so.

Kevin Guest
Director of Communications

Labrador and Aboriginal Affairs

Intergovernmental Affairs

Office of the Chief Information Officer

Government of Newfoundland and Labrador
e: kevinjguest@gov.nl.ca
t: 709.729.1495

---

From: Gover, Aubrey
Sent: Friday, April 15, 2016 8:49 AM
To: Harvey, Brian; Guest, Kevin J
Subject: Re: Budget 2016 and Reconciliation

We should pull together from the table what we are doing now and what we are looking at in areas of NL jurisdiction asap for this. Perhaps Claire can start.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Harvey, Brian
Sent: Friday, April 15, 2016 8:45 AM
To: Guest, Kevin J; Gover, Aubrey
Subject: Re: Budget 2016 and Reconciliation
YC and AFS were LA decisions. Ron may be able to assist with rationale. You may wish to connect with BTCRD about the Sheshatshiu funding.

---

From: Guest, Kevin J  
Sent: Friday, April 15, 2016 8:37 AM  
To: Gover, Aubrey; Harvey, Brian  
Subject: FW: Budget 2016 and Reconciliation  

Working on a draft now but will need your assistance with this.

Thanks,

Kevin Guest  
Director of Communications  

Labrador and Aboriginal Affairs  
Intergovernmental Affairs  
Office of the Chief Information Officer  
Government of Newfoundland and Labrador  
e: kevinjguest@gov.nl.ca  
t: 709.729.1495

---

From: O'Connor, Nancy  
Sent: Friday, April 15, 2016 8:36 AM  
To: Curran, Erin; Guest, Kevin J  
Subject: Budget 2016 and Reconciliation  

Erin and Kevin,

Can you please work together to prepare a response to this? Please note the timing. Can we see a draft by 10:30?
Hi Nancy, I need to put a couple questions to Premier Ball regarding the 2016 budget's apparent incompatibility with Mr. Ball's commitment to reconciliation and to implementing the provincially relevant calls to action in the Truth and Reconciliation Report.

There doesn't seem to be any targeted funding in the budget to move toward implementing the calls to action. And what's more, it seems the government has in fact pulled funding that improves the quality of life for Indigenous people in Labrador, via the discontinuation of the Air Foodlift Subsidy Program, the elimination of the grant to YCNL to support youth from Labrador to attend the annual conference, and the elimination of the sport and recreation grant to the Sheshatshiu Innu First Nation Band Council.

Can Mr. Ball, in his role as both premier and Minister of Aboriginal Affairs, please explain to the Indigenous people of the province why Budget 2016 does not even mention (that I've seen, anyhow) his commitment to reconciliation and implementing the TRC report's calls to action?

Additionally, can Mr. Ball please explain the justification for the three cuts mentioned above?

Finally, did Mr. Ball consult with the Inuit and First Nations people that will be affected by these cuts?

My deadline is 12 p.m. Noon Friday.

Thank you,
Areas of Provincial Responsibility –

There are 30 Calls to Action identified as areas of Provincial responsibility (less than a third)

These are in areas such as
- Aboriginal Children in Care
- Culturally appropriate programming which incorporates the history of Aboriginal people
- Cultural competency training for professionals
- Aboriginal health
- [Justice]

- Building on Memoranda of Understanding signed in 2012, in October 2015 GNL signed a new Working Relationship Agreement with the Mushaua Innu First Nation and Sheshatshiu Innu First Nation in an effort to further improve service coordination and information sharing pertaining to child protection in Sheshatshiu and Natuashish.

- CYFS also has a working relationship with the Miawpukek First Nation in Conne River, where a CYFS social worker is contracted by the Miawpukek First Nation to delivery child protection services.
Call to Action 62 calls upon governments, in consultation and collaboration with Aboriginal people, survivors and educators, to incorporate Aboriginal content into education.

- EECD continues to collaborate with provincial Aboriginal governments/organisations to develop culturally relevant curriculum that addresses the Residential School System. The legacy of the Residential School system is addressed within the provincial curriculum, in particular in the Grades 7 and 9 curricula at the Intermediate Level, and in the Newfoundland and Labrador Studies and Canadian History curricula at the Senior High Level.
- In addition, the Aboriginal Education Advisory Committee (AEAC), is working to evaluate and make recommendations regarding Aboriginal content within the Provincial school curriculum. The AEAC acts within a cooperative and collaborative environment to provide advice, and includes representatives from the Provincial Government as well as the Aboriginal governments and organisations within the province.

- No residential schools in NL have been designated by the federal government.
- In Volume 4 of the TRC's Final Report, it is noted that NL responded to a resolution to assist the Commission where possible in identifying deaths at residential schools in their provincial records. No NL deaths are included in the chart titled "Residential school deaths per province and territory, 1867-2000" at page 20 of this Volume.
Will add. Thanks, folks.

Kevin Guest  
Director of Communications  
Labrador and Aboriginal Affairs  
Intergovernmental Affairs  
Office of the Chief Information Officer  
Government of Newfoundland and Labrador  
e: kevinguest@gov.nl.ca  
t: 709.729.1495

From: Gover, Aubrey  
Sent: Friday, April 15, 2016 10:09 AM  
To: Harvey, Brian; Guest, Kevin J  
Cc: Bustin, Clare; Bowles, Ron  
Subject: RE: Budget 2016 and Reconciliation

From: Harvey, Brian  
Sent: Friday, April 15, 2016 10:04 AM  
To: Guest, Kevin J; Gover, Aubrey  
Cc: Bustin, Clare; Bowles, Ron  
Subject: RE: Budget 2016 and Reconciliation

Additions below in bold.
As outlined in my mandate letter, I remain committed to the province’s Aboriginal people. As you are aware, our province is facing serious financial pressures and actions that were taken in yesterday’s budget ensure that we can continue to deliver critical programs and services to all residents of Newfoundland and Labrador.

Our government remains committed to implement the calls to action set out in the Truth and Reconciliation Commission Report that are applicable to the Provincial Government. Almost 1/3rd of the Report’s Calls to Action are directed at provincial governments, and the Government of Newfoundland and Labrador is already taking action in many of these areas. For example, with respect to Aboriginal education, Call to Action 62 calls upon governments, in consultation and collaboration with Aboriginal people, survivors and educators, to incorporate Aboriginal content into education. Government has recently established the Aboriginal Education Advisory Committee (AEAC), comprised of representatives of the Nunatsiavut Government, the NunatuKavut Community Council, Inc., and the four First Nations in Newfoundland and Labrador, and mandated to review provincial curriculum and provide advice to the Minister on any suggested additions or revisions. Government is also collaborating with these provincial Aboriginal governments and organisations to develop culturally relevant curriculum that addresses the Residential School system, in addition to existing content on this issue in the Grades 7 and 9 curricula, and at the Senior High Level. We continue to examine all Calls to Action to identify areas where we are acting, and where further action is required.

The Air Foodlift Subsidy has been eliminated. However, a new program will be created with funding going directly to the Nunatsiavut Government, Innu Nation and the NunatuKavut Community Council, rather than retailers, to promote nutritional and artistic endeavors for the membership of these governments and organizations.

Given the financial situation of our province we did reduce grant funding. One of those grants was the Youth Christian Conference grant. When expenditures were reviewed, this grant did not align with the mandate of Labrador and Aboriginal Affairs. With regards to the elimination of the recreation grant to the Sheshatshiu Innu First Nation Band Council, no other municipality (Aboriginal or non-Aboriginal) received a grant of this nature. The community is eligible to apply annually for funding support under the Community Healthy Living Fund, like other municipalities throughout the province.

Our government is continuously having dialogue with Aboriginal people in our province and will continue to do so.

Brian RM. Harvey
Director - Aboriginal Affairs
Government of Newfoundland and Labrador
(709) 729-1487 (w)
(709) 693-1612 (c)

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Our government is continuously having dialogue with Aboriginal people in our province and
will continue to do so.

Kevin Guest
Director of Communications

Labrador and Aboriginal Affairs
Intergovernmental Affairs
Office of the Chief Information Officer

Government of Newfoundland and Labrador
Email: kevinguest@gov.nl.ca
Tel: 709.729.1495
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Finally, did Mr. Ball consult with the Inuit and First Nations people that will be affected by these cuts?

My deadline is 12 p.m. Noon Friday.

Thank you,
Hi Ron —

Please see attached for your review.

Best,
Brian
Title: Pre-Inquiry engagement meetings in Corner Brook and Stephenville

Issue: Overview of four recent meetings between LAAO and Aboriginal organisations on the west coast of the Island regarding the upcoming National Inquiry.

Background and Current Status:
- On December 08, 2015, the federal government announced a two-phase approach for a National Inquiry into Missing and Murdered Indigenous Women and Girls (the "Inquiry"). The first phase, called the “Design Phase”, would include consultation with victims' families, National Aboriginal Organizations (NAOs), Provinces and Territories (PTs), experts and other national stakeholders to outline the objectives, scope and parameters of the Inquiry.

- Since its launch, the federal government has convened numerous meetings to consult families and loved ones of victims, and survivors, on the structure, scope, and mandate of the Inquiry. One such meeting was held in Atlantic Canada, in Halifax in January 2016.

- The federal government has also provided resources to the NAOs to support each consulting its membership on the design of the Inquiry. LAAO officials have attended three pre-Inquiry design meetings hosted by NAOs: Pauktuutit in Ottawa, and, Inuit Tapiriit Kanatami (ITK) in Happy Valley-Goose Bay and in St. John’s.

- The federal government has indicated it hopes to launch the Inquiry by Fall 2016, but is expected to do so by the summer.

- At the Second National Roundtable on Missing and Murdered Indigenous Women and Girls, held in Winnipeg in February 2016, at the request of the federal government, the Honourable Andrew Parsons confirmed Government’s commitment to participate and fully cooperate in the Inquiry, as did all other PTs. However, the federal government has not yet indicated its expectations for PTs’ participation and support.

- In the absence of clarity from the federal government, Government has proceeded to initiate its own direct consultations with provincial Aboriginal governments/organisations. Efforts to date have included LAAO engagement of Miawpukek First Nation during meetings in Conne River in April 2016; and, LAAO engagement of the Nunatsiavut Government, the two Innu First Nations and NunatuKavut Community Council, Inc. in Happy Valley-Goose Bay in May 2016. The Honourable Cathy Bennett, Minister Responsible for the Status of Women, also took advantage of a February 2016 meeting with Aboriginal governments and organisations in Labrador to discuss violence against Aboriginal women and girls and the Inquiry.

- To complete LAAO’s engagement of provincial governments/organisations, on May 09-10, 2016, LAAO met with four organisations based on the west coast of the Island: the Newfoundland Native Women’s Association (NNWA); the Qalipu Mi’kmaq First Nation Band (QMFN); the Newfoundland Aboriginal Women’s Network (NAWN), and the Mi’kmaq First Nations Assembly of Newfoundland (MFNAN). The meetings were intended to solicit the organisations’, and its members’ views on the following questions:
  i. Who should lead the Inquiry?
  ii. Who should participate?
iii. What are the key issues to be addressed?
iv. How best to incorporate cultural practices/traditions?
v. How can the process be set up to lead to concrete actions?
vi. How best to involve families, loved ones and survivors?
vii. How should NAOs, regional Aboriginal organisations, and others be involved?
viii. What supports should be provided to participants?
ix. Anything else?

Analysis:
• On the whole, the meetings were exceedingly positive. The officials from each of the four organisations expressed their appreciation for LAAO reaching out to them, and coming to the west coast to meet with them, and hear their views and concerns. QMFN's Chief Brendan Mitchell was particularly enthusiastic in his hospitality and spoke at length about QMFN's desire to develop a relationship with Government, and to collaborate with Government on issues of mutual interest or concern.

• After reiterating the focus on the Inquiry, LAAO noted one of the 94 Calls to Action exhorted the federal government to convene an Inquiry, and LAAO was pleased to see action in response already. LAAO also noted Government has the 94 Calls under active review, and is planning a response once that review is completed.

• Given QMFN's obvious interest in the area, LAAO undertook to engage QMFN whenever possible or appropriate on Government's response.

• Regarding the Inquiry, the four meetings were not unlike other pre-Inquiry meetings LAAO has convened or attended, as many of the ideas expressed were similar to those heard elsewhere. For example, all participants were emphatic in expressing the need for the Inquiry to travel to Aboriginal communities throughout the country, to hear testimony from anyone who would like to participate, and to provide every possible support to participants before, during, and after their participation in the Inquiry.

• Similarly, all participants agreed that key issues include racism and ignorance in the education, healthcare and justice systems, and a failure by governments across Canada to recognise and appreciate the intergenerational trauma that has been incurred by many Aboriginal people as a result of Indian Residential Schools, the 60's Scoop, and even former-Premier Smallwood's acquiescence in the 1949 Terms of Union to abide Canada's attempt to avoid its responsibilities for Aboriginal people in Newfoundland and Labrador following Confederation.

• There was also strong agreement with the need for immediate action, in addition to awaiting outcomes from the Inquiry process. To this end, LAAO noted Government has identified education and training as a key component that can be addressed in the near term, and noted Government's efforts to improve provincial curriculum, including the recently established Aboriginal Education Advisory Committee, led by EECD and comprised of Aboriginal governments and organisations throughout the province. LAAO also noted the recent multilateral initiative of the regional health authorities, supported by provincial
Aboriginal governments and organisations, the federal government, and Government, to develop cultural competency training packages for staff and officials throughout the four health authorities.

- However, there were some concerns raised, particularly with respect to the issue of capacity within Government to deliver such training, or by teachers within the school system to deliver Aboriginal content.

- There were some novel suggestions, such as emphasising a role for frontline service delivery workers in the Inquiry, given this sector often has the greatest interaction with Aboriginal people who are susceptible to committing or being a victim of violence against Aboriginal women and girls.

Action Being Taken:

-  

- LAAO officials will continue to monitor the federal government’s handling of the Inquiry, including its expected launch in the near future, and will await clarity from the federal government as to its expectations for Government, or PTs in general.

Prepared/Reviewed by: B. Harvey /
Approved by: 

May 31, 2016
NT’s response is by theme, using the themes provided in the TRC Calls to Action (Child Welfare, Education, Language and Culture, etc). The only call that NT moves from the theme provided by TRC is number 55, which is split up into different themes depending on the topic.

Clare Bustin
Senior Policy Analyst – Aboriginal Affairs
Labrador and Aboriginal Affairs Office
Government of Newfoundland and Labrador
tel: (709) 729-4959
cell: (709) 725-0359
eemail: clarebustin@gov.nl.ca

Best,
Brian

Brian RM. Harvey
Director - Aboriginal Affairs
Government of Newfoundland and Labrador
(709) 729-1487 (w)
(709) 693-1612 (c)
From: Gover, Aubrey
Sent: Wednesday, June 01, 2016 10:00 AM
To: Harvey, Brian
Cc: Bowles, Ron
Subject: TRC NL Reply

This email is PRIVILEGED and contains confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify us immediately by return email and delete the original message.
Hi Aubrey,

Please see attached for your review and approval a draft Information Note on the proposed Federal/Provincial/Territorial/Indigenous Forum, for the meeting in Ottawa next week. Ron and Brian have reviewed.

Please let me know if you have any comments or concerns.

Thank you!

Clare

Clare Bustin
Senior Policy Analyst – Aboriginal Affairs
Labrador and Aboriginal Affairs Office
Government of Newfoundland and Labrador
tel: (709) 729-4959
cell: (709) 725-0359
e-mail: clarebustin@gov.nl.ca
Information Note  
Labrador and Aboriginal Affairs Office

Title: Federal/Provincial/Territorial/Indigenous (FPTI) Forum

Issue: To provide information on the anticipated transformation of the Aboriginal Affairs Working Group (AAWG) into a new FPTI Forum, to be discussed at the June 10, 2016 meeting with provincial/territorial (PT) Ministers of Aboriginal Affairs, the federal Minister of Indigenous and Northern Affairs Canada (INAC), and National Aboriginal Organization (NAO) Leaders in Ottawa.

Background and Current Status:

• The AAWG was created in 2009 by Premiers and NAO Leaders. It is composed of PT Ministers of Aboriginal Affairs and the Leaders from five NAOs: Assembly of First Nations (AFN), Indigenous Peoples' Assembly of Canada (IPAC) (formerly Congress of Aboriginal Peoples), Inuit Tapiriit Kanatami (ITK), Métis National Council (MNC) and the Native Women's Association of Canada (NWAC). The AAWG has typically met annually in the springtime to consider a report on the work completed by officials during the year, and to approve the report's transmittal to Premiers and Leaders for their consideration and approval at their annual summer meetings.

• Section 91(24) of the Constitution Act, 1867 provides that the federal government has exclusive jurisdiction for "Indians and Lands reserved for the Indians". This has historically been interpreted by the federal government to mean "First Nations", and, since a Supreme Court of Canada decision in 1939, Inuit. However, on April 14, 2016, the Supreme Court of Canada issued its decision in R. v Daniels, determining that "Indians" in s. 91(24) includes all Aboriginal people in Canada, including Métis and Non-Status Indians. This decision effectively holds that all Aboriginal people in Canada are under federal jurisdiction, and, generally, entitled to federal programs, services and investment. However, the Court does leave it to the federal government to determine how to discharge this newfound responsibility for Métis and non-status Indians. LAAO understands the federal government has this issue under active consideration.

• It has long been a focus of the AAWG to encourage the federal government to participate actively as a full partner. Federal participation was intermittent and non-substantive under the Harper Government, but the Trudeau Government has indicated it will play a larger role, and intends to formally join the AAWG. At the Second National Roundtable on Missing and Murdered Indigenous Women and Girls in Winnipeg in February 2016, all parties, including PTs, NAOs and the federal government, agreed to transition the AAWG into an FPTI Forum.

• The 2016 AAWG meeting was split into two parts: the first was a teleconference on May 20, 2016 to consider and approve the 2016 AAWG Progress Report and other work undertaken by the AAWG in 2015-2016, and to briefly discuss the AAWG's transition into an FPTI Forum. The completion of the Terms of Reference (TOR), which officials have been developing, and the launch of a new FPTI Forum to replace the AAWG is the focus of the June 10 meeting in Ottawa, which is the second part of the 2016 AAWG meeting.
The recommendations from the AAWG Progress Report shall be shared with the FPTI Forum for consideration as FPTI priorities and work plans are developed and established, ensuring the work of the AAWG is not lost, but is picked up and carried on by the FPTI wherever appropriate.

At the invitation of Prime Minister Trudeau, First Ministers met with First Nations, Inuit, and Metis leaders in Vancouver on March 2, 2016, as part of the follow-up to climate change commitments made at the United Nations Climate Change Conference held in Paris in December 2015. There was some controversy surrounding this meeting as only three of the five NAO leaders were invited to participate, namely the AFN; ITK; and, MNC. Leaders from IPAC and NWAC were not invited.

Analysis:
- The draft TOR outlines the Purpose of the forum (to improve outcomes and promote reconciliation), its Principles, and its Objectives, which include cross-jurisdictional collaboration, multilateral approaches, information sharing, collaborative policy development, and measurable and positive outcomes. LAAO has no concerns with these Objectives or with the draft TOR generally.

- It is anticipated that the majority of the discussions on June 10 will focus on determining and defining the FPTI’s discrete priorities, and how to translate these priorities into achievable and measurable results. LAAO notes that the discussions will likely start with consideration of the priorities of the AAWG, which at its winding-up included Violence Against Aboriginal Women and Girls (VAAWG); Economic Development; Education; Housing; Disaster Mitigation and Emergency Management. It is anticipated that, at a minimum, VAAWG, Economic Development and Education will be expressed as priorities for the new FPTI forum, particularly in light of the upcoming National Inquiry and the recent Report on Truth and Reconciliation.
LAAO supports the federal government taking an active role in exercising its constitutional and fiduciary obligation for Aboriginal people in Canada by actively participating in the FPTI Forum, and providing funding when necessary.

Proposed Speaking Points:

Creation of the FPTI Forum

- The work that has been done on the issues by the AAWG has been exceptional. It is crucial we do not lose the wisdom and advancements made by National Aboriginal Women’s Summits, by the National Roundtables, or indeed, by the AAWG itself.

- My Government is a strong supporter of transitioning the AAWG into a FPTI forum that can build on the successes achieved by the AAWG and is pleased that the federal government has demonstrated a willingness to participate in this process.

- My Government encourages the federal government to fulfill the constitutional and fiduciary responsibility to all Aboriginal people in Canada, and to take a leadership role in this new
FPTI process. With your resources and support, the new Forum will work towards producing measurable outcomes which advance the status of all Aboriginal people across Canada.

- My Government looks forward to continued collaboration on this new FPTI forum in order to continue the national conversation on issues of importance to Aboriginal people and communities across Canada.

**United Nations Declaration on the Rights of Indigenous Peoples**
- My Government looks forward to working with the federal government on implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution.

- The Government of Newfoundland and Labrador will continue to address Aboriginal rights through negotiation and settlement of land claims and will address Aboriginal aspirations for self-determination through the negotiation of self-government agreements and agreements to devolve provincial programs and services.

**Truth and Reconciliation Commission Final Report**
- As outlined in my mandate letter, as Minister of Labrador and Aboriginal Affairs I remain committed to implementing the Calls to Action set out in the Truth and Reconciliation Commission Report that are applicable to the Provincial Government.

- The Government of Newfoundland and Labrador continues to review the TRC's Calls to Action in depth in order to prepare Government’s fulsome response.  

- GNL continues to support reconciliation and support appropriate efforts to induce greater recognition of, promotion of, and respect for Aboriginal people in NL and across Canada.

**Aboriginal Education**
- The Government of Newfoundland and Labrador has created an Aboriginal Education Advisory Committee, which is working to evaluate and make recommendations regarding Aboriginal content within the provincial school curriculum. This committee includes representatives from local Aboriginal governments and organizations and acts within a cooperative and collaborative environment.

- The Department of Education and Early Childhood Development is currently developing Professional Learning videos for teachers aimed at increasing understanding of Aboriginal Culture and issues within NL.

- Provincial education programs have been devolved to First Nations in Sheshatshiu, Natuashish and Conne River.

**Violence Against Aboriginal Women and Girls**
- My Government is committed to participating in the National Inquiry on Missing and Murdered Indigenous Women and Girls, and implementing the resulting recommendations which are applicable to the provincial government.
• While the federal government has yet to engage provinces and territories on the Design Phase of the National Inquiry, the Government of Newfoundland and Labrador has begun to engage provincial Aboriginal governments and organizations to determine their expectations for the Inquiry. My Government encourages the federal government to actively engage provinces and territories throughout this process.

• My Minister of Justice and Public Safety, the Honourable Andrew Parsons, represented the Government of Newfoundland and Labrador at the 2016 National Roundtable.

• The Province is very proud of its record on preventing violence. This includes:
  i) The Violence Prevention Initiative, a province-wide initiative that aims to eliminate all violence in the province, including violence against Aboriginal women and girls;
  ii) An Aboriginal Grants program to assist Aboriginal women to promote violence prevention in their communities;
  iii) A new Aboriginal Men's Violence Prevention Grants Program, which focuses on engaging men and boys in the prevention of violence;
  iv) Funding for shelters in Nunatsiavut communities;
  v) Funding for community-based supports for Inuit women and the Newfoundland Aboriginal Women's Network;
  vi) Hosting provincial Aboriginal Women's Conferences; and
  vii) Hosting the first National Aboriginal Women's Summit (NAWS)

Economic Development
• Increasing economic development opportunities for Aboriginal people remains a priority for Newfoundland and Labrador, as shown by its negotiation of comprehensive land claims and its contributions to the Labrador Aboriginal Training Partnership (LATP).

• The LATP is a major economic development success story in Labrador, providing funding to support training for Aboriginal people for employment related to construction and operation of the Lower Churchill project and other developments in Labrador.

• The Province requires Gender, Equity and Diversity Plans for medium and large scale resource development projects. These plans include goals designed to increase the participation of under-represented groups such as Aboriginal people and women in the workforce.

• The Province has also incorporated resource revenue sharing and Impact Benefits Agreement policies into the Labrador Inuit Land Claims Agreement (LILCA), and the Innu land claims agreement-in-principle. Newfoundland and Labrador also understands that proponents have reached Agreements with Aboriginal stakeholders for large resource development projects where appropriate, often during the course of Environmental Assessment and Aboriginal consultation on the development.

Prepared/Approved by: C. Bustin / B. Harvey / R. Bowles
Ministerial Approval: June 1, 2016
Please send to cab sec and ensure this is the final TRIM version.

Aubrey Gover  
Deputy Minister  
Labrador and Aboriginal Affairs Office  
Government of Newfoundland and Labrador  

This email is PRIVILEGED and contains confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify us immediately by return email and delete the original message.
Title: Reconciliation-TRC and UNDRIP

Issue: To provide an overview of the Truth and Reconciliation Commission (TRC) Final Report (the "Final Report") as well as the United Nations Declaration for the Rights of Indigenous Peoples (the "Declaration"), for discussion at the June 10, 2016 meeting of Federal/Provincial/Territorial Ministers of Aboriginal Affairs, and Leaders of the National Aboriginal Organizations (NAOs).

Background and Current Status:

Truth and Reconciliation Commission Final Report

- In 2005, in response to legal action by former students of Indian Residential Schools across Canada, the federal government entered into settlement negotiations, which concluded in March 2007 with the Indian Residential Schools Settlement Agreement (the "Settlement Agreement"). The TRC was created as a part of the Settlement Agreement.

- While no schools in Newfoundland and Labrador were included in the 2007 Settlement Agreement, a class action lawsuit was raised by hundreds of residential school survivors in the Province. Despite efforts by Canada to make Government a third party in the class action lawsuit, on November 25, 2015 the NL Supreme Court ruled that the federal government had abused the process in the trial, and ordered Government and the other third parties be fully released from the case.

- On May 10, 2016, a $50 million settlement with the federal government was reached. The settlement included four schools located in Labrador and St. Anthony from 1949-1979. The settlement also includes $2 million for reconciliation and healing. An approval hearing on the settlement is scheduled to be held in the Supreme Court of Newfoundland and Labrador in late September, and a decision is expected shortly thereafter.

- The TRC was mandated to inform Canadians about Indian Residential Schools, and to guide a process of reconciliation through documenting information from survivors, families, communities and anyone else affected by the experience.

- The TRC released its Summary Report on June 2, 2015, containing 94 Calls to Action.

- PM Trudeau apologized for the failings of the federal government, and reiterated his government’s commitment to reconciliation by announcing that the Government of Canada will work with Aboriginal leaders, provinces and territories, parties to the Settlement Agreement, and other key partners, to design a National Engagement Strategy for developing and implementing a National Reconciliation Framework, that will include a formal response to the TRC’s Calls to Action.

United Nations Declaration on the Rights of Indigenous Peoples
- The Declaration, adopted by the UN on September 13, 2007, sets out individual and collective rights of Indigenous peoples as well as rights to culture, identity, language,
employment, health, and education. It prohibits discrimination against Indigenous peoples and promotes their full and effective participation in all matters concerning them and their rights to remain distinct and pursue their own visions of economic and social development.

- All National Aboriginal Organizations (NAOs) publically supported the Declaration and called on Canada to endorse it. The former federal administration 

Section 29(1)(a), Section 34(1)(a)(i)

on its endorsement. Instead, on November 12, 2010, the federal government conditionally endorsed the Declaration, noting in its Statement of Support that the Declaration is a non-legally binding document that does not reflect customary international law nor change Canadian law. The endorsement also noted Canada would interpret the principles expressed in the Declaration in a manner consistent with the Constitution and legal framework. In Canada’s statement, it noted Aboriginal and treaty rights, which are enshrined in the Constitution, will continue to be the cornerstone of the Federal Government’s efforts to promote and protect the rights of Aboriginal Canadians.

- The TRC Call to Action 43 calls upon all governments to fully adopt and implement the Declaration as a framework for reconciliation. Call to Action 44 calls upon the federal government to develop a national action plan, and other measures to achieve the goals of the Declaration.

- On May 9, 2016, at the United Nations Permanent Forum on Indigenous Issues, Indigenous and Northern Affairs Canada (INAC) Minister Bennett announced that the next day, the federal government would remove the objection of the former federal administration to the Declaration and provide an unqualified federal endorsement of the Declaration.

Analysis:

*Truth and Reconciliation Commission Final Report*

- LAAO has identified that 31 of the Summary Report’s 94 recommendations are within the purview, exclusively or otherwise, of provincial governments.

- The majority of the 94 Calls to Action are under the jurisdiction of the federal government and/or third parties (e.g., Roman Catholic Church; Canadian law schools).

*United Nations Declaration on the Rights of Indigenous Peoples*

- the Northwest Territories (in 2008) and Ontario (2009) both advocated for the Harper government to endorse the Declaration without qualification. Alberta has since (2015) joined these PTs in openly supporting adoption of the Declaration.

- Government conducts Aboriginal consultation, and discharges any Duty to Consult that may arise, in a manner consistent with prevailing Canadian caselaw.
The federal Minister’s news release on the UNDRIP endorsement also indicated a desire to work with PTs and breathe “life into Section 35 of Canada’s Constitution, which provides a full box of rights for Indigenous peoples.” Also, the federal Minister’s statements indicated that implementation of the UNDRIP would be in accordance with the Canadian Constitution.

Action Being Taken:

- LAAO continues to review and assess the TRC’s Final Report and its Calls to Action.
- LAAO will continue to monitor the response of the federal government to the TRC’s Calls to Action, and will work with the federal government, as required, to develop the National Engagement Strategy for developing a National Reconciliation Framework.
- LAAO will continue to monitor the federal implementation of the Declaration.
• This note is prepared for the information of the Premier for the above noted meeting.

**Proposed Speaking Points:**

• My Government looks forward to working with the federal government on implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution.

• The Government of Newfoundland and Labrador will continue to address Aboriginal rights through negotiation and settlement of land claims and will address Aboriginal aspirations for self-determination through the negotiation of self-government agreements and agreements to devolve provincial programs and services.

• As outlined in my mandate letter, as Minister of Labrador and Aboriginal Affairs I remain committed to implementing the Calls to Action set out in the Truth and Reconciliation Commission Report that are applicable to the Provincial Government.

• The Government of Newfoundland and Labrador continues to review the TRC’s Calls to Action in depth in order to prepare Government’s response.

• GNL continues to support reconciliation and support appropriate efforts to induce greater recognition of, promotion of, and respect for Aboriginal people in NL and across Canada.

• GNL continues to demonstrate its commitment to reconciliation through participating in all national initiatives to advance the cause of Aboriginal people. GNL has moved forward on reconciliation and hopes to continue to build our strong relationship with the Aboriginal people of Newfoundland and Labrador. Some of these initiatives include:
  
  o The signing of the Labrador Inuit Land Claims Agreement in 2005. At that time the Government of Newfoundland and Labrador apologized for the closure of the former communities of Nutak and Hebron. In 2009 and 2012, in respect of that Apology, the province and the Nunatsiavut Government worked together to erect a monuments at Hebron and Nutak.
  
  o In 2011, the signing of the New Dawn Agreements with the Innu Nation.
  
  o A self-government Agreement-in-Principle was signed by the Miawpukek First Nation, the Government of Newfoundland and Labrador, and the Government of Canada on November 8, 2013 at a ceremony in Conne River.
  
  o The Government convened the first-ever National Aboriginal Women’s Summit in Corner Brook in 2007. Government continues to invest in areas important to Aboriginal women, including the Women’s Policy Office’s Aboriginal Women’s Violence Prevention Grants program and Inuit Women Capacity Building Program.
  
  o In May 2013, the Government published its Aboriginal Consultation Policy.
  
  o We have been happy to have funded, along with Nalcor, the Labrador Aboriginal Training Partnership which provides training opportunities for Aboriginal people in Labrador designed to lead to employment in the resource development sector. GNL also strives for robust Aboriginal participation in major resource developments through gender equity and diversity plans.

**Prepared/Reviewed by:** C. Bustin / B. Harvey, R. Bowles

**Approved by:** A. Gover

**June 05, 2016**
Attached are the messages – let me know if you think we need more or more precise info.
Proposed Key Messages:

- My Government looks forward to working with the federal government on implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution.

- The Government of Newfoundland and Labrador will continue to address Aboriginal rights through negotiation and settlement of land claims and will address Aboriginal aspirations for self-determination through the negotiation of self-government agreements and agreements to devolve provincial programs and services.

- As outlined in my mandate letter, as Minister of Labrador and Aboriginal Affairs I remain committed to implementing the Calls to Action set out in the Truth and Reconciliation Commission Report that are applicable to the Provincial Government. Particularly Call To Action #43 states that "We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation."

- The Government of Newfoundland and Labrador continues to review the TRC's Calls to Action in depth in order to prepare Government's response.

- GNL continues to support reconciliation and support appropriate efforts to induce greater recognition of, promotion of, and respect for Aboriginal people in NL and across Canada.

- GNL continues to demonstrate its commitment to reconciliation through participating in all national initiatives to advance the cause of Aboriginal people. GNL has moved forward on reconciliation and hopes to continue to build our strong relationship with the Aboriginal people of Newfoundland and Labrador. Some of these initiatives include:
  - The signing of the Labrador Inuit Land Claims Agreement in 2005. At that time the Government of Newfoundland and Labrador apologized for the closure of the former communities of Nutak and Hebron. In 2009 and 2012, in respect of that Apology, the province and the Nunatsiavut Government worked together to erect a monuments at Hebron and Nutak.
  - In 2011, the signing of the New Dawn Agreements with the Innu Nation.
  - A self-government Agreement-in-Principle was signed by the Miawpukek First Nation, the Government of Newfoundland and Labrador, and the Government of Canada on November 8, 2013 at a ceremony in Conne River.
  - The Government convened the first-ever National Aboriginal Women's Summit in Corner Brook in 2007. Government continues to invest in areas important to Aboriginal women, including the Women's Policy Office's Aboriginal Women's Violence Prevention Grants program and Inuit Women Capacity Building Program.
  - In May 2013, the Government published its Aboriginal Consultation Policy.
  - We have been happy to have funded, along with Nalcor, the Labrador Aboriginal Training Partnership which provides training opportunities for Aboriginal people in Labrador designed to lead to employment in the resource development sector. GNL also strives for robust Aboriginal participation in major resource development through gender equity and diversity plans.
From: Gover, Aubrey  
Sent: Thursday, December 01, 2016 11:23  
To: Downey, Claudia  
Subject: RE: IN - NIO Meeting December 9, 2016

Brian, has my edits and questions.

Aubrey Gover  
Deputy Minister  
Labrador and Aboriginal Affairs Office  
Government of Newfoundland and Labrador

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From: Downey, Claudia  
Sent: Tuesday, November 29, 2016 8:37 AM  
To: Gover, Aubrey  
Subject: IN - NIO Meeting December 9, 2016

Hi Aubrey,

Please see the attached note for your review.

Cheers,

Claudia

Claudia Downey (B.A. B.A. M.A)  
Senior Analyst, Policy and Planning Division  
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Labrador & Aboriginal Affairs  
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Information Note
Labrador and Aboriginal Affairs Office

Title: Premiers Meeting with Select National Indigenous Leaders

Issue: On December 9, 2016 the Premier will be attending a First Ministers' Meeting on Climate Change in Ottawa. As a preface to that meeting, the Prime Minister has also invited Premiers to meet with Leaders from select National Indigenous Organizations (NIOs) on the morning of December 9. This Note has been prepared pursuant to a request from IGAS for briefing materials in support of the Premier’s meeting.

Background and Current Status:
• First Ministers and NIO Leaders will meet to finalize the Pan-Canadian Framework on climate change. Although discussion will focus on climate change, LAAO has identified the following issues which may arise during the Premier’s visit. Potential Speaking Points for each issue are appended as ANNEX I.

Issue #1: Truth and Reconciliation Commission (TRC)
• In 2007, in response to legal action by former students of Indian Residential Schools across Canada, the federal government concluded the Indian Residential Schools Settlement Agreement (the "Settlement Agreement"). No schools in this province were included.

• The TRC was created as part of the Settlement Agreement and was mandated to inform Canadians about Indian Residential Schools, and to promote a process of reconciliation. Led by then-Justice Murray Sinclair, on June 2, 2015, the TRC released its Summary Report, containing 94 Calls to Action.

• Prime Minister (“PM”) Trudeau has stated that one of the top priorities for his government will be implementing the TRC’s Calls to Action, which will include working with Aboriginal leaders, provinces and territories, parties to the Settlement Agreement, and other key partners, to design a National Engagement Strategy for developing and implementing a National Reconciliation Framework.

Analysis
• The majority of the 94 Calls to Action are under the jurisdiction of the federal government and/or third parties (e.g., Roman Catholic Church; Canadian law schools).

• LAAO has identified 31 of the Calls to Action as being within the purview, exclusively or otherwise, of provincial governments.

• In 2010, five disparate legal actions were initiated by Labrador Inuit individuals, alleging the federal government was responsible for abuses suffered at these schools; these were later combined into a class action lawsuit against the federal government including approximately 1,200 individuals, both Labrador Inuit and Labrador Innu.

• On February 1, 2016, the lawsuit was adjourned so lawyers could attempt to settle the case. On May 10, 2016, CBC announced that a $50 million settlement had been reached, with lawyers expecting between 750 to 900 people to be compensated. On September 28, 2016,
the Newfoundland and Labrador Supreme Court approved the settlement, and the claims process was commenced by the Court on November 22, 2016.

Action Being Taken

• LAAO will monitor the response of the federal government to the TRC’s Calls to Action, and work with the federal government, to develop the National Engagement Strategy.

Issue #2: National Inquiry into Missing and Murdered Indigenous Women and Girls

• The Native Women’s Association of Canada (NWAC) first called for a National Inquiry in 2012, a call that was quickly echoed by Aboriginal governments and organizations, as well as by all Premiers, who first took up the cause at their annual summer meeting in 2013.

• In May 2014, the RCMP released a report identifying 1,181 police-recorded cases of missing and murdered Aboriginal women over the past three decades, concluding that Aboriginal women have been much more prone to violent death than non-Aboriginal women.

• On December 8, 2015, the federal government announced a two-phase approach for a National Inquiry and initiated the first phase, the “Design Phase”, which focused on consultation with victims’ families, NIOs, Provinces and Territories (PTs), and other stakeholders to outline the objectives, scope and parameters of the Inquiry.

• The Premier’s 2015 Mandate Letter commits to “lead our government’s participation in the national inquiry . . . and the implementation of resulting recommendations which are applicable to the provincial government”.

• There has been significant media attention locally to the issue of missing and murdered Aboriginal women and girls. The St. John’s Native Friendship Centre (SJNFC) has released a list of over 100 missing and murdered Aboriginal women and children from this province.

• LAAO began seeking opportunities as early as February 2016 to solicit the comments and concerns of provincial Aboriginal governments, organisations and communities to inform Government’s support of and participation in the Inquiry. Those direct engagement activities included engaging Miawpukek First Nation during meetings in Conne River in April 2016; convening a meeting with representatives of the Nunatsiavut Government, the two Innu First Nations, NunatuKavut Community Council, Inc. (NCC) and the Labrador Friendship Centre in Happy Valley-Goose Bay in April 2016; and, meeting with each of Qalipu Mi’kmaq First Nation Band (QMFN), the Mi’kmaq First Nations Assembly of Newfoundland, the Newfoundland Native Women’s Association, and the Newfoundland Aboriginal Women’s Network on May 9-10 in Corner Brook and Stephenville. The Honourable Cathy Bennett, Minister Responsible for the Status of Women, also took advantage of a February 2016 meeting with Aboriginal governments and organizations in Labrador to discuss violence against Aboriginal women and girls and the Inquiry.

• On August 3, 2016, the Federal Government announced the launch of the next phase of the National Inquiry. The work of the Commission will be led by the Chief Commissioner, the Honourable Marion Buller. Judge Buller will be supported by four Commissioners - Michèle Audette; Qajaq Robinson; Marilyn Poitras; and Brian Eyolfson. In order to complete its
mandate, the Commission will be provided $53.86 million by the Government of Canada over two years. The Commission will provide recommendations to the Government of Canada in an interim report in fall 2017, with a final report by the end of 2018.

- To ensure the Inquiry has the legal authority to conduct an in-depth review of areas under provincial jurisdiction, Canada requested that provinces and territories issue an Order in Council (OC) to establish the Inquiry under provincial and territorial public inquiries legislation. All other PTs have issued an OC in support of the National Inquiry under their respective legislation. Government has decided it will issue the requested OC as well.

Analysis
N/A

Action Being Taken
- LAAO and JPS continue to monitor the developments on the National Inquiry.

Issue #3: Federal/Provincial/Territorial/Indigenous Forum (FPTIF)
- The Aboriginal Affairs Working Group (AAWG) was created in 2009 by Premiers and NIO Leaders. It was composed of PT Ministers of Aboriginal Affairs and the Leaders from five NIOs: Assembly of First Nations (AFN); Congress of Aboriginal Peoples (CAP); Inuit Tapiriit Kanatami (ITK); Métis National Council (MNC); and, the Native Women's Association of Canada (NWAC). The AAWG typically met annually to report on the work completed by officials during the year, and to approve the report’s transmittal to Premiers and Leaders for their consideration at their annual summer pre-Council of the Federation meetings.

- Section 91(24) of the Constitution Act, 1867 provides that the federal government has exclusive jurisdiction for “Indians and Lands reserved for the Indians”. This has historically been interpreted by the federal government to mean “First Nations”, and, since a Supreme Court of Canada (SCC) decision in 1939, Inuit. However, on April 14, 2016, the SCC issued a decision in R. v Daniels, determining that “Indians” in s. 91(24) includes all Aboriginal people in Canada, including Métis and Non-Status Indians. This decision effectively holds that all Aboriginal people in Canada are under federal jurisdiction, and, generally, entitled to federal programs and services. However, the Court left it to the federal government to determine how to discharge this newfound responsibility for Métis and non-status Indians. LAAO understands the federal government has this issue under active consideration.

- It was long a focus of the AAWG to encourage full federal participation in the AAWG. While participation was limited under the Harper Government, the new federal government has indicated a willingness to formally join the AAWG. At the Second National Roundtable on Missing and Murdered Indigenous Women and Girls in February 2016, all parties, including PTs, NIOs and the federal government, agreed to transition the AAWG into an FPTIF.

- At a June 10, 2016 meeting, in addition to establishing the FPTIF, Ministers and Leaders discussed a number of issues as per the agreed upon agenda, including the TRC Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the Socio-Economic Action Plan for Aboriginal women, the socio-economic gap between Indigenous and non-Indigenous Canadians, youth engagement, and, child and family services and
Jordan’s Principle. Ministers and Leaders agreed to move forward immediately in a number of areas, including cooperation in the process of the National Inquiry, action to prevent and address violence against Indigenous women and girls, and sharing best practices that have led to measurable results.

- Ministers and Leaders agreed to meet annually to discuss progress on these activities. Ontario’s Minister of Aboriginal Affairs and INAC Minister Bennett agreed to co-chair the next meeting of the FPTIF.

- In October 2016, Senior Officials met in Ottawa to discuss the Terms of Reference (TOR) and priority areas for the FPTIF. Although these items remain under discussion, a full FPTIF meeting is anticipated in June 2017.

Action Being Taken
- Government continues to work to establish a FPTIF Terms of Reference and priorities.

Prepared by / Reviewed by: C. Downey / B. Harvey / R. Bowles
Approved by:
December 1, 2016
ANNEX I

Potential Speaking Points

Issue #1: Truth and Reconciliation Commission (TRC)

- The Truth and Reconciliation Commission’s report reveals a national tragedy.
- The Province acknowledges that it is not enough to understand that a tragedy has occurred. This compels us to increase our efforts to promote reconciliation with Aboriginal people.
- We are pleased that the federal government has agreed to compensation for residential school survivors in Newfoundland and Labrador and we wish to thank the survivors who had the courage to relate their heart breaking stories of their experiences in the residential school system.

Issue #2: National Inquiry into Missing and Murdered Indigenous Women and Girls

- I commend the federal government for accepting the call, first from NWAC, and later taken up by Premiers, National Aboriginal Leaders, Aboriginal governments and organisations, and many other stakeholders to hold a National Inquiry into this important issue.
- My Government has engaged provincial Aboriginal governments and organisations to determine their views on and objectives for the National Inquiry, to inform my Government’s participation in and support for the National Inquiry.
- Government remains committed to participation and cooperation in the Inquiry.

Issue #3: Federal/Provincial/Territorial/Indigenous Forum (FPTIF)

- The work that has been done on the issues by the AAWG has been exceptional. It is crucial we do not lose the wisdom and advancements made by National Aboriginal Women’s Summits, by the National Roundtables, or indeed, by the AAWG itself.
- My Government is a strong supporter of the transition of the AAWG to the FPTIF, which can build on the successes achieved by the AAWG. I am pleased that the federal government has demonstrated a willingness to participate in this process.
- My Government encourages the federal government to take a leadership role in this new FPTIF process. With its support, the new FPTIF will work towards producing outcomes which advance the status of all Aboriginal people across Canada.
- My Government looks forward to continued collaboration on this new FPTIF in order to continue the national conversation on issues of importance to Aboriginal people.