



## IDENTIFICATION

Department	Position Title	
Executive and Indigenous Affairs	Senior Policy Advisor, Aboriginal Consultation	
Position Number	Community	Division/Region
11-13694	Yellowknife	Indigenous and Intergovernmental Affairs/Aboriginal Consultation and Aboriginal Relations

## PURPOSE OF THE POSITION

The Senior Policy Advisor, Aboriginal Consultation (Advisor) develops the government-wide Government of the Northwest Territories (GNWT) Aboriginal Consultation Framework and associated tools and resources as well as provides expert analysis, strategic, and policy advice directly to the Director of Aboriginal Consultation and Aboriginal Relations, Deputy Secretary Indigenous and Intergovernmental Relations, Secretary to Cabinet, and, where appropriate, Premier, and Executive Council (Cabinet).

The Advisor is also the GNWT Aboriginal Consultation Framework expert that provides departments and senior managers across government with independent, expert policy advice, guidance, analysis, and interpretation of Aboriginal and Treaty rights as they relate to the GNWT Aboriginal Consultation Framework. The purpose is to support and promote a government-wide, legally sound, consistent approach to Aboriginal consultation with Indigenous peoples on proposed government decisions, actions, initiatives, and high-level strategic decisions that are either department-specific or have broad cross-government implications and have the potential to adversely impact asserted or established Aboriginal and/or Treaty rights in the NWT.

Developing the tools and approaches for engagement consistent with the GNWT RRR approach is also a task of this position. These engagement processes are used to improve relationships with Indigenous governments and Indigenous organizations.

In addition, Advisor is responsible for providing training to GNWT staff on the GNWT Aboriginal Consultation Framework and the Duty to Consult. This includes creating consultation training tools, materials, and presentations. Training is provided to all levels of GNWT staff by either

through group sessions or one-on-one training. The creation of consultation training online modules is also expected.

## **SCOPE**

The Advisor is located in Yellowknife and reports to the Director, Aboriginal Consultation and Aboriginal Relations in Executive and Indigenous Affairs, Indigenous and Intergovernmental Affairs branch.

The Advisor provides strategic advice, guidance, and information to members of the departments' senior management team, including the Deputy Secretary Indigenous and Intergovernmental Affairs, Secretary to Cabinet, other GNWT departments, and ultimately for the consideration by the Deputy Minister's Committee on Aboriginal Rights and by Cabinet, on the GNWT Aboriginal Consultation Framework.

The Advisor develops and maintains the GNWT Aboriginal Consultation Framework and ensures that it continues to reflect the evolving jurisprudence on Aboriginal consultation. The Advisor is also responsible for ensuring that the GNWT meaningfully and soundly fulfills its constitutional and legal duty to consult with Indigenous peoples when considering a proposed decision or action, through the development of policies, guidance, resources, and training.

The Advisor prepares objective, expert, independent, central agency assessment and advice of departmental initiatives that may trigger the GNWT's legal duty to consult, critically assessing proposed approaches based on established Aboriginal case law, legislation, historic and modern treaties, and policies that inform the GNWT Aboriginal Consultation Framework.

The Advisor exercises considerable initiative and works independently in analyzing and providing advice to senior managers and client departments. The Advisor determines appropriate methodologies for analyzing issues and presents findings and recommendations in a concise summary. The Advisor must exercise initiative and innovation to propose solutions that are most appropriately suited to the NWT and diverse departments. Discretion, diplomacy, and self-control must be displayed at all times when representing the GNWT. Often this involves initiating a change of practice within a department in situations where the Advisor has no authority and must rely on other methods to initiate change within the culture of the department.

The Advisor must also ensure that all duties are performed in compliance with GNWT direction and relevant, legislation, regulations, contracts, agreements, and memoranda. The provision of incorrect advice could result in the GNWT's failure to meet the legal duty, which can result in damaged working relationships with Indigenous governments and organizations as well as negative financial and political implications. It is therefore imperative that the GNWT Aboriginal Consultation Framework and consultation advice provided is current, legally sound, and follows best practices when fulfilling the GNWT's legal duty to consult.

The Advisor works with departments, boards, and agencies to prepare, review and evaluate draft consultation assessments to determine if the GNWT duty to consult is triggered and if so,

then to develop a consultation assessment to determine the scope and depth of consultation and a consultation strategy. Internal contacts include directors of policy, communication, senior managers, program staff, committees, and central agency colleagues (ex. Department of Justice, Cabinet Secretariat, Shared Corporate Services, etc.). The Advisor may also be required to brief and present material to senior managers in client departments. External contacts include federal, provincial and territorial government departments/agencies, and the public.

The Advisor must possess expert knowledge and understanding of the evolving Aboriginal consultation environment in Canada, the unique political and social environment of the NWT, an awareness of changing and evolving governance structures in the NWT, and an appreciation of the special relationship the GNWT has with Indigenous governments and organizations as expressed through Respect, Recognition, Responsibility.

The issues and concepts that the Advisor must understand and analyze deal with all GNWT departmental mandates that could trigger Aboriginal consultation and are often diverse, complex, and highly abstract. The operating environment within which this work takes place can be fluid and subject to change and may be impacted by departmental and political consideration.

The incumbent:

- Leads in the development of decision papers, information items, policies, guidelines, resources, and training to ensure the GNWT-wide Aboriginal Consultation Framework is current, consistent with court decisions, and guided by appropriate Cabinet direction.
- Provides strategic analysis and advice to all GNWT departments, boards, agencies on Aboriginal rights in the implementation of the GNWT-wide Aboriginal Consultation Framework.
- Prepares and supports all GNWT departments, boards and agencies to fulfill the GNWT duty to consult through analysis and review of pertinent documents, such as proposed GNWT actions, decision papers, etc.
- Ensures that necessary interdepartmental input and engagement takes place with GNWT departments, boards, and agencies in the development and maintenance of the GNWT Aboriginal Consultation Framework so that the GNWT legal responsibilities and obligations regarding the duty to consult Indigenous peoples are met.
- Assists GNWT departments, boards and agencies with the development of new, legally sound approaches to Aboriginal consultation, which will ensure that they meet this legal obligation to consult in a legally sound, meaningful, consistent and coordinated manner.
- Works with other departments, boards, and agencies to provide on-going support on issues relating to Aboriginal consultation and to build departmental capacity related to Aboriginal consultation, training, guidelines, and/or processes to ensure GNWT consultation is meaningful and complete, legally sound and supports a consistent and coordinated GNWT-wide approach to meeting the GNWT's duty to consult.

## **RESPONSIBILITIES**

### **1. Lead in the development and maintenance of the government wide GNWT Aboriginal Consultation Framework and its implementation as guided by appropriate Cabinet direction.**

- Lead the development and maintenance of the GNWT Aboriginal Consultation Framework by undertaking policy research and analysis, including research of emerging case law, policy and/or legislative requirements, and other pertinent documents to ensure the accuracy of the GNWT Consultation Framework and recommend Aboriginal consultation policy/guidance requirements.
- Lead the development, review, and maintenance of resources and tools required for GNWT departments to operationalize the GNWT Aboriginal Consultation Framework.
- Identify priorities and prepare work plans in cooperation with the Director, Aboriginal Consultation and Aboriginal Relations.
- Monitor and assess evolving national policy announcements made by the federal government and other jurisdictional legislation/policies/frameworks, etc. to help ensure currency, relevance, and consistency of GNWT policy and best practice.
- Lead interdepartmental working groups of GNWT senior policy personnel established to develop and maintain the GNWT Aboriginal Consultation Framework.
- Review all documents used in Aboriginal consultation to ensure conformity with standards and policy direction. Recommend revisions as required and develop documents and tools to fill any shortcomings.
- Engage with GNWT departments, Indigenous governments and organizations, stakeholders, and public on new or updated GNWT-wide consultation policies and procedures.
- Prepare material to support senior management and Cabinet decision-making processes, including discussion papers, decision papers, Ministerial briefing notes, information items for Cabinet and/or Standing Committee presentations.
- Recommend action to address opportunities or challenges based on new case law or known gaps in the GNWT-wide Aboriginal Consultation Framework.
- Analyze potential impacts to the GNWT on legal interpretations of Aboriginal and Treaty rights case law and issues in Canada.
- Establish and maintain communications with all GNWT departments, boards, central agencies, and Indigenous government contacts.
- Liaise and communicate with senior officials in client departments regarding changes and updates to the GNWT Aboriginal Consultation Framework to support implementation
- Monitor and track the implementation of the GNWT's Aboriginal Consultation Framework.
- Develop and deliver training on the GNWT Aboriginal Consultation Framework.

### **2. Provide expert analysis and broad policy and strategic advice to senior managers and client departments regarding the government-wide implementation of the GNWT Aboriginal Consultation Framework and development of department-specific approaches.**

- Provide expert advice to departments, boards and agencies on the development of consultation plans for specific GNWT decisions, actions, and high-level strategic decision based on the GNWT Aboriginal Consultation Framework, policies, and agreements.
- Recommend strategic direction and courses of action to GNWT departments
- Assess the immediate and long-term impacts to the GNWT on options being contemplated for rights recognition and Aboriginal consultation.
- Guide the GNWT departments in completing assessments to determine if the GNWT's duty to consult is triggered, and if so, then the development of a consultation assessment and associated workplan to ensure that the GNWT's legal duty to consult is fulfilled when considering proposed GNWT actions/decision.
- Lead in the development of department-specific consultation frameworks through a standard GNWT-wide standard template that assesses departmental business for its potential to trigger the duty to consult and support the development of sound departmental consultation processes.
- Provide GNWT departments with expert advice, guidance, analysis, and interpretation of Aboriginal and Treaty rights as they relate to Aboriginal consultation for decision/actions/initiatives that are either departmental-specific or have broad cross-departmental implications.
- Lead interdepartmental working groups established to develop, review, and maintain departmental implementation plans for the GNWT Aboriginal Consultation Framework.
- Lead and/or participate in inter-divisional and inter-departmental working groups to provide expert analysis in relation to Aboriginal consultation and the implementation of the GNWT Consultation Framework.
- Establish and guide GNWT departments in the development and implementation of department-specific approaches/frameworks/guidelines for Aboriginal consultation departmental-specific business.
- Provide advice to departments, boards and agencies on the development of consultation plans for individual projects.
- Prepare necessary briefing materials, summaries, action items, and policy papers.

**3. Support senior management in client GNWT departments by providing expert advice and recommendations on matters ultimately leading to the GNWT fulfillment of its legal obligation to consult.**

- Provide ongoing expert advice based on the Cabinet-approved GNWT Aboriginal Consultation approach, framework, policies and related agreements.
- Interpret existing policy and legislation as they relate to Aboriginal rights.
- Lead/coordinate/participate in inter-departmental working groups, project teams, and committees to provide expert analysis in relation to Aboriginal consultation for GNWT initiatives that trigger the duty to consult (ex. environmental assessment, wildlife, etc.)
- Review memoranda of understanding and agreements with Indigenous governments and provide strategic analysis and recommendations for their approval or revision.
- Analyze and assess impact of proposed agreements or other documents as required.
- Coordinate and prepare proposals for consideration by the Deputy Ministers' Committee on Aboriginal Rights.

- Draft and review a range of documents, including presentations, strategies, Cabinet papers, speaking notes, briefing notes, and correspondence.
- Develop and deliver presentations on Aboriginal consultation and the GNWT legal obligations to a range of stakeholders across government.
- Provide analysis and develop, in cooperation with departmental colleagues, responses, comments and responses on the GNWT position in relation to the adoption of or amendments to international conventions or national agreements.

## **WORKING CONDITIONS**

### **Physical Demands**

No unusual demands.

### **Environmental Conditions**

No unusual demands.

### **Sensory Demands**

The incumbent often spends extended periods in meetings dealing with complex and sensitive issues. This requires simultaneous use of auditory and visual senses for extended periods of focused listening and observation.

### **Mental Demands**

Travel is occasional, but infrequent. The position deals frequently with deadlines and competing priorities. The position operates in a high-risk environment, as much is at stake in the GNWT meaningfully and soundly fulfilling its constitutional and legal obligations through the duty to consult. Failure to do so can have significant legal, political, and financial implications for the GNWT.

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Expert knowledge of the Aboriginal consultation environment in Canada, including federal/provincial/territorial legislation/policies/roles/functions/structures, Aboriginal law and implementation issues, particularly related to Aboriginal issues.
- Ability to research, analyze, interpret, and critically assess implications of the evolving Aboriginal case law, federal/provincial and territorial legislation/policies related to Indigenous peoples and Aboriginal consultation on the government wide GNWT Aboriginal Consultation Framework.
- In-depth knowledge of land, resources, and self-government agreements, their intent, purpose and implications.
- In-depth knowledge of the constitutional context of Aboriginal and Treaty rights in Canada.
- In-depth knowledge and understanding of the GNWT's jurisdictions and authority, policies, programs, operations, administrative systems, governance systems in the NWT, and its economic, social, cultural and political environment.
- Ability to provide strategic advice/support to departments, boards, and agencies on the GNWT's evolving Aboriginal consultation obligations.

- Excellent research, analytical, problem solving, and strategic planning skills.
- Excellent communication skills, both verbal and written.
- Ability to effectively represent the GNWT-wide and department position accurately and professionally.
- Excellent ability to work independently and take initiative to address challenges or issues as they arise.
- Excellent organizational and time management skills to manage a high volume of information and several complex assignments at one time and meet tight timeframes in sensitive situations.
- Must have excellent interpersonal skills, including the ability to build consensus and manage conflict, using tact and diplomacy.
- Ability to work in a team environment on large inter-departmental and inter-governmental projects with diverse membership and competing interests.
- Ability to exercise strong judgment.
- Must be creative, focused on offering solutions and work well in a team environment
- Ability to work effectively in a cross-cultural environment.
- Proficiency in the use of computers and related software such as Microsoft Office Suite (Outlook, Word, Excel, PowerPoint, Access, Project), SharePoint, online meeting software such as WebEx/GoToMeeting, and records management (DIIMS).

**Typically, the above qualifications would be attained by:**

University degree in Arts, Sciences, Business or Public Administration or related discipline, or juris doctor or bachelor of laws degree, with six (6) years of related policy experience, or an equivalent combination of education and experience.

**ADDITIONAL REQUIREMENTS**

**Position Security (check one)**

- ☒ No criminal records check required
- ☐ Position of Trust – criminal records check required
- ☐ Highly sensitive position – requires verification of identity and a criminal records check

**French language (check one if applicable)**

- ☐ French required (must identify required level below)
  - Level required for this Designated Position is:
  - ORAL EXPRESSION AND COMPREHENSION
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
  - READING COMPREHENSION:
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
  - WRITING SKILLS:
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
- ☐ French preferred

**Indigenous language:** Select language

- ☐ Required
- ☐ Preferred