

The background of the page is a wide-angle photograph of a winter landscape. In the foreground, there is a snow-covered field with some dry grasses. In the middle ground, a cluster of houses and buildings is visible, some with snow on their roofs. In the background, a large frozen lake or bay stretches across the horizon under a clear blue sky. A small island with trees is visible in the distance.

**DUTY TO CONSULT**



## INTRODUCING MNP'S NEWEST SERVICE LINE: *DUTY TO CONSULT*

MNP is adding to our Aboriginal and Consulting Services by merging in the practice of Calliou Group, effective June 1, 2017.

### WHO IS CALLIOU GROUP?

Calliou Group is a unique Aboriginal-owned firm specializing in Aboriginal consultation and accommodation support (also known as the Duty to Consult). Managed by Tracy Campbell and Germaine Conacher, Calliou Group provides advice to all parties involved in the Duty to Consult process, including public governments seeking to ensure meaningful consultation, private industry seeking to manage risk and First Nation, Metis and Inuit governments seeking to protect their Section 35 rights.

### WHAT IS THE “*DUTY TO CONSULT*”?

- The *Duty to Consult* is triggered when Crown conduct, such as an approval of a natural resource project, has the potential to negatively affect Aboriginal and treaty rights.
  - There are three parties involved in a *Duty to Consult* process including the industry proponent proposing a project; a public regulatory authority considering a project approval and; an Aboriginal Nation with Section 35 rights potentially affected by the project.
  - Virtually every square inch of Canada is subject to Section 35 rights, oftentimes with multiple Aboriginal Nations having overlapping Section 35 rights in the same area.
  - Every Aboriginal Nation (including First Nation, Metis and Inuit governments) in Canada can be involved in the *Duty to Consult*, often multiple times in a year.
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## WHAT DOES A MEANINGFUL *DUTY TO CONSULT* PROCESS LOOK LIKE?

- When a natural resource development project, such as mining, oil and gas, electricity transmission or pipeline is proposed within an Aboriginal Nation's traditional territory, a *Duty to Consult* process is triggered.
- In order for a *Duty to Consult* process to be meaningful, a potentially-affected Aboriginal Nation should have sufficient project information provided directly to them, with sufficient time and expertise to review that information and provide comments.
- Meaningful consultation can be measured by how well issues and concerns from an Aboriginal Nation are collected and then reflected in the decision-making process.
- Meaningful consultation also means identifying potential impacts to Section 35 rights resulting from a project and then identifying measures to offset, reduce or eliminate those impacts.
- *Duty to Consult* is triggered and must be completed before a project is approved.
- Each Aboriginal Nation involved in a *Duty to Consult* process should not bear the costs of participating in that process.

## NEW MNP SERVICES FOR ABORIGINAL NATIONS

MNP can now offer a wider range of services to Aboriginal Nations involved in a *Duty to Consult* process, including:

- Review completed environmental assessment reports
- Develop comments and responses for submission to Crown regulatory authorities
- GIS mapping
- Preparing budgets and work plans for submission to proponents and Crown to secure funding to participate in the *Duty to Consult*
- Conducting Aboriginal Rights Studies to assist in the identification of negative effects to Section 35 rights
- Preparing other expert evidence for filing regulatory proceedings
- Appear as an expert witness for both federal and provincial regulatory hearings
- Providing a liaison between legal support and Aboriginal Nations to provide cost-effective service support
- Development of mitigation options for use in accommodation discussions
- *Duty to Consult* 101 Training
- Environmental Assessment 101 Training





## ABOUT MNP

MNP is a leading national accounting, tax and business consulting firm to Canada's Aboriginal communities. We have invested more time and resources into understanding Aboriginal needs than any other firm. With more than 250 Aboriginal clients and 70 Aboriginal team members, MNP has developed a diverse suite of services designed to preserve our clients' traditions and position them for success.

**If you have any questions about the *Duty to Consult* or think your Nation may need MNP services do not hesitate to call:**

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