



ISSN 1181-6465

**Legislative Assembly
of Ontario**

First Session, 39th Parliament

**Assemblée législative
de l'Ontario**

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 27 May 2008

**Journal
des débats
(Hansard)**

Mardi 27 mai 2008

**Standing Committee on
Estimates**

Ministry of Aboriginal Affairs

**Comité permanent des
budgets des dépenses**

Ministère des Affaires autochtones

Chair: Tim Hudak
Clerk: Sylwia Przedziecki

Président : Tim Hudak
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Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Tuesday 27 May 2008

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The committee met at 0907 in room 151.

MINISTRY OF ABORIGINAL AFFAIRS

The Chair (Mr. Tim Hudak): As we're waiting for the minister, we'll get started. Good morning, folks. Welcome to the Standing Committee on Estimates. We're reconvening today for the consideration of the estimates of the Ministry of Aboriginal Affairs. A total of eight hours has been the decision.

The gentleman at the table is—

Mr. David Lynch: David Lynch, the CAO.

The Chair (Mr. Tim Hudak): And the one beside you is—

Mr. David Lynch: Deputy Lori Sterling.

The Chair (Mr. Tim Hudak): Deputy, I'll direct this to you as well. As you know, the ministry is required to monitor the discussions today for any questions that arise to the ministry. We know that not every question can be answered on the spot, and it is always very helpful if we get a response to the members through the clerk as quickly as possible. We appreciate that courtesy.

We do have our hard-working staff—Mr. Charlton here today from leg research, who will endeavour to make sure that he has the questions written down as asked by the members. Often, it's good just to check with our researcher to make sure that the questions were understood. Sometimes in the heat of debate, it's not always clear exactly what information was being requested, so the research officer is there to verify.

We did postpone, at the request of Mr. Bisson, the meeting we had scheduled before the break week. All parties agreed to that, so we postponed that meeting. It does mean that we'll have some make-up time to make sure that we don't fall behind. Each party has called its set of estimates, and I want to make sure we get through as many of those estimates as possible.

We did, as part of that agreement, have the commitment of the House leader from the government side to find an additional day, if necessary. My preference would certainly be while the House is in session. We will need permission from the Legislature to do so. The clerk and I are also looking at the existing schedule to see if there's a way, if we can find the time, in the existing schedule, which may or may not happen depending on if the committee tends to start on time or not.

Are there any questions from members of the committee?

Mr. Garfield Dunlop: So, Mr. Chair, a total of eight hours. There are two hours tomorrow as well? Roughly two hours—

The Chair (Mr. Tim Hudak): Yeah, we'll have two hours this afternoon, from 4 until 6. With the new schedule again—sorry; 3:30 to 4.

Mr. Garfield Dunlop: I was just wondering when we actually would meet.

The Chair (Mr. Tim Hudak): So 4 o'clock until 6 this afternoon, then Wednesday 4 until 6. That will take us through four hours, plus our hour and 45 more minutes today, to five hours and 45 minutes.

Mr. Garfield Dunlop: So next week we have a couple of hours?

The Chair (Mr. Tim Hudak): We'd have at least Tuesday of next week.

Mr. Garfield Dunlop: Okay.

The Chair (Mr. Tim Hudak): The clerk was kind enough to prepare a likely schedule. Again, things do change from time to time, depending on when we start and if people don't use all of their time. I'll ask the clerk to circulate the planned schedule as it is today, so members can see when aboriginal affairs will continue until, in all likelihood, followed by the Ministry of—

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Health and Long-Term Care.

The Chair (Mr. Tim Hudak): Health and Long-Term Care will be next on the list.

Mr. Bryant, welcome to the Standing Committee on Estimates. As you know, the format is that the minister would make 30 minutes of introductory comments to talk about the achievements and the goals of the ministry. You can use all that time if you choose to do so, followed by the official opposition, which will have 30 minutes. The third party will have 30 minutes, and then back to the minister for any responses. Then we'll begin 20-minute cycles after that. We go today till 10:45 and then we adjourn for question period and resume at 4 p.m. this afternoon.

I do have to formally say that I will now call vote 2001.

Minister, the floor is yours.

Hon. Michael Bryant: Thanks, Mr. Chair, and thanks to the members of the committee. With me today are Deputy Minister Lori Sterling, Chief Administrator David Lynch and assistant deputy ministers Doug Carr and Alison Pilla.

The goal of the provincial government over the course of the next mandate is to try and improve economic conditions for aboriginal people, the idea being that if we are able to assist in enlarging an aboriginal middle class, with that will come improved social conditions. So while there are a number of very important issues that the government addresses with respect to aboriginal affairs on an ongoing basis, the number one, number two and number three goals are to try and improve social conditions through improvement of economic conditions. Much of that is going to be done through jobs. Some of that will be done through sharing of equity or settlements. Obviously, the vast majority of those jobs will be private sector jobs.

The government's job is to try and remove obstacles to promote jobs, to promote resolutions, to do the province's job to resolve historic grievances. The province's job is to, within its jurisdiction, assist in advancing and improving education for aboriginal peoples in Ontario, keeping in mind that the on-reserve schools are the federal government's responsibility. Nonetheless, education is the means to getting the skills and the knowledge in order to get and perform the jobs.

Along the way, the government needs to provide assistance in levelling the playing field, providing the so-called capacity. I say "so-called" because when I used it a couple of weeks ago in a press conference, Sean Mallen said, "What's this capacity?" He was right: It's about levelling the playing field so that, in dealings between First Nations and Metis leaders and business and government, everybody's on the same footing.

In the 2007 throne speech, the government stated its intention to forge a stronger relationship with aboriginal peoples, stated its intention to address historic grievances and stated its overall goal of improving economic conditions.

In 2007, the government created a stand-alone Ministry of Aboriginal Affairs, fulfilling a recommendation of the Ipperwash commission. In the past, the portfolio had been a secretariat or an addition to another portfolio. That meant it didn't get the attention it deserved. Historically, it was often put with a ministry like the Ministry of the Attorney General, where it was obviously difficult for the chief legal officer to improve relationships with First Nations and Metis when, at the same time, they were in court. Also, it perpetuated the legalization of the relationship, to the point where most of the progress was determined by the courts.

In order to fulfill its expanded mandate, the budget of the Ministry of Aboriginal Affairs was almost doubled, from about \$28 million in 2007-08 to \$55.6 million in 2008-09. In addition, the province spends about \$600 million annually through a number of other ministries across government with the purpose of improving the quality of life for First Nations, Metis and Inuit people. The separate ministries each provide aboriginal-specific services, and in many cases, the role of the Ministry of Aboriginal Affairs is to assist the ministry. For example, the Ministry of Education, even before the creation of the

stand-alone Ministry of Aboriginal Affairs, had undertaken an ambitious set of reforms to identify aboriginal peoples within the public school system in order to try and address aboriginal peoples' needs within the public school system. That had never been done before. Now the Ministry of Aboriginal Affairs assists the Ministry of Education in its continued implementation of that and other aboriginal-specific reforms.

About \$300 million of the \$600 million annually that I spoke of goes to children and social services, another \$85 million to health services, \$80 million for justice and policing initiatives through the Ministry of Community Safety and Correctional Services and the Ministry of the Attorney General—

Mr. Gilles Bisson: Could you repeat the last part?

Hon. Michael Bryant: Sure. I'll start at the top.

Mr. Gilles Bisson: No, no; just at the policing part.

Hon. Michael Bryant: Eighty million dollars for justice and policing initiatives and \$45 million on education and training programs. I know we're not getting into question and answer yet, Mr. Chair, but these are initiatives, such as increasing access to justice for aboriginal peoples as opposed to operational spending by the police.

The new Ministry of Aboriginal Affairs is now better placed to address the needs of Inuit, Metis and First Nations people both on the reserve and in urban centres.

On the effort to improve relationships with First Nations and Metis: It takes commitment and time and resources. It is important for the government to set and track strategic priorities for its aboriginal agenda while, at the same time, working on its specific and main objective of improving economic conditions. Across ministries, the government is investing in First Nations through education, training and skills development.

I mentioned education. The government is investing \$45 million in aboriginal education and training programs, with \$5 million in school year 2008-09 for aboriginal education. We are working to promote aboriginal businesses to invest on reserves or otherwise partner with First Nations and Metis, and to work with First Nations and Metis to create jobs.

There are some very good examples. I'll give you one: SIXTech. It's a large aboriginal information management company based in Oshwegon. Adobe, one of the world's largest software companies, has forged a strategic alliance. It is a great success story.

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Back 25 years ago, very few businesses were owned and managed by First Nations communities. Today, there are over 20,000 businesses owned and managed by First Nations people. The goal is to increase that, in partnership with First Nations and Metis leadership.

In order to advance and improve the relationships between the government, First Nations and Metis, it is necessary to entrench regular meetings of aboriginal and government leadership. That was established in 2004-2005, broadly speaking, and it has meant that ministers responsible meet directly with First Nations and Metis

people with respect to their priorities. The Premier hosts annual conferences with First Nations and Metis leaders and aboriginal service providers, and attends meetings of Premiers with national aboriginal leaders and significant aboriginal events.

It's part of my job, obviously, to hold many meetings with chiefs and community members. As regularly as possible, I visit First Nations communities across Ontario. I've had dozens of such meetings since becoming the minister at the end of October. As the minister responsible, I co-chair the new Ipperwash Inquiry Priorities and Action Committee, first with the Chiefs of Ontario regional chief, and secondly, with the president of the Metis Nation of Ontario.

We have launched formal discussions with the Metis Nation of Ontario to develop a new—and we hope, historic—framework agreement based on the principles of respect and partnership. The consultation, partnerships and multilateral work that ought to be the goal of any government working with First Nations and Metis people is also based on relationships.

First Nations are rightly raising the issue of consultation, and how the duty to consult applies to government initiatives and government approvals of private sector projects in Ontario—there has been Supreme Court of Canada jurisprudence speaking to the duty to consult—as well as where treaty rights may be affected by government actions. These decisions have bolstered the just desire of First Nations, Metis and Inuit, with respect to the control of and management of benefits to be realized; for example, resource revenue sharing on traditional lands.

That said, in an effort to depart from the past primary legalization of the relationship of First Nations, Metis and government, where most of the major changes were determined by the courts—I think over the course of the history of the nation, maybe all of the major changes were determined by the courts—instead of waiting for the courts to advance government action, and also instead of governments being risk averse as a result of ongoing litigation, it's important that the government make multilateral action its goal, and that governments seek to reach agreements with First Nations and Metis leaders.

The duty to consult is a legal duty. It's a constitutional duty. It's inevitably a minimal duty. There's much focus on what the duty to consult means. Rather than focusing on that legal issue, which is a matter for the Ministry of the Attorney General, lawyers and judges, this government believes that the Ministry of Aboriginal Affairs and the other ministries will, yes, obviously, respect their legal duties, but also must forge relationships to allow for multilateral action, and do so primarily because of the relationship as opposed to primarily motivated by the legal duty.

Our government has endeavoured to make progress in establishing positive relationships. The revenue-sharing agreement for gaming that was entered into in January, and ratified in February or late January, was a \$3-billion agreement over 25 years. What that means is a share of

gaming dollars that is used by First Nations to improve the quality of life in First Nations communities. It is a stable source of revenue for Ontario First Nations, allowing its use to support community development, health, education, economic development and cultural development. Already, in use of what is often referred to colloquially as Rama money, community recreation centres have been built. Many communities can point to use of the money achieved through the previous gaming arrangements. This will allow for a 25-year certainty that that will continue to take place, continue to hopefully improve schools and housing and build community centres—such as the one at Sandy Lake that I saw a few months ago—support infrastructure needs and provide training, again, leading to more jobs. The initial payment of \$200 million was made this past February.

The Ontario approach is quite different from the approach in the United States, where if there's a casino on the reservation, there's a steady flow of income and a significant amount of income that goes to that particular tribal government. But if you don't have a casino on your reservation, then there will be no gaming. In California, for example, there's one tribe, one reservation where the annual average income is about \$90,000 a year, and in the same state, there's another tribe on a reservation where the annual average income is under \$10,000 a year. So it's all or nothing, depending on whether or not there's a casino in your backyard. It obviously also leads to the proliferation and incentive to build casinos.

The Ontario approach is different. The Ontario approach is to say that all First Nations share in the revenues, regardless of whether there's a casino in their backyard; and secondly, that First Nations co-manage and, in partnership, address all gaming issues involving First Nations in Ontario. I think it's the right approach, and I think that the agreement is a success story and is very much a credit to the negotiating committee, the leadership of Grand Chief Toulouse, and the work done by the Honourable David Ramsay and the Honourable David Peterson.

The Ministry of Aboriginal Affairs also administers an aboriginal community capital grants program to promote self-reliance by funding community facilities, community centres, small-business centres, which provide a delivery point for community services and business activity. In the current budget year, \$3.3 million has been allocated to the aboriginal community capital grants program. The Chippewa of the Thames First Nation has already received \$500,000 towards a new community centre, as did Missanabie Cree First Nation and additional First Nations. These facilities promote healthy lifestyles and skills development, especially amongst kids. Community centres provide social, cultural and educational activities and encourage locally based programming and training.

The small-business centres foster growth of small businesses in the local area and assist entrepreneurs. There are many First Nations that have an entrepreneurial spirit and tradition. The experience in the United States is that where the gaming revenue or other revenue is

combined with small businesses and entrepreneurs, that's when the annual average income goes up. It's a combination of the two—again, because of an increase of jobs, an increase in an aboriginal middle class.

The Ontario government will be working with the Chiefs of Ontario to convene an aboriginal economic development forum early in 2009 that will promote business partnerships. We are currently creating an inventory of economic development initiatives for First Nations, Metis and Inuit people in Ontario, and we'll be posting this on the ministry website to ensure easy access. We're working with the Ministries of Economic Development and Trade and Finance on venture capital and small-business assistance.

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Clearly, a long-term approach is needed to generate more opportunities and jobs. It will primarily come from partnerships between the private sector and First Nations and Metis communities. Again, the government's job is to provide capacity, education, remove obstacles and promote economic development however it can. As rising energy costs are one of the major issues facing all residents of Ontario today, it's an example of the government's approach. So we're looking at ways to partner with the federal government and First Nations on potential renewable energy projects, including a loan guarantee program. I've asked potential aboriginal partners to bring forward ideas on how we can, together, participate and benefit from renewable energy projects. A number of public and private sector energy proponents are already meeting with potentially impacted aboriginal communities. At the same time, the Ministry of Energy is working with First Nations on alternatives to diesel use in the north.

Resource benefit sharing: It was a commitment made in the fall 2005 throne speech to develop proposals for aboriginal peoples to share in the benefits of natural resource development. This will translate into meaningful employment and business development, but it is also, and perhaps primarily, about creating an economic incentive that will far exceed any net revenue that is shared with First Nations and Metis people, obviously because, if in fact there's greater economic development, if there's greater natural resource development, then it necessarily means an increase in revenues above and beyond jobs and any equity share.

The northern table letter of political agreement identified resource benefit sharing as one of the areas of discussion aimed at closing the socio-economic gap between Nishnawbe Aski Nation First Nations and other residents of Ontario. Ontario has committed \$30 million over the coming four years to support consultation at the northern table on land use planning and resource management in the far north. The idea of resource benefit sharing has several component parts. The improvement of the relationship and partnerships may include impact-benefit agreements, skills training to work in the resource sector and the allocation of crown revenue from resource extraction.

Resource revenue sharing is not the end; it's a means to an end, the end being more partnerships, more economic activity and greater economic development amongst First Nations and Metis. That said, the goal is to balance economic development with far north planning and climate change issues and to improve the investment climate and enhance aboriginal businesses and partnership opportunities. Obviously, aboriginal peoples have been leaders with respect to climate change and the environment for decades before myself, most elected in most governments.

As an example of successful partnership, I offer De Beers in Attawapiskat, resulting in important impact-benefit agreements in the opening of the Victor diamond mine. It's a remarkable opportunity and model for northern Ontario. The potential benefit for people of Attawapiskat is substantial: 600 jobs during the construction phase and 375 direct jobs during the diamond mining process. As part of the impact-benefit agreement, significant investments have been made in education and training to assist First Nations people to build the skills necessary for the employment opportunities created by the project.

The community of Attawapiskat is also benefiting through a number of joint venture agreements for the provision of supplies and services. Ontario is working with De Beers and representatives of the diamond sector to identify, develop and promote value-added diamond opportunities that ensure vibrant and sustainable industries at all stages of the project. Environmental monitoring will obviously take place throughout the life of the project and continue several years after the mine has closed, ensuring that it's dealt with responsibly and safely and the environment is protected.

Improving social conditions, as I said, is something that every government of every political stripe would be dedicated to. One of the worst statistics is that a young man is more likely to go to jail than he is to graduate from high school if he's a First Nations young man. It's a tragic, tragic statistic, which that I know all of us want to address and improve. Studies show that there would be improvement for not just First Nations and Metis communities, but for the broader Ontario community. Studies showing that the education gap between aboriginal and non-aboriginal peoples in Canada, should it be closed, would result in billions of dollars added to the gross domestic product.

Education is the key to the jobs and prosperity that I've spoken of. The Ministries of Education and Training, Colleges and Universities launched Ontario's aboriginal education strategy to support learning and achievement of aboriginal students. In addition, through this strategy, awareness about First Nations, Metis and Inuit peoples' cultures, histories and perspectives in the schools are being raised amongst all the students.

In addition to the core funding provided by the Ministry of Aboriginal Affairs, the Ministry of Education provides an annual \$650,000 to the friendship centres to provide additional student support, such as counselling

by elders and cultural programming. A review is currently under way to assess whether the native alternative schools, as they're called, a program run by the friendship centres, should be expanded.

On-reserve, it's a real challenge. There's a gap in per pupil funding between students on-reserve and off-reserve. It's quite a significant gap; it's at least a third to a half, maybe more. It's a disparity that is very—well, it's impossible to reconcile. Action is going to be needed by the federal government to address that disparity. I think everybody understands that the capacity of Ottawa to deliver education services is not traditionally the expertise of a federal government, but it is the constitutional and fiscal responsibility. The province wishes to assist if there is a way to do so, but the federal government is going to have address it in fiscal matters.

Chair, how much time have I got?

The Chair (Mr. Tim Hudak): About five minutes.

Hon. Michael Bryant: Thanks. Urban issues: I think most are aware that the growing number of aboriginal peoples are living off-reserve in urban centres. The latest census shows 78% of the aboriginal population in Ontario living off-reserve. Of these, approximately 60% live in urban areas and face numerous challenges.

The ministry works with the Ontario Federation of Indian Friendship Centres. We provide core funding to support the needs of off-reserve aboriginal peoples. Just a couple of months ago, on April 24, I attended the launch of an aboriginal adaptation of the province's neighbours, friends and families public education campaign based on traditional aboriginal teachings. The program raises awareness on the signs of abuse towards aboriginal women.

The urban aboriginal task force saw the province provide funding of \$224,000. The findings of the task force show that the creation of an urban aboriginal middle class is directly linked to investments made 20 years ago into urban aboriginal organizations. Successful projects focused on improving life skills and promoting job training, entrepreneurship, and supporting aboriginal women, children and families. These projects were conducted in eight Canadian cities, including Ottawa and Toronto. The province is reviewing the task force report to determine how its findings and recommendations can assist the province in leveraging partnership with the federal government and funding from the federal government to increase our ability to better work with aboriginal communities.

In the last minutes that I have—I have a lot more to say, but we'll have plenty of time to address it. It's about land claims. Many initiatives are dependent upon improving the land claim process. The land claim reform is one of the key recommendations of the Ipperwash inquiry report, which found that the federal and provincial land claims process was slow and unfair and a primary source of discontent for First Nations—and that's an understatement.

Currently, the ministry conducts land claims negotiations and implements settlements, carries out public

involvement processes to create better understanding, and participates in federally led governance negotiations, as appropriate. Since October 2003, the government has settled six land claims. In the past year, we concluded settlements as well, making progress on resolving the future use of Ipperwash Provincial Park lands and the continued coordination of the government's response in negotiations with respect to Six Nations' Haldimand tract claim.

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The negotiations are based on historical and legal research to address outstanding grievances and satisfy legal obligations. Ontario is proceeding with reforms of its land claim process. We start by consulting with First Nations and Metis leaders. We also have to work with the federal government to improve coordination and co-operation to make the process more efficient and effective.

Canada and Ontario have got to resolve areas of common interest, such as apportionment of the responsibility between the federal government and the province, joint registry research, provincial participation in the federal tribunal process, and the possible establishment of a Treaty Commission of Ontario. Minister Strahl introduced a bill with respect to a federal tribunal, but it applies to claims of \$150 million or less, which means it doesn't apply to the vast majority of Ontario claims, and it only applies to cash-only claims. More than 90% of Ontario claims are land and cash claims, so in fact that tribunal, on its face, according to Chiefs of Ontario, will not be of assistance. The issue will be whether or not the tribunal or another process becomes the means by which we improve the land claim process. But we must do so.

Chair, I think I'm up. I look forward to a productive set of committee hearings.

The Chair (Mr. Tim Hudak): Excellent. Perfect timing, Minister. Thank you very much, Deputy, ADM. We appreciate it.

We have the official opposition for 30 minutes, followed by the third party for 30 minutes.

Mr. Norm Miller: I'm just going to speak briefly and then go directly to questions, if I may do so.

Welcome, Minister. I've been the aboriginal affairs critic for a couple of years now, first when it was a secretariat under the Attorney General and then when it was, in what I thought was a bit of a conflict, connected with the Ministry of Natural Resources. Now I'm pleased to see that aboriginal affairs is a stand-alone ministry, but it needs to be a functioning agency with a clear mandate, achievable goals, and measurable outcomes.

From the ministry website, it says: "Ontario is charting a new course for constructive, co-operative relationships with aboriginal peoples of Ontario—a relationship sustained by mutual respect and that leads to improved opportunities and a better future for aboriginal children and youth." That's very nice, but it's not very concrete.

The aboriginal policy framework says the government of Ontario is "committed to working with aboriginal leaders and communities on health and education initia-

tives that will help aboriginal children and youth stay healthier, do better at school and enjoy improved opportunities throughout life.” Again, it’s nice, but it’s not very concrete, so I certainly will be asking questions about what specific targets the government has for improving health care, education and training.

I certainly know that First Nations leaders are very engaged: NAN Grand Chief Stan Beardy; Regional Chief of Ontario Angus Toulouse; John Beaucage, the Anishinabek grand council chief; Gary Lipinski, and before him, Tony Belcourt, from the Metis Nation of Ontario; and many other aboriginal leaders are trying to make improvements for aboriginal peoples. Recently, John Beaucage, as grand council chief of the Anishinabek nation, released an economic blueprint in an effort to ensure that the aboriginal community can move towards greater independence through economic development. Similarly, I know that the Metis Nation of Ontario is very interested in increasing opportunities for economic development among its peoples.

In my own riding of Parry Sound–Muskoka, where we have seven First Nations communities, certainly Chief Blaine Commandant of the Wahta Mohawks has been successful in getting economic activity happening, like a water-bottling plant and cranberry operations. We have Chief Denise Restoule in Dokis First Nation, who has been working hard on trying to get more forestry operations happening in that community.

Certainly as critic, I’ve seen the desperate conditions that our aboriginal peoples face across the province. As I see it, the province has a moral obligation to assist the aboriginal community, to create economic development opportunities and to improve standards for education, apprenticeship training and health care. It’s simply not good enough to show up and help evacuate communities whenever a crisis hits. As the critic for aboriginal affairs, I see my obligation as twofold: to ensure that public funding is reasonable, transparent and accountable and provides good value for the money, and that the programs result in measurable improvements for aboriginal peoples. Our ability to function as a province depends on many partnerships, and one of the most important is our partnership with aboriginal peoples.

Minister, I’d like to begin by asking you a question to do with education, because I see education as being the key element to improving conditions for our aboriginal peoples. To be honest, I just don’t see much improvement. You hear stories about Kashechewan, where they haven’t graduated a high school student in two years; there are schools that are closed because there is mould on the walls, and just no improvement. I really do believe that if we’re going to see an improvement in the opportunity for our aboriginal peoples, we have to see an improvement in education.

I guess my first question is, how are you setting goals and measuring results in terms of improving the educational opportunities for our aboriginal peoples?

Hon. Michael Bryant: Chair, I’m in your hands. I had understood that you had outlined that we were going to

have opening statements and then the government was going to respond and then we’d go into questions.

The Chair (Mr. Tim Hudak): I should have been a bit more clear from the beginning. Traditionally, how to use the 30 minutes is really up to the individuals. What Mr. Miller is doing is the usual approach taken by members. He’ll do opening comments and then questions. Your 30 minutes in conclusion are for further comments that you would have as minister or to respond further to individual questions.

We do have the estimates for aboriginal affairs before us. Members are able to ask questions of the ministry and the spending therein. I know you don’t directly deliver on education, but I do think this question is in order in a general sense in terms of your role in measuring progress in the aboriginal community on education.

Hon. Michael Bryant: All right. I don’t know if there is any—again, I’m happy to answer the question but I don’t know if the NDP wanted to make their opening statement and then we end up in questions or if you—

The Chair (Mr. Tim Hudak): No, to be clear, the process we’re following is the usual process.

Hon. Michael Bryant: Got it.

The Chair (Mr. Tim Hudak): The official opposition can use their 30 minutes as they see fit, and Monsieur Bisson from the third party will do the same.

Hon. Michael Bryant: Okay. The question is about, I guess—

Mr. Norm Miller: Education—what goals you are setting, how you are measuring results, how we are going to see some real improvement. Because I haven’t seen any improvement so far.

Hon. Michael Bryant: I think we need to distinguish between on-reserve and off-reserve education. For on-reserve education, I’m sorry; I wish I could speak to it, but it’s entirely within the jurisdiction of the federal government, and whether or not benchmarks are set by the federal government and whether or not they’re implemented is a very good question. The sense is that the state of education on-reserve is woefully inadequate. I think many of us have seen that first-hand. There’s no question that the per-pupil funding is significantly different. On-reserve per-pupil funding is about 30% to 40% lower than off-reserve per-pupil funding that’s provided by the provincial government.

Another problem is that whereas you have in any province a certain amount of expertise built up through a Ministry of Education and through school boards—a sharing, a network among public school systems—on-reserve you don’t have that. There is not that kind of coordination, and there wasn’t—

Mr. Norm Miller: Chair, on that point, I just want to—

Hon. Michael Bryant: So what ends up happening is that—

The Chair (Mr. Tim Hudak): Order, for a second. The member had a specific question with respect to measurements, I think, that he wanted to have answered.

Mr. Norm Miller: On that point of the on-reserve schools, you're making some good points. This has been going on a long time, and First Nations get lost in fights between the federal and provincial governments and we don't see progress. As you just pointed out, the province has the expertise in education, so I guess my question would also be, why aren't we playing more of a role on-reserve and maybe working with the federal government? We do have the expertise; the federal government doesn't seem to do anything very well, to be honest. I'm not just talking about the current government; I'm talking about past federal governments as well. That's probably why we don't have any fish on the east coast of Canada any more.

The province has the expertise in education, so why aren't we playing more of a role on-reserve? There's a huge problem there.

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Hon. Michael Bryant: Just going back for a minute to what I was saying before about the legalization of the relationship: A lot of the silos develop because of the constitutional responsibilities. The federal government, under the Constitution Act, is responsible for education on reserves. So a few models have been presented that would see, potentially, federal funding for provincial delivery of services, further to what you said. I agree with what you said about provincial expertise. The most prominent model was the Kelowna accord, which would have seen federal funding for provincial delivery of services. The agreement was made under the Martin government and then rescinded under the Harper government.

I'm sure the member would agree it would not be in the public interest for the province to, besides constitutionally, walk in and provide funding for an area that's not within their jurisdiction. It's also a matter of spending the education budget. In other words, you wouldn't want money taken out of Parry Sound–Muskoka schools to pay for a federal government responsibility. An agreement needs to be made; I don't disagree with that. I think it is the best future.

So what do we do in the absence of that agreement? Besides working toward the agreement, I think that right now there have to be somewhat informal efforts—again, for reasons of constitutional jurisdiction and in the absence of an agreement—to try to provide a support network in some way. Some proposals have come forward: Is there a way that the province, particularly in rural regions, could provide some assistance from the board level, for example, just to set forth a standard curriculum? Again, school boards will rightly say, “We don't want to take dollars out of our existing budget in order to pay for this thing that's within the federal responsibility.” That's not to say there ought not to be additional efforts by the Ministry of Education where possible.

The specific question for the on-reserve: On-reserve education funding and on-reserve education initiatives are not within the mandate or budget, from an estimates process, of the Ministry of Aboriginal Affairs, but I will

make inquiries as to whether there is any further information.

Do you want to get into off-reserve?

Mr. Norm Miller: In the limited time that we have, I believe that off-reserve, there are some initiatives with some specific targets. I actually met with a representative of the Trillium Lakelands school board last week to get updated on some of those. I'm more familiar with that.

Moving to the next layer up, in terms of education, we saw the First Nations Technical Institute, which was about to close, and the province stepped in with some money for a year, again. But once again, we have another level of education and nobody really wanting to step in and take responsibility for what I would argue can make a real difference in terms of seeing some improvements in the aboriginal communities.

Hon. Michael Bryant: No question, it can make a real difference. It just seems so counterintuitive, when everybody would say that we need improved educational services for aboriginal peoples, that anyone would consider withdrawing the existing services. That's the oldest post-secondary institution in Ontario and the largest to provide those services.

The agreement, in the past, had been that a certain amount of dollars would be invested for operational funding by one level of government and a certain amount for capital funding. Then, the federal government said, with respect to FNTI, “We're not going to provide the level of funding.” It meant that the province had this Hobbesian choice to take investments out of the provincial mandate to provide for the federal government. And whether it was naive or not, it was the right thing to do to keep the doors open. I mean, we were literally stopping pink slips because there had been an obligation at the union to provide notice. So what's the long-term answer? I guess it would be the same as in education. We need to have an agreement. If it's to rely on the expertise of another ministry within the provincial government—not mine, but of the Ministry of Training, Colleges and Universities—and provide the stable funding that's needed, then in fact that needs to be done by way of an agreement similar to what the Kelowna accord set out.

I'll also say, though, that the establishment of the \$25-million new relationship fund does create opportunities either in the medium term or the long term for access to education and training dollars. That's not really to your point, which is that we need to restructure everything, and we do, but I would also say—and I don't mean to be overly provocative—even that in and of itself becomes a stopgap measure. Yes, we need to have provincial delivery of services within the expertise of the province, and the federal government has to provide the appropriate funding, not just because it is their constitutional responsibility but because the province isn't in a position to pay for it. But the long, long term has got to be self-government, because this is the problem with it, that this government or that government is going to pay for it. Ultimately, it needs to be through a revenue stream that is controlled by First Nations themselves.

Mr. Norm Miller: I'll move on to economic development. I guess I would ask, what are you doing to support economic development for aboriginal peoples?

Hon. Michael Bryant: The first one is not one that would be specifically attached to a dollar figure within estimates, but I think it's important. It's just bringing together businesses and First Nations that are, on one side or the other, unfamiliar with entering into aboriginal-private sector relationships. So the Chiefs of Ontario or the other provincial-territorial organizations or specific First Nations or Metis leadership will approach the government and say, "We need some assistance with respect to renewable energy projects," at the same time as someone from a renewable energy company is saying, "We want to assist them." So it's putting people together and then it becomes up to them to partner. The government's role could be, amongst other things, providing loan guarantees for specific projects where there isn't enough capital.

Next, I would say that certainly the gaming agreement is going to contribute to economic development.

The \$25-million new relationship fund, again, is dedicated to providing capacity—community capacity at first, but hopefully over time also individual capacity that will allow for skills training and obtaining those jobs that are necessary to grow the aboriginal middle class.

Government and economic development: It's always, particularly with respect to First Nations, something that I think is best done in partnership with the private sector, which is why we have the summit in early 2009, which, to their credit, was an initiative of Chiefs of Ontario, Assembly of First Nations and the private sector. Then they approached the government of Ontario.

Mr. Norm Miller: We have currently, of course, a protest, I guess they'd call it, out on the front lawns of Queen's Park connected with mining, a pretty significant economic activity, particularly in northern Ontario.

I guess my question is very specific. You have a review of the Mining Act occurring right now. Are First Nations, aboriginal people, at the table in that review of the Mining Act?

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Hon. Michael Bryant: Yes. The Ministry of Northern Development and Mines has an aboriginal consultation process for the Mining Act. I have numerous discussions with the leadership of Chiefs of Ontario and specific First Nations, but neither the government nor First Nations has really, at this point, narrowed the discussions to the point where you would expect the legislative changes to be at, in the sense of some of the major issues around how exploration will take place, what the consultation ought to be in the legislation, as opposed to a policy. Just as an example, prospector and developer associations signed a memorandum of understanding with the Assembly of First Nations as to what the best practices ought to be. It involved, for example, discussions and negotiations between First Nations and prospectors and developers in advance.

How much of that do you put in legislation? There are some things that make sense policy-wise that don't end

up there. I would have thought that we would expect a more formal commencement of the nose-to-grindstone work that would be involved in the Mining Act changes, with aboriginal peoples and leadership and the industry, at some time in the coming months.

Mr. Norm Miller: Okay, but I asked that specific question because I happened to be talking to some leadership of First Nations last week and they said they weren't involved. So maybe it was just that that particular leadership wasn't aware of the involvement. But I asked very specifically and they said they weren't at the tables. I was surprised by that.

Hon. Michael Bryant: Yes—well, you're assuming that there's a table that is in fact undertaking that with, say, industry or within the government explicitly as to what it's going to look like. In fact, the ministry of mining—again, it's not my ministry—is in fact engaged in consultations as to what that would look like. These are very important consultations. It needs to be ultimately a multilateral approach. Who goes first, in terms of proposals, is always a tough question when you're trying to deal with coming to agreements and consultation, because everybody wants to make progress.

For example, with the northern table and Grand Chief Beardy, what I asked them was, in addition to what's going on with the ministry of mines, "How would you see the consultations taking place? How do you want them to take place?" They're certainly going to be sending me a proposal to that effect.

This is going to be something that involves very significant consultation because it's got to work. If in fact we have something that's unworkable as a result of a unilateral action, then that's pretty bad public policy. So we need to put together something that's in the public interest and something—we're never going to get unanimous consensus—around which we can build a consensus.

Mr. Norm Miller: Yes, especially in northern Ontario, mining, a \$10-billion industry, is pretty important. So is forestry. I might point out that a couple of the government's actions have not necessarily been helping. I mentioned the new mining tax on the diamond mine at Attawapiskat that you were speaking of.

As well, the recent change in the government's perspective, to do with species at risk, where they were going to recognize the work done by forestry companies in forest planning that they do, where they have protections for species at risk, and now we learn that they're going to require a duplicate layer of permitting, which the forestry industry has said will bring them to their knees. I'm sure Mr. Bisson will bring that up.

The Anishinabek First Nation has put together an economic development plan. Have you had a chance to review that plan? Are you supportive of it? Is there any government money going toward supporting implementation of that?

Hon. Michael Bryant: Yes and yes.

Interjection.

Hon. Michael Bryant: Right; in any order. I was there at the launch of it, along with your federal seatmate

and along with Grand Chief Beaucage. I think it's an excellent blueprint. I just can't say enough positive about it. It lays out the blueprint, a roadmap—find whatever analogy you want—for improving economic development. Certainly the government is very committed to doing its role. There was some, I thought, optimistic commitment from the federal government there at that announcement by Minister Clement that that was consistent with the federal government's goals as well.

Mr. Norm Miller: Another proposal by the Anishinabek First Nation is to regulate tobacco sales and collect some sort of fee. I gather that, roughly, the way it would work is that they would have a proposal to regulate tobacco sales and license, inspect and collect a fee that would then go back to First Nations, particularly for health programs. How do you feel about that?

Hon. Michael Bryant: It happens right now in Kamloops. It happens in the Navajo Nation and, I believe, in a couple of places in Manitoba. Certainly, anti-tobacco groups are supportive of the idea of trying to eliminate the disparity in prices and reduce smoking. I know Grand Chief Beaucage indicated to me and many people that, in fact, elders had approached a number of the chiefs to talk about that activity and to say that not only was it increasing smoking activity for everybody, but it was also not something that, ultimately, First Nations leadership ought to be promoting and some form of self-taxation, self-pricing or otherwise ought to take place.

The particular proposal actually arose in the context of the federal government and Minister Day announcing what was referred to by First Nations leadership as sort of a crackdown on the retail sale. So then the question becomes, "Is it not best to deal with the supply and address demand than it is to go and imagine you can police the retail sales?" It was seen as pretty offensive to First Nations leadership, because there was an implied association, advertent or inadvertent, between First Nations and organized crime explicitly in the press release.

If it has worked in Navajo, in Kamloops and in Manitoba, I think it's something that the federal government ought to look at. If there's a role for the provincial government, we'll need to look at it, but it seems as if right now this is a debate between the federal government and First Nations, and we'll have to see where it goes. It has got to be addressed. I think everybody agrees. The idea that a third of the smokes are underground and the increased use of tobacco and the lack of regulation and everything else is wrong. This is their proposal. This is a First Nations proposal, and it has to be taken seriously as a result, in my opinion.

Mr. Norm Miller: I'd like to switch to policing services. What responsibility does the province take on in terms of aboriginal policing services?

Hon. Michael Bryant: I'll make best efforts right now, but it's really a question best directed to the Solicitor General for a variety of reasons, many of which are outlined in the Ipperwash commission. This is just not something that the executive council is specifically involved in, other than in funding. As for funding issues, again, it's all through the Solicitor General. None of it is

through the Ministry of Aboriginal Affairs. I will make inquiries. If I'm not able to provide that information by the end of estimates, it's because it's not within the purview of the Ministry of Aboriginal Affairs, but I will make inquiries.

But let me say this: Ultimately, it has to be—or at best, it is where there is a partnership. Obviously, if it's on-reserve, there's federal government involvement and federal funding. Because of off-reserve policing responsibility by the province, historically the provincial government has had a role. The question is what First Nations need in terms of training and skills and in terms of funding. The specifics of the breakdown and so on is not within the Ministry of Aboriginal Affairs, but as I said, I'll make inquiries.

Mr. Norm Miller: Certainly you see stories. There was a tragedy up in the James Bay coast last year where a police station burned and someone was killed. Most of the police stations are substandard. I know the province funds roughly 50% of the cost of aboriginal policing. Once again, we seem to have a situation where the province is playing a role in funding a good chunk of the services, but they're just not comparable to the services we see in the rest of the province. So something needs to change, I would tell you.

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Hon. Michael Bryant: Yes, and it needs to be—I said I'd make inquiries, and I have the answers; look at that. There are tripartite agreements, community and self-administered, and they set out the role of each level of government. Then, in terms of the split, if one level of government or the other isn't paying their fair share, you've made that point.

I see here that under the public accounts of Ontario, in 2006-07 Ontario spent \$25 million on federal-provincial First Nations policing agreement expenditure. The estimates for 2007-08 have been calculated to be \$30,693,700. Again, these are not details within the Ministry of Aboriginal Affairs, but I'm doing my best to accommodate your question.

Mr. Norm Miller: Last week, you had a press conference to do with the relationship fund. I think that was \$25 million over two years. I noted that some of the press were asking questions, saying, "Is this just a slush fund?" How are you going to measure success for that \$25 million over two years? I guess the danger is that it just goes to a bunch of Bay Street lawyers and nothing changes.

Hon. Michael Bryant: Exactly. I share that concern. I share the concern that it ends up being money for lawyers and consultants and in fact the benefits to the community are not there. The goal is to try and develop, within the First Nation and Metis leadership, in-house capacity. That's the goal. What we do is consult with First Nations and Metis leadership as to the exact process for the distribution of those dollars. I completely agree with you: The goal is to avoid that situation.

What's the measurement of success, in my view? It would be fewer dropouts on- and off-reserve from the education system and more jobs on- and off-reserve.

The Chair (Mr. Tim Hudak): Thank you, Minister. Mr. Miller, your time has expired.

To the third party: Mr. Bisson, you have 30 minutes.

Mr. Gilles Bisson: Welcome to our committee this morning, Minister. I have been looking forward to an opportunity to participate in your estimates. As you know, both in my constituency of Timmins–James Bay and the constituency of Howard Hampton, our leader, we represent a great number of First Nations who are undergoing very difficult times on all kinds of fronts. This is an opportunity to try to address some of those issues.

I want to take my time to go through what I think is the problem and to talk a little bit about what I think we need to do. Some of it you've touched on already, but first of all, we need to recognize where we come from and how we got to where we are today when it comes to the reserve system and how it doesn't work.

Years ago, as we started to develop—and I'll speak specifically of northern Ontario—the economy of northern Ontario, both in forestry, mining and hydroelectric projects, the developers back in that day—over 100 years ago—recognized that, as they saw it, they had a problem. They were coming up on First Nations who had not ceded their territory to the provincial or federal governments. The paper companies and sawmills and the hydroelectric and mining companies wanted to go up and do development and not have to adequately deal with the issues that First Nations face when it comes to how they benefit from the activities of mining, forestry or whatever it might be.

As I understand it, in talking to the elders in James Bay and across all of Treaty 9, Treaty 3 and the Superior Treaty as well, there is a real sense by First Nations that what happened back over 100 years ago with Treaty 9 is that there would be a sharing of the land, that there was going to be a new beginning and that they were not going to do what was starting to happen in the southern part of northern Ontario. In fact, it would be an agreement between the First Nations themselves as a people—and it wasn't specifically just Attawapiskat or Big Trout Lake; it was as a First Nation that the province and the federal government would have an agreement that as development occurred in northern Ontario and their traditional territories, there would be a sharing of whatever economic and social benefits came from those economic activities.

That was the backdrop by which people signed Treaty 9, as I understand it, in speaking to many of the elders who have a better understanding of this process than probably you and I do, put together. What has happened since the signing of at least Treaty 9 and, I would argue, Treaty 3 and others, is that the first 100 years went somewhat like this.

The first 50 of the 100 years was the federal and provincial governments, because we both signed Treaty 9, just ignoring our responsibilities. We just let First Nations do what they did, when they did it, how they did it for the last millennium, and we didn't care much about what happened. We had this treaty, and we would just go

ahead and do development, because at the time most of the development was happening further south of northern Ontario, in places like Cobalt, Sudbury, Sault Ste. Marie, Timmins and Thunder Bay, those kinds of places. All of those lands were First Nations territory as well, but for the reasons of how quickly the development happened, those developments went ahead, and First Nations people just went around doing what they normally did, and they wondered at what point they were going to benefit.

As provincial and federal governments started recognizing, in the 1940s, 1950s and 1960s, that development was going to be accelerated in some areas, we developed the reserve system. I say to this committee: It's the uttermost failure of our federal and provincial governments—mostly federal—to create a reserve system, because the effect of the reserve system was—and I think this is the policy; I don't know for sure, but this is my speculation: The federal government said, "If we take all the native people off the land wherever they might be and we put them on this postage stamp called a reserve and we promise them some housing, promise them some education for their kids and promise them some health care services and social services, they will come, because it might be a better life than they've got now, and they'll be out of our way." As we say in French, « Ils vont hors de nos pieds. On peut faire ce qu'on veut. » "They're out of our way," as they would say.

The historic reality is that many families—and we need to understand that people operate as families in First Nations very much more so than we do in our own culture—started to decide, "Life is getting tough, trying to trap and trying to hunt as a way of sustenance for our family, and we see the economy in Canada and Ontario developing and we want to give our children an opportunity to do better than we did." So a lot of people took up the government, and said, "Yeah, sure; I'll move on reserve." They went into places like Attawapiskat and Big Trout Lake and Pikangikum and various reserves and started to establish themselves there.

The irony, where I come from—and the minister would know this—is that the federal government and the provincial government, in their wisdom, built all of the communities in the lowest-lying areas they could find on the James Bay. All of the native leaders were saying, "Hold it a second. That floods every year or every three years. Why are you building a community there?" The federal government said, "We know best because we're the federal government. We're so bright." They went ahead and built the communities in the lowest parts of the land that they could find on the James Bay. Why? Because they needed to barge all the equipment in, and the only place they could get the barges in for sure was on the lowest-lying land closest to the bay. For the last 50 years, we've been seeing, at least every two or three years, an evacuation of some type. In fact, in my constituency, almost every community on the James Bay had to be evacuated this year because of the water levels, but that's to talk about a little bit later.

As we go forward, the last 50 years of the treaty have been abysmal as well because, yes, we built some hous-

ing on-reserve and, yes, we provided for some education and, yes, we've provided for some social services, but we did so pretty badly. I invite any member of this committee and anybody working for the ministry who's here today to accompany myself or Mr. Hampton and to go and live in any one of our landlocked communities for a week. Just come. I'm sure that families will take you in gladly. When you come, bring your children, bring your spouse, do your groceries there, and live on-reserve for a week to find out what you're going to find.

Here's the picture: You're going to have houses that were built for a family of five with as many as 20 or 25 people in the house. Tell me how a young child learns anything in school when you come back to a home with 20 people in it. Why? Because we've not kept up adequately with the need for housing. Communities have gotten larger because families have gotten larger and the federal government, quite frankly, has dropped the ball and has not provided the type of funding we need in order to move forward with adequate housing.

Then go and buy some groceries at the Northern store, where you pay five times the price that you would here for any product. You'll be lucky to find fresh fruit and vegetables in any Northern store, in the most northerly communities. And we wonder why there's a high rate of diabetes within First Nations communities?

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Then send your child to the school to find out, as Mr. Miller pointed out, that a great many of our schools are closed down because they've been contaminated by mould, and that the infrastructure there in the system is inadequate and is not providing for people to graduate from grade 12.

Hang on to your socks. In some communities, over 50% of the kids who are registered in the primary school at the beginning of the year aren't there at the end of the year—in primary schools. We're talking about kids in grades 6, 7 and 8. In some communities, over 50% of the children enrolled in September are no longer in school by June of the following year. How do you send a child off to high school, college or university when you haven't even done the basics right?

You say: "Why are the kids not going to school? It's all their fault. The parents should whip those kids into shape, and we should make sure that they go to school." The reality is that they're living in houses that are overpopulated, so that there is sometimes turmoil in the house because of various other issues having to do with what's going on in the community, and it manifests itself back into the family. You have a lack of infrastructure in the community, where in many cases the kids don't even have a place to go and play hockey or play some soccer in the summer. There's really no social and sports infrastructure to give those children some way of being able to use the energy that all kids have in all of our communities. It's a pretty bad situation.

We look at policing services within our communities. Mr Miller pointed this out: 50% of the funding for NAPS policing—Nishnawbe Aski policing—is provided by the

province. There is but one community in my constituency that has a proper facility for policing, and that's at Moose Factory. Every other is operating out of basically a trailer or double trailer, or what used to be an old house. In the case of Kashechewan, where we did have a tragic fire some three years ago and two gentleman died because they were in lock-up, basically, they couldn't unlock the jail cells because there were no jail cells. What it was, was a chain and a lock basically wrapped around a makeshift door that made the jail cell. When the officer went in to try to unlock the padlock on the chain when the fire started, he was not able to do so because the flames were so intense that he couldn't grab the lock to unlock it. There isn't even a minimum standard when it comes to how we build jails in First Nations communities. You talk about social infrastructure—lacking again.

Just before I get off where we're at and before I get to where I think we need to go, the leadership over the last number of years has been developing itself in the sense that they've had to learn how we, as the provincial and federal governments, operate and how they're able to interrelate with us in order to try to advocate and advance the issues around education, housing, social infrastructure, water and sewer education etc. They have been working very hard to figure out how to make that happen.

I want to say that there's been a lot of progress. I can tell you, in the time that I've represented Timmins-James Bay, as far as the James Bay portion of the riding—that was a portion of my riding I guess about 10 years ago—I see a lot of progress. I look at communities like Fort Albany, where they built the Peetabeck Academy, where we do have a brand new school and that school is well-maintained—kids go to school in the morning and they come back at night in greater numbers than they do in any other community—and how there, the teachers, the administration and the local education authority, under Danny Metatawabin, have been doing some very good work, trying to address some of these issues.

But I look at communities like Attawapiskat, Kashechewan, Peawanuck and Martin Falls—huge problems. The leadership is trying to figure out and had been working on trying to develop solutions to the problems within their communities. They've come to the conclusion that they can't wait for the federal and provincial governments, quite frankly, to do it for them—because they have been doing it to them. They need to find their own solutions, and they need to develop solutions that are going to work for them within their own context of who they are as the years move forward.

They've also come to a second understanding, and that is: "It's not enough to fix the social infrastructure in our community. We need to have some sort of ability to generate our own revenue and to give our own people work so that we have the capacity within our communities, to a degree, to deal with many of these very serious issues."

That's why the leadership, over the last 10 years, has been moving toward revenue sharing. That's what that's all about. I remember, as I first started representing the

James Bay, that there was no unanimity within the leadership or within the communities on the issue of what revenue sharing should even be. It was a concept that was beginning to be discussed, trying to move the concept forward in some way. I'm proud that I've been able to bring to the Legislature twice now a motion under the Conservatives and a bill under the Liberal government that has been a catalyst in starting that discussion within First Nations communities so that they can try to formulate what it is that revenue sharing should be and what land use planning should be so that they can properly benefit from what the original intention of the treaty was, which is: If there's going to be mining in Attawapiskat, it shouldn't be up to the community to negotiate an IBA, an impact benefit agreement; it should be an automatic right that there is a process of consultation, there's a process by which the First Nations work with the mining company or the forest company or the hydro development initiative, and that there are some mechanisms for them to share in the jobs that are available, the economic opportunities as far as businesses that are available, and that the revenue that comes from those projects is returned to those communities in some way. Our First Nations recognize that if we were to do this, it would be a huge step forward in trying to resolve some of the issues within the communities.

They're trying to do it. They're out on the front lawn today. All of us have come walking through Queen's Park. We've seen the tents and the teepees out in front of Queen's Park. Chief Donny Morris from the KI-6 is here, along with the others who were incarcerated for having said to a mining company, "No, you just can't come in here without talking to us. You need to deal with this adequately so that we can talk about what this is going to look like and what it's going to mean to our community and where we position ourselves vis-à-vis whatever economic opportunity may come out of your exploration activities." Unfortunately, those individuals were jailed for doing that. They're here this week because they're waiting for the appeal to go forward on Wednesday.

The leadership and the community members who are here today in front of Queen's Park are saying, "We're not going to sit back as we did for the last 100 years and allow development to happen in our territories and be left behind. Ain't gonna happen. And we will do what we need to do as First Nations." We need to recognize: They're a peaceful people. We are so lucky as Canadians that First Nations people have a very different ethos when it comes to how they deal with things compared to Europeans. If it had been the Europeans in the position of the First Nations, I can tell you that there would have been a lot more than protesting going on. They're a peaceful people, and they're trying to find, within the context of Canada and Ontario, solutions to very serious problems.

They're saying that one of the key, fundamental things that the province needs to do—because it is the province; it's not the federal government. Mining and forestry are provincial responsibilities, and so is hydro development.

They're saying, "We need a new deal. We need to sign a deal with the province"—not with the mining companies; with the province—"that says how development is going to happen." For example, the simple thing we can do today is to pass a regulation under the Mining Act and say that there "shall" be consultation by an exploration company prior to staking a claim; that no claim will be registered by the province of Ontario until the province is satisfied that the First Nation has been consulted and has signed off on whatever is going to happen—not every environmental group and everybody else who's interested in what happens north of 51; the First Nation. It's their territory. We could do that tomorrow. We don't need a change to the Mining Act to do that, quite frankly.

I very much fear, and I'll put it on the record and I've said it to the leadership, that the government is going to engage the First Nations in a long process of consultation in amending the Mining Act as just another way of slowing things down so that at the end of the day we can muddle things so badly that whatever comes out at the end will really not be meaningful when it comes to giving First Nations an opportunity to share in both the planning in and the benefits from mining and forestry. That's my view, because I've seen it before. As I talk to the elders in all of the communities, that's what they've seen for the last 100 years of Treaty 9—105 years, I guess, now.

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So what do we do? I think there are a couple of things that are basic that we need to do. One I spoke about at the beginning that I'm not going to dwell on anymore is that we need to deal with revenue sharing in a very effective way. The first thing is, make a regulatory change to the Mining Act that says, "No staking of claims unless First Nations have been consulted and they've signed off on the plan." That would be a very easy thing to do.

Two, the government would have to state very clearly, and the government has moved somewhat in that direction—I'll give you some credit—toward engaging not just in the process of the northern tables but basically in making a declaration upfront that we categorically accept the premise that these territories have never been ceded, that the provincial government understands that we're supposed to share the benefits of the resources that are on those territories and that we will negotiate with you both the process by which development will happen, in other words the planning, and that there is going to be an economic benefit to the community when it comes to revenue sharing, jobs and business opportunity.

How much time do I have?

The Chair (Mr. Tim Hudak): About 12 minutes.

Mr. Gilles Bisson: Okay. I'll probably get through this. If not, maybe I'll throw myself on the mercy of the committee.

I went through the process of the De Beers Attawapiskat IBA, and I'll tell you, I'm going to give De Beers publicly, and I've done it privately, great credit despite what the province did both under the Conservatives and under the Liberals, which was minimal, to be extremely

blunt. I was part of the process. De Beers Canada said, "We will not develop any mining on the Victor project. No project will go forward until we have an agreement with the Attawapiskat First Nation." That was a statement they made at the beginning. They weren't forced to do that by the Mike Harris government, and later on were not forced to do that by the McGuinty government. De Beers understood that this was the right thing to do, and it's been a very expensive process for De Beers to go through: I would estimate about \$30 million to negotiate that agreement—not what was negotiated, just on the process.

The First Nation has had a really difficult time, because what do you do when somebody knocks on your door and makes this statement: "We're prepared to do business with you," and you don't know what a diamond mine is? You have to develop the capacity—and the minister is right. I don't think what you've announced is going to get us there, by the way, but that's a whole other issue. You need to develop the capacity to know what a diamond is. How much is it worth? How do we get benefit out of it? What kinds of agreements can we make with De Beers that we benefit from?

I want to see a day where we don't have to have IBAs. It shouldn't be up to the mining companies or the forestry companies to negotiate each individual project in the way we did with Attawapiskat. There should be more of an automatic right by way of legislation so that we clearly understand, going in, if you're a mining operator, forestry or whatever, what the rules are and that there's a benefit that will go back to the community.

On the question of education, I want to say upfront that the education system on the reserve is not serving our First Nations kids, definitely not. The federal government knows it and is doing squat about it, period. To Mr. Prentice, Mr. Harper, Mr. Chrétien before that and every other Prime Minister before, I say we've known this for years and we do nothing about it. Who knows where the school is in Fort Severn? Who knows where the school is in Peawanuck or in Martin Falls? Have you been there? Obviously not, and I don't fault you for that, but nobody knows what those kids are having to deal with. They've just now reopened the school in Martin Falls, after being closed for four months. There goes the school year. If that happened anywhere else in Ontario—it never would have happened. The federal government does nothing.

So what do we do? I think we need to engage with First Nations. I've been talking to First Nations about the concept that, if I was Premier of Ontario, the Minister of Aboriginal Affairs or the Minister of Education, I would talk to First Nations about creating an education act for First Nations that allows them to create their own school boards under provincial authority. But it would be enabling legislation. I wouldn't tell them how to do it and when to do it. I would say, "Here's the legislation that basically gives you the right to go out and do it. We will negotiate with the federal government the fiduciary responsibility, that quite frankly they don't take, and we

will give you the opportunity to create your own school boards in whatever way you think makes sense." It makes no sense to me that you have a stand-alone local education authority in each individual community that is a First Nations community reserve.

Do we operate our schools like that in Ontario? Can you imagine, if in Opasatika, Kapuskasing and in every small town and city across this province we had stand-alone education authorities for individual schools, how unproductive that is? It doesn't work.

So I say that if the province wants to do something constructive toward education, we say to the First Nations leaders, "When you're ready, we're prepared to introduce enabling legislation that creates your own school boards. You determine how big that board's going to be. It might be five communities, it might be 15 communities. You have to decide for yourselves, according to your own language and according to your own geography and other needs." Then we need to do what we did with francophones. What the hell are we doing educating kids in English when they're Cree? I'm telling you, people in my community don't speak English as a first language. In the James Bay, they speak Cree. That's the language they learnt at their mother's knee. You need to do education in a language that the child is most comfortable with, because that does a whole bunch of other things, like making the child feel better about who he or she is and giving them a better understanding of their culture and who they are and making them more confident. Listen, I didn't learn English until I was about nine years old and I speak it fairly well today. I didn't need somebody to teach me how to speak English in Ontario. For God's sake, it's all around me. But I went to school in French. If I can stand in this Legislature today and have the confidence to do what I do, it's because I had the basic education, coming into this, that gave me the skills that I needed when I went off later on to college and other things. So I say, enabling legislation on education.

The question of policing: We can do something really simple. The Nishnawbe Aski policing came to the Solicitor General earlier this year and said, "Listen, we have a \$25-million request that we want to put to the province and the federal government to build infrastructure in our communities so that our police officers can have the training, the staffing, the equipment and the buildings, such as any other police station and any other police service has in the province of Ontario." Mr. Bartolucci said, "Well, as soon as the federal government says yes, we'll be right there." Hell, they've been saying no for 100 years. When are you going to figure it out? The federal government doesn't want to fix this. The federal government wants to perpetuate it. So if you want to do something, Minister, go talk to Mr. Bartolucci and say, "Here's our \$12.5 million. It's on the table. We're giving it to you now," and tell the federal government to get off their behind and do the same. The longer we play the game of waiting for the federal government to do something, it's going to be another 100 years of nothing. Quite frankly, we, as a province, have to take the

leadership. So when we want to do something when it comes to policing, put up the 48% that we have to put up as our share toward policing and, I'll tell you, it'll force the federal government to put their end forward. If they don't, I'll be there knocking on the door with you, Minister. I can organize a bunch of my friends to go to Ottawa and we can show them to be the delinquent landlords that they have been for the last 100-and-some-odd years.

I'm a bit peeved off because, yes, I do go live on-reserve on a regular basis with my friends and I'm ashamed to see what I see in those communities, not through any fault of the First Nations, but through the fault of federal and provincial governments that, quite frankly, have not dealt with these issues.

I don't have much time.

The Chair (Mr. Tim Hudak): You have about five minutes.

Mr. Gilles Bisson: The other thing I want to raise—and I'm going to have some specific questions for the ministry later—is the issue of social services. We signed, as a province, what's called the 1965 agreement in 1965 that basically says that social services, such as children's aid and others, are delivered by the province but are paid for by the federal government. The federal government sends the cheque.

You want to do something fairly clear and fairly fast? My understanding of the 1965 agreement, unless I'm wrong—and this is what I want to find out through these committee hearings—is that if the province was to spend more, the federal government would just give us more. That's the understanding I've been given by people within INAC, Indian and Northern Affairs Canada, who tell me this privately. Some of the fairly high-ranking officials have said they've never understood why the province has not done so. I'm not saying, "Let's go out on a spending spree," but I'm saying we've got some real serious issues, for example, in children's aid, that we need to deal with. There's a high level of dysfunction in some of our communities because of the residential schools syndrome, because of the alcoholism, because of the isolation and now because of the crack problem, and it's manifesting itself back in the families. If we see children not staying in school, this is part of the issue. We need to do some pretty aggressive stuff around wellness and healing. We need to do some aggressive interventions, as far as helping kids and helping families. If it is the case that the 1965 agreement allows us to move forward and to provide better services in our communities and the federal government has to pay, let's do it. My understanding is that we can.

So one of the things that I'd like to know from the ministry the next time our committee gets together is your understanding of the 1965 agreement. If the province was to increase by 10% or whatever it is within the confines of the 1965 agreement, am I correct in my understanding that in fact the federal government would have to pay? Also, I would like to know exactly what services are covered under that agreement.

I'd just end on this point and go back to the issue of flooding. I'm going to get chances to ask questions later. But the Minister of Aboriginal Affairs had agreed in principle in the House that we would form a legislative committee in order to go to James Bay this summer sometime and also to sit in Toronto to meet with experts for a short period of time to talk about how we're in this mess now and how the hell we get out of it. Are there things that we can do?

I'm just going to give you a very quick example. In Fort Albany, we built I think 20 brand new houses. They put basements in them, on a flood plain. Everybody in the community said, "What are you doing putting basements in? You don't build basements here," and the federal government said, "No, no. It says you have to have a basement." So they built houses with basements and they all got mould infestation. A changing of the building code would be a very simple thing to do in some cases.

I think it would be very instructive for us as a province to charge one of the Legislative Assembly's committees to travel and to sit down and talk to people, see what they might have to say to us, and talk about the psyche of living in a community that's never felt permanent, because you're being evacuated. Kashechewan: They've been evacuated four or five times in the last five years. Imagine what that does to you.

I want to thank the Chair for his indulgence. I look forward later to the responses by the minister and the opportunity we'll have to ask direct questions.

The Chair (Mr. Tim Hudak): Mr. Bisson, thank you very much for the presentation. Well done, as always. The minister, I noticed, was copying down your questions about the 1965 agreement and will come back to committee.

Minister, if I can suggest, now that you have 30 minutes for wrapping up your opening comments and responding to the official opposition and third party, I'd like to do these in blocks. There's no sense in you doing the three minutes and then 25 minutes this afternoon. Why don't we adjourn the committee at this point, and we'll reconvene—

Mr. Gilles Bisson: I could have taken another three minutes.

The Chair (Mr. Tim Hudak): He'll just get on a roll, and then we'll have to cut it off. We'll just give you the 30 minutes at 4 p.m. this afternoon.

I apologize to Mr. Lynch, the CAO—I said "ADM" a bit earlier on. Deputy Sterling, thank you very much. We'll see everybody at 4 p.m. We are adjourned until 4 p.m. this afternoon.

The committee recessed from 1042 to 1605.

The Chair (Mr. Tim Hudak): Good afternoon. The afternoon session of the Standing Committee on Estimates on Tuesday, May 27 is now in order.

When last we met, we were about to return to the minister responsible for aboriginal affairs for his 30-minute summation. Minister, you can use that 30 minutes to respond to the issues brought forward by the two

opposition critics; you can use it to speak about other issues with respect to your ministry. You don't have to use the full 30 minutes, but you certainly have 30 minutes at your disposal. We then, according to procedure, will go to the official opposition in 20-minute segments: Mr. Barrett, Mr. Miller or Mr. Dunlop, if he's here, then Mr. Bisson for 20 minutes and then the government members for 20 minutes, and then we will do 20-minute rotations going forward, likely until the end of our time with aboriginal affairs.

Mr. Gilles Bisson: What gives? The House just rose.

The Chair (Mr. Tim Hudak): Yes. What are you going to do? The hardest-working members will remain in the committee here and the rest of them take off early.

Interjections.

The Chair (Mr. Tim Hudak): There are new rules. We are here until—

Interjections.

The Chair (Mr. Tim Hudak): We are here until 6 o'clock. In the interests of getting through the estimates for aboriginal affairs, why don't we begin? Minister, the floor is yours for a 30-minute response.

Hon. Michael Bryant: Thanks very much, Chair. I want to thank the aboriginal affairs critics for the official opposition and the New Democratic Party. I thought it was a frank and productive exchange of ideas about not just the government's approach but the general approach in the future with respect to making advancements on many shared goals.

Without anticipating questions from Mr. Bisson, the aboriginal affairs critic for the third party, and from the official opposition, there was reference to the Anishinabek economic blueprint, and I did make reference to my support of it. I neglected to mention the great work that had been done, of course, by the nation itself, by the 42 member communities. Also, I think the question arose about what the government is doing to support it, which is a good question because if we think this is a great approach, we need to support it.

In advance of the release of the report in support of research and otherwise, the union of Ontario Indian chiefs received dollars from the Northern Ontario Heritage Fund Corp. to develop the plan and identify the business ideas and models and opportunities, and that's in a very comprehensive plan set forth. It's a three-phase project that does involve additional research and a review of the proposed strategy by economic experts and a presentation of this strategy to communities throughout those 42 First Nations.

I should say that the leadership of Grand Chief Beaucage, himself an economist by trade, with respect to this blueprint and the support from the provincial government—and I believe the federal government is certainly very interested in supporting it as well—does bode well for that particular economic blueprint. Of course there's no reason why, as Grand Chief Beaucage has said before, it cannot be a blueprint more generally speaking for First Nations, no matter where they are in Ontario.

I wanted to make some additional reference to the Ipperwash commission recommendations and their implementation. After a lengthy and comprehensive public inquiry takes place, there's obviously interest in implementation as soon as possible. There's enormous consultation that goes into a public inquiry because, as I said before, of the multilateral, collaborative approach that the government is seeking to take with First Nations and Metis leadership with respect to the implementation of the Ipperwash commission report. The question then becomes, how much consultation do you have to take to implement something that was the subject of enormous consultation?

1610

Grand Chief Beaucage, on behalf of the provincial-territorial organization wherein Chief Bressette's First Nation sits, and Chief Bressette and Regional Chief Toulouse indicated that no, there wasn't a necessity to rehash the entire report, but rather to come to some agreement on the priorities timing-wise and to work together on what the government could do over at least a four-year period and try to put together a timetable.

The group that was put together at the request of aboriginal leadership had membership on it that was determined by aboriginal leadership. The name of it is the Ipperwash Inquiry Priorities and Action Committee. There is representation from First Nations leadership and Metis leadership.

We met separately and dealt with the First Nations implementation separate and apart from the recommendations as they apply to Metis people. The goal was to assess the recommendations and prioritize. The first meeting happened in the first week of April. As a result of the discussion, the decision was made to immediately work on the development of the new relationship fund to provide the community capacity that we talked about, since all of the recommendations that we wanted to move forward on—in order to have a collaboration from First Nations and Metis people, it meant that they needed to be in a position where there was equal footing, or at least there was some assistance provided so that decisions could be made with full realization of the implications, and also to provide the research necessary to implement them.

On May 15, we announced the initiation of the fund. I'm not going to repeat what it's about because I've already spoken to that. It's a \$25-million commitment over two years. Again, to speak to Mr. Bisson's comments, it was, you might say, an initial payment for the two years. In fact, the fund itself will take, in collaboration with First Nations and Metis leadership, some months to set up. It will ideally be set up and operating in the winter, with the implementation beginning for the communities involved in the Ipperwash implementation committee in the fall. The meetings are being conducted by a joint First Nations Ontario Ipperwash park resolution table. That's to implement the transfer of Ipperwash Provincial Park to the Chippewas of Kettle and

Stony Point First Nation that the government announced on December 20.

The idea of this table, as the jargon goes, is to try and find a way for the First Nation and the neighbouring communities together to determine how the land is to be used, if Ipperwash park is to be used. Right now, it's a potentially beautiful and great piece of land, but anybody who's seen it as of late will see that it's sort of an overgrown, empty lot. The relations between the neighbouring community and the Chippewas of Kettle and Stony Point First Nation have been rough as a result of what happened in 1995 and thereafter. There are tensions between the communities that were acknowledged by Chief Bressette. The goal is to try and get a community where the relationship has been rough together at the same table to try and work to determine together how this land might be used jointly to the benefit of both. That will be for them to decide, whether it has a primarily economic use, a business park, so to speak, or whether or not it is used as a park; to determine how revenues might work; to determine if it's a combination of the two. At the end of a period of time, which again would be negotiated and determined by the people who are involved here, the people who live there, the title would eventually transfer to the First Nation, but there would be this interim period of joint management of it, and again, the idea of—

Mr. Gilles Bisson: Just on a point of order: I'm getting a little bit uncomfortable here. We have some guests who have come in to listen to these hearings and now we've got security walking in the room. I'm a little bit miffed. These are law-abiding citizens who are here to listen to what's happening at estimates, and there's a whole commotion going on with security right now that, quite frankly, offends me.

The Chair (Mr. Tim Hudak): We'll continue with the minister's remarks. The clerk and I are discussing, because we have more people here than we have seats. We're going to see what we can do about arrangements and such.

Mr. Gilles Bisson: Well, that's fine. We don't have to call in the troops because the First Nations people are here. Do you get my point? This is quite offensive.

The Chair (Mr. Tim Hudak): Fair point. I appreciate that.

Hon. Michael Bryant: Actually, while I was speaking, I didn't realize that the gallery filled up, so I want to welcome everybody. I appreciate that we have a capacity group, and I appreciate what Mr. Bisson said. In any event, I'll just continue, I guess. Does that make sense, Mr. Bisson?

Interjection.

Hon. Michael Bryant: The unit that will be consulting around the use of this land would be a first step in creating this alternative process to reconcile aboriginal issues to better understand differences. The government is looking at the issues from the broader perspective, not just government to government—First Nation to government—but also with respect to the outlying commun-

ity. Chief Bressette, I think quite rightly, indicated that he wanted to work well with his neighbouring communities. The vision of the dispute resolution unit, again, would see partnerships with the communities, aligned ministries, federal agencies and the neighbouring communities to mandate and assess the issue and establish a response.

The government believes, as I said before with respect to the legalization of our relationship and the desire to move away from legalizing our relationship, that the best result is to negotiate as opposed to litigate. The best example I can provide of that is the experience around the gaming agreement, and I guess the experience around the agreement to transfer Ipperwash Provincial Park. Amongst other things, it acknowledges the important relationship between First Nations, Metis and the government. But also, from a timeliness perspective, probably from a cost perspective in terms of legal fees and otherwise, but maybe most importantly from a relationship perspective, a litigation process is necessarily an adversarial process, whereas a negotiation process starts with the assumption that everybody wants to come to an agreement. The experience with the negotiating committee with respect to the gaming agreement, and also with respect to the transfer of Ipperwash park, was one where the government is listening, as opposed to advocating its position, and also one where the relationship incentive, plaintiff and defendant—and instead of applicant and respondent, it's government to government.

Moreover, I don't think we could say the litigation approach has been a success, other than the fact that the Supreme Court of Canada, starting with the Dickson court and then the Lamer court in particular, developed a set of jurisprudence that acknowledged activity rights—fishing, hunting, commercial fishing, commercial hunting rights—and land title. It framed this fiduciary doctrine, this fiduciary relationship, which was Chief Justice Dickson's best effort at trying to describe in legal terms the nature of the relationship: one of trust, one recognizing the history, the culture and the heritage. But it's ultimately an imperfect description, I think most courts would agree, because it's a legal description that really doesn't get fulfilled until you have First Nations governments and provincial and federal governments actually negotiating through and working together on issues in a multi-lateral way.

1620

Because of the legalization of these issues, I often found myself having conversations with leadership where we talked about the fiduciary doctrine and the fiduciary relationship. Instead of sometimes focusing on what we need to do, it may be providing assistance to that school that's got nowhere to call in Ottawa, as was said by Mr. Miller. There's no one in Ottawa who's able to pick up the phone and say, "Here's the best practice with respect to the implementation of language immersion," for example, if you focus on what the fiduciary doctrine is and you're thinking about who's responsible and whose rights, and is this a provincial or federal fiduciary responsibility?

Besides all that, “fiduciary” is not exactly a word around which you can provide some meaning or that most members of every community could connect to. It’s a legal term. It’s a term of equity, and it’s used primarily in a commercial context. It’s used in a somewhat paternalistic context in some ways and, yes, it is a legal description. But better yet is the one where we get together and come to agreements and solutions. Thus, the approach of negotiation.

It means that governments need to take more risks. Typically, the concern is that a particular statement or action made in a negotiation or made here at estimates, in or outside Parliament, is somehow going to have an impact, which it may have, on ongoing litigation. But that just paralyzes governments, I believe. It means that no progress is made because of a fear of potential massive liability. So it does require some risk taking, you might say. Some might say common sense.

We’re making progress, but obviously there are significant challenges. I will acknowledge that Regional Chief Toulouse and Grand Chief Beaucage and others have said that there has been progress made in the relationship between the government of Ontario and First Nations. But I certainly have never meant to suggest that it’s anything other than progress. The history is Canada’s great embarrassment. The history is one which involves governments at both levels that didn’t fulfill obligations, didn’t fulfill promises, efforts by the federal government to assimilate through most of our history, efforts to impose unilaterally a particular way of life or a particular vision of government upon First Nations.

As an example, Haudenosaunee Six Nations leadership has said to me that if you want to trace back to when there became significant discord within the community, and between Haudenosaunee Six Nations and the federal government, it was in the 1920s when the federal government came in and said that this tribal council system that had been in existence for longer than Canada had been in existence—one that many people have recognized, in hindsight, as one of the earliest North American democracies. It was just willy-nilly replaced with a band council, an Indian Act model. It wasn’t their history or heritage and it wasn’t the model of the people. Ever since then, Haudenosaunee Six Nations has had this divide between band council and tribal council.

Right now it is working, according to members of Haudenosaunee Six Nations, better than it has in the past. You have a real partnership between band council Chief Bill Montour and the tribal council in an effort to work together and divide responsibilities. But, yes, we make progress, which is not to say that there aren’t any credible numbers of challenges, all of which we will not solve in the next few years. But in this race against time, I believe very strongly that we have to make progress as quickly as possible.

Some discussion has been made with respect to the demographics, again to use the jargon. The fastest-growing population in Canada is aboriginal peoples. The significant increase in numbers is also reflective of the age

difference. Whereas the non-aboriginal population is aging overall, in terms of the breakdowns, you have in fact a majority of the aboriginal population which is quite young. I understand fully that tolerance for patience and negotiation amongst the younger generation is not that of their fathers, grandfathers, mothers and grandmothers. Thus the need for real action.

So we try to build relations, particularly with those First Nations where we’re in the midst of a conflict or a potential conflict. That means making investments that might have been long overdue and might have been put aside over the years because of the conflict. So the investment that has been made for economic recovery in Caledonia and Haldimand county also sees investment, such as was announced yesterday with respect to the addition of dialysis machines to the medical facility on Haudenosaunee Six Nations, which means people in that region and in those counties won’t have to go to Hamilton and Brampton, necessarily, but will also be able to get that dialysis, sometimes three days a week.

The Chair (Mr. Tim Hudak): Minister, just under 10 minutes remaining.

Hon. Michael Bryant: Okay. The addressing of Highway 54 and all of its potholes, and the fixing of Highway 54, is again a long-standing annoyance, grievance, commitment that the government has made investments to try and fix.

The land claims in the Caledonia area, along the Grand River in the Haldimand tract, is where the real disputes are. Right now, the offer by the federal government that’s under consideration at the negotiating table involves the Welland Canal. I think it was the goal of all the negotiators from Haudenosaunee Six Nations—and provincial and federal—that progress be made on a claim so that there might be progress on other claims. There has not been significant progress on that claim.

We still aren’t in a position right now where, in my view, the federal government has put the emphasis and the importance on resolving the Haldimand tract claims. I do believe that everything traces back to those claims. All the other problems that have arisen come back to those claims. In my view, if you’re able to get resolution on those claims, everything else will fall into place.

I don’t get the sense—in fact it’s clear—that the federal government is not giving it the priority that I think it ought to. I don’t know what it is. I don’t know if it’s the geography. I don’t know why. The federal member of Parliament, the Honourable Diane Finley, has said she doesn’t want to talk about aboriginal issues or agricultural issues. So I guess there shouldn’t be surprise that there isn’t a focus on that from the federal perspective. It’s my submission that that needs to change.

The government also—and there’s been some discussion. I’m sure there are going to be some questions as well with respect to reforms to the Mining Act, to resource benefit sharing and with respect to far north planning. They’re all inter-related in the sense that it’s about how to deal with the issue of resource extraction, how to deal with the issue of the subsurface rights that

the provincial crown has and the sharing of those with First Nations, again with the view to not just providing that net revenue but also to providing the economic incentives for greater development where there is collaboration and agreement.

1630

The commitment to modernize the Mining Act, which everybody agrees is outdated, and the undertaking by the Minister of Northern Development and Mines to review the Mining Act does build upon the aboriginal consultation discussion paper, which I think I made reference to previously in a question from, I think, Mr. Miller.

The issues we spoke of previously revolve around on the one hand recognizing that a number of First Nations are in very positive partnerships—the Anishinabek example, being one where there is training and jobs and sharing of revenue, is good news—and on the other hand, unilateral action by typically a junior mining company that runs roughshod over First Nations governments, doesn't consult with First Nations governments and imagines that not only the special relationship that is shared with First Nations isn't respected but also that they can somehow do business with a neighbour without establishing a good relationship. This has been the exception, but nonetheless it has resulted in very tragic, unjust and frankly wrong results. Amongst other things, that's why we need changes to the Mining Act.

The coming months will see decisions made around the nature of the consultations and the discussions, the timing around resource benefit sharing, Mining Act changes and far north planning. Certainly I've heard loud and clear, particularly from Mr. Bisson, that we need to get on with this. Obviously, on the one hand, it has to be done in a multilateral and consultative way; on the other hand, we need to get these changes under way and eventually before the Legislature.

I guess I'll just wrap up again in the couple of minutes that I have remaining by repeating that we believe that as a provincial government, our best contribution and our focus is an act in addition to addressing historic grievances and improving the relationship. It's also to improve the economic conditions and ultimately withdraw the need for any dependency on government spending, instead seeing stronger relationships that proffer economic development opportunities for aboriginal and non-aboriginal communities alike, but ultimately to support the notion of economic self-determination in these communities, formally speaking, through self-government.

In a word, the resolution of land claims, of grievances, of treaty claims, and the determination of the best delivery of services around education, health and housing are all, I believe, an interim measure en route to what ultimately requires agreement around self-government. Otherwise, it is going to continue to be the history that it has been to date, which is a bad history. With self-government as the goal—and this is something, obviously, that primarily involves federal government action, which the provincial government certainly supports—we'll see the self-determination and independence that's necessary

to reflect the original relationship, and ultimately the just relationship.

I'd be happy to take questions.

The Chair (Mr. Tim Hudak): Terrific, Minister. Thank you very much for your summation.

Just to update the members, we are joined by a large number of people from the general public. What we're trying to do is to get an overflow room in case there are more people here than there are chairs. Right now, it looks we're in good shape, but if we're joined by more guests we'll have an overflow room.

Mr. Bisson, I appreciate your question about security. We do have members of security who are in the gallery or public places. I'm not going to tell them to come to or leave the committee. They're not currently present, I think, but we are having a good meeting here today, so I'm just going to proceed.

Now we'll do our 20-minute rotations of questions, beginning with the official opposition, followed by the third party and then to the government members. Mr. Barrett, you have 20 minutes.

Mr. Toby Barrett: I think we do have a good opportunity, with a number of hours coming forward now that we're going into the question section, for the estimates committee to provide a bit of discussion—a structure for discussion, really. Maybe we can get to the bottom of a few issues. It's very good to have a full house as well.

As MPPs, we receive briefings—I know of one briefing that we received in the spring of 2005, entitled A New Approach to Aboriginal Affairs, made available to us by the Ontario Native Affairs Secretariat. Of course, much of the approach is based on ensuring that we have workable channels of communication, and the ever-present need for communication with respect to aboriginal issues, communication between all players and all sides and, of course, this provincial government and the federal government.

Just drawing from that brief—this would be a case study, if you will. I know the minister made mention of Caledonia and Six Nations, the Haldimand tract. Back in 2005—in fact, this came out in the spring of 2005. As I recall, probably in the fall of 2005, there were protests set up on the side of Argyle Street, right adjacent to what is known as the Douglas Creek Estates. Being local, we were aware of these; I'm MPP for the area. I guess the question is, was the ministry—or, at that time, the secretariat or the minister responsible—aware of the protests? And was there communication then with people at Six Nations, with the elected council or with the federal government? This is six months before the actual occupation.

Hon. Michael Bryant: Well, let me do my best to try and address this in this way. With respect to what's in our estimates, there isn't any information within the estimates of the Ministry of Aboriginal Affairs for this year that would proffer that information, nor was I the minister at the time. Certainly, the member is open to ask this in question period. I'll make inquiries, I say to the member, but from an estimates perspective, it's just not

something that I have here or that the ministry's going to have, regarding numbers.

Mr. Toby Barrett: That's fine. It did come up in Parliament as well, in a question. Much of our information comes from area newspapers. I know that the Teky indicated that Chief Dave General—the chief, then, of Six Nations—had written to the minister responsible. Again, it indicates to me—now, we're just going by a newspaper article, and maybe we can find out later. But if you had received a letter like that, is that your responsibility? Is it the federal government's responsibility? Does the municipality deal with these kinds of roadside demonstrations? Not that they were blocking traffic or anything, but it was obviously a warning sign—

Hon. Michael Bryant: I was taught to not deal in hypotheticals, and so I'm afraid that I can't speak to that one.

Mr. Toby Barrett: That's fine. We do know that the following—it wasn't quite spring, as you know; February 28, 2006, the same site was occupied. I know myself, as a local member, that a couple of the key people who led that occupation—Dawn Smith and Janie Jamieson—had gone before Six Nations elected council during the winter. They had approached the confederacy chiefs as well. In my understanding, they did not have the support of the Six Nations leadership, but went ahead with this action anyway. So as we get closer—February 28 is the date I think we all know, and that has received unprecedented publicity. At that time, was the Ontario government involved, or was this a federal issue? Where did it lie?

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The Chair (Mr. Tim Hudak): I just remind members of the committee that we do have the estimates before us for the ministry for the year 2008-09, so I ask members to put their questions in the context of the estimates that are before us today. I do, as Chair, allow a broad range of questions. It's important to explore a ministry's expenditures. There are considerable sums of money being allocated to the ministries before us. If we're visiting things in previous fiscal years, I do need to have the members put them in the context of the estimates that are before us. You're wondering how we got to a certain point, why there's money before us—it's in that context. Minister Bryant was not the minister at the time. You can ask him to do his best to answer the questions that are relevant, but if he wasn't the minister, then there's only so much he would know.

Mr. Toby Barrett: Again, I'm trying to make this simple and to follow chronological order. Of course, these issues go back 200 years, and at that time the government had a responsibility as well, as we certainly know. So I do present them in that context. There's an old saying that if we do not recognize our history, we're doomed to repeat it. But again, is this a federal issue or a provincial issue?

Hon. Michael Bryant: A couple of things: Firstly, the member is going through a timetable which involves the conflict. One of the things—I'm sure the member would

agree with this—that frustrates the community within Haudenosaunee Six Nations, and certainly many people in Caledonia have said to me, is that when this issue arises and the news clip plays or the photo is provided in the newspaper it's of that time of the conflict at its height, which would not be a welcoming photo or clip for those considering coming in and spending money and making investments and visiting Caledonia and visiting Haudenosaunee Six Nations, whereas right now the land that the member makes reference too is empty; it's vacant. There's occasionally an individual on it, or two individuals on it, but that's it. And while there's certainly a dark cloud over the community, figuratively, and tension that exists, the lack of a cohesive relationship between the Haudenosaunee Six Nations and the neighbouring community—it probably exacerbates things to imagine that things today are like they were then, which was the time of particular conflict.

On the federal-provincial front, as the member says, it's a 200-year-old disagreement about what happened and what was said and whether or not the promises that were made, with or without appropriate information or accurately, were even honoured by the crown. As is the case with the vast majority of land claims, the primary responsibility for the resolution is with the federal government. In this case, that's absolutely the case in terms of the evidence and the circumstances and the history. While there obviously isn't complete agreement on what happened—or else there wouldn't be a claim—it is acknowledged that this is primarily one which requires the federal government to address the claim itself.

Mr. Toby Barrett: Yes, and that's exactly what I was told. I heard about the occupation on March 1 and walked across the floor informally and asked your predecessor, the then minister responsible for aboriginal affairs, and it was very simple: "This is federal." We looked at the briefing books. This was a federal issue. On March 2, I left Queen's Park and drove down to Caledonia and walked in behind the barricades and was told very clearly—people there indicated that they didn't want to talk to me because I'm provincial. Why was I there? I explained that I'm the MPP for the area and MPP for Six Nations at the time, but they were very clear that they wished to speak with the federal government on essentially a nation-to-nation basis. This was in the media.

So the next day, on behalf of people there, I wrote a letter to Jim Prentice, the then-federal minister. I did not hear back for a number of months. I found that frustrating, given what I felt was the need for some resolution or some initiatives. Certainly the people who were there, a very small number of people, also wanted things to move forward. They wanted their elected council to support them; the elected council was not supporting them.

Another concern they had—and I would walk quite regularly back in behind the barricades and got to know people a little better. I knew some of the people previously. They asked me at the time, would I approach the OPP and ask the OPP what were their intentions.

March 3, I contacted OPP Inspector Getty, then in charge of this initiative—he has since retired—and he indicated to me, “Our intention is a peaceful resolution,” so I reported that back. Again, with this communication, and obviously part of the estimates material here indicates that you, directly or indirectly, are involved with the various policing mechanisms—it varies from reserve to reserve. But has that always been your understanding of the OPP’s perspective on this?

Hon. Michael Bryant: When I say that the federal government is primarily responsible for the claim, it’s not to say that the local community, the municipality and the provincial government have not in fact had to incur significant expenses to deal with the effect of the failure to resolve the claim, so that means that the provincial government receives costs that it otherwise wouldn’t if the claim hadn’t been resolved.

The Ministry of Aboriginal Affairs itself and the people—a really great group of people who work in Caledonia with local residents, with Haudenosaunee Six Nations—along with the provincial negotiator themselves endeavour to find resolution to things that aren’t sometimes directly claim-related and sometimes are claim-related, where there is a need to provide communications. For example, you’ll have the municipal officials contact the ministry offices to try and get confirmation as to the latest—let’s say, “When is the next negotiating meeting going to take place?” And those people really on the front lines of providing services to Ontarians, all Ontarians—by which I mean Haudenosaunee Six Nations, obviously, and Caledonia townfolk and others in the neighbouring counties—provide an array of services to in some ways troubleshoot, in some ways problem solve, and sometimes to assist in providing information. Probably the size of that group would not be what it is but for the dispute and but for the failure to resolve the claim, so there are costs involved in that from the Ministry of Aboriginal Affairs perspective. What I have been trying to convey to the federal government is that in many ways—well, in every way—the local communities are paying the price, literally and figuratively, for the failure to resolve the claims, and they are expenses that do flow from the failure to address—in particular, get to the claim along the Haldimand tract.

Mr. Toby Barrett: I do know, and as I say, at that time in March, I was operating on the understanding that this was strictly federal. Nobody asked any questions in the Ontario Legislature. And continuing to speak—I had a meeting with Estates.

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Again, trying to figure out how to communicate with the federal government, I volunteered to drive to Ottawa on their behalf, and a very large package of material was put together which I delivered to the office of the Governor General of Canada. I spoke to her aide-de-camp, a captain in the military, and I was privy to all the information. I sat there while some of the letters were being written and the one thing that the clan mothers thought was very important for me to communicate, not only to

the federal government but to everyone—and I don’t know whether they were communicating with the Ontario government or not, but the one letter stated in part that if the OPP were to come in, if the OPP were to try and remove the occupiers or protesters at the Douglas Creek Estates, they would consider that an act of war. I pulled that letter out of the package, I read that paragraph to this captain in the military, in the Governor General’s office, and asked him to ensure that that was communicated to all concerned.

Do we know, was the Ontario government made aware of that concern, that indication that if the OPP were to come in—this is before they came in—that’s an act of war?

Hon. Michael Bryant: Again, that’s not something within the estimates context that I’m able to proffer an answer to. But I’d be interested, since we’re walking through this timetable, whether the member could talk at all about his discussions, not just with the Governor General but with his federal counterpart, and whether or not she was able to be of assistance and engage on this issue at all.

Mr. Toby Barrett: Well, I can answer a question too, I guess. Yes, at that time I did speak with the local MP by telephone—actually, I think it was from the occupied site, come to think of it. I communicated directly with Minister Jim Prentice, I communicated directly with the Governor General’s office. I found that at that time it didn’t seem to be necessary or appropriate to go through the local MP’s office. Maybe I should have. On April 12, I did raise the issues in the Ontario Legislature with respect to what was going on here and in the Legislature, as I recall. Again, I more or less agreed with that, that this is a federal issue.

On April 19, I asked the Premier again for a bit of a status report and at that time the Premier indicated, “We’re determined to resolve this so that it results in no incident that would compromise public safety.” There was a bit of to and fro, back and forth, and the Premier indicated, “The Conservative Party has a different position. They would rush in, and then the leader of the Conservative Party would do something like that,” and again reiterated—this was about 3 o’clock in the afternoon, April 19—that they would sit down and work this out in a responsible fashion.

Lo and behold, at 5 a.m. the next morning, we had the well-known OPP raid and 14 hours later the officers came in. Again, the question is—and being an outsider and being in opposition—was there communication then with policing? I mean, that’s part of the responsibility of a cabinet minister with respect to these kinds of issues. Did you know that was going to happen?

Hon. Michael Bryant: We’re in April 2005 right now?

Mr. Toby Barrett: This would be April 20, 2006. This was the big police raid, if you will.

Hon. Michael Bryant: Right. I wasn’t the Minister of Aboriginal Affairs at the time and also I’m not able, from an estimates context, to provide that answer; just to say,

though, generally speaking, that the executive and the police are not engaged in a relationship where anything other than independence is the rule. That's the recommendation of the Ipperwash commission, and regardless, certainly the long-standing constitutional tradition is that police are independent from the executive council. So there would not be any interference by government with respect to the operations of the OPP. I think that's about the best I can do in the estimates context.

Mr. Toby Barrett: Okay. Thank you, Minister.

The Chair (Mr. Tim Hudak): We now proceed to the third party. Mr. Hampton, you have 20 minutes.

Mr. Howard Hampton: I have a lot of questions. I want to begin just by renewing the minister's acquaintance with Joshua Frogg, who is the chief of Wawakapewin First Nation. Chief Frogg met you in Timmins, November 14 and 15 of last year. I think you went to the NAN meetings there to introduce yourself to the NAN chiefs. At that time, he believes that you said you would facilitate meetings with the Ministry of Transportation and the Ministry of Northern Development and Mines to build an airstrip at Wawakapewin First Nation. Chief Frogg wants to remind you that he hasn't heard from the Minister of Transportation or the Minister of Northern Development and Mines since that time and he's hoping you will renew your efforts to put them in contact with the chief. He'll be happy to provide Sioux Lookout phone numbers so that those contacts can happen.

A couple of questions: Looking at the briefing book, on page 25 you detail transfer payment funds. I believe the transfer payment funds total is \$14,730,900, is that correct?

Hon. Michael Bryant: Hang on a second, I'm getting there.

Mr. Howard Hampton: That's for the current year for the ministry?

The Chair (Mr. Tim Hudak): Again, we're on page 25 of the estimates binder. There's a chart there that Mr. Hampton is referring to.

Mr. Howard Hampton: Transfer payment funds, and then it lists the participation fund, support for community negotiations fund etc.—grand total, \$14,730,900. Is that correct?

Hon. Michael Bryant: The \$14-million figure is—there we go, under the estimates.

Mr. Howard Hampton: Yeah.

Hon. Michael Bryant: Is that what yours says? That's what mine says.

Mr. Howard Hampton: Mine says \$14,730,900. There are no other transfer funds between the government of Ontario and First Nations budgeted for this year?

Hon. Michael Bryant: I think what I'll do to elaborate on that is ask if the deputy or other ministry officials want to speak to any other transfer funds that the member is asking about over and above what's in the estimates book.

The Chair (Mr. Tim Hudak): I'd ask staff to identify themselves for the sake of the record again in this afternoon session, please.

Ms. Lori Sterling: Deputy Minister Lori Sterling. Good day. What we reported in the estimates is our understanding of our transfer fund payments.

Mr. Howard Hampton: And no other transfer funds?

Ms. Lori Sterling: We're not aware of any other transfer funds.

Mr. Howard Hampton: Okay, that's fine.

The Chair (Mr. Tim Hudak): There is a capital fund as well later in the estimates.

Mr. Howard Hampton: I'll get to that.

Ms. Lori Sterling: The capital grants fund.

Mr. Howard Hampton: There's the aboriginal community capital grants fund.

Ms. Lori Sterling: Right.

Mr. Howard Hampton: That is \$4 million?

Ms. Lori Sterling: That's right.

Mr. Howard Hampton: So there are those two transfer funds? That's it?

Ms. Lori Sterling: That's all we're aware of.

Hon. Michael Bryant: Just to be clear—I know the member would like an unequivocal statement—it's obviously in the context of the estimates of the Ministry of Aboriginal Affairs. There is, as has been set out in the budget, in other ministries' expenditures, within the Ministry of Health, the Ministry of Education, the Ministry of Housing, the Ministry of Northern Development—and I could probably go through almost every other ministry in the government where there are expenditures—

Mr. Howard Hampton: I'm not asking you to detail those. I'm only asking you about your own ministry for now. I'll get to the other ones later. Okay?

1700

Ms. Lori Sterling: Can I just add one point of clarification on the transfer funds? Those two categories are the transfer funds that we know about and that we're planning for 2008-09. In the event of a land claim settlement, which we're not aware of at this point, but which may happen over the course of the 2008-09 year, if that did happen and payments were made, that might also be considered a transfer payment. So there are other potential categories. Finally, the relationship fund itself, which was recently announced, would be the only other transfer payment that we can comment on at this point.

Mr. Howard Hampton: Thanks for that. That helps to clarify things a bit.

In connection with this, I wonder if I could just ask this question: The total ministry budget, as set out in the estimates, is about \$56 million? That's operating, capital and transfers.

Ms. Lori Sterling: Yes, that's correct.

Mr. Howard Hampton: Okay, good.

Can I ask this? Mr. Cam Clark was the provincial negotiator, on behalf of the government, negotiating with Kitchenuhmaykoosib Inninuwug First Nation. Is that correct?

Ms. Lori Sterling: Yes, he was hired by the provincial government to work on that—

Mr. Howard Hampton: Can I ask, what was the total cost, all in, for Mr. Clark and his staff and associates in

terms of the negotiations with Kitchenuhmaykoosib Inninuwug? Could I ask for that figure?

Ms. Lori Sterling: Yes. I'll have to get back to you just to confirm it, but of course.

Mr. Howard Hampton: Okay, but there is a figure.

Ms. Lori Sterling: There is a figure.

Mr. Howard Hampton: And it's the all-in figure.

Hon. Michael Bryant: If that's what you're looking for.

Mr. Howard Hampton: Good. I understand Mr. Cam Clark was paid, on behalf of the provincial government, to negotiate with Ardoch Algonquin First Nation as well. Is that correct?

Ms. Lori Sterling: That's correct.

Mr. Howard Hampton: Could I get the all-in figure that was paid to Mr. Cam Clark and his associates in terms of the negotiations with Ardoch Algonquin First Nation?

Ms. Lori Sterling: My understanding is that we paid Cam Clark. I'm not aware of any supplemental payments, but I will confirm that.

Mr. Howard Hampton: Okay. I just want the all-in figure.

Could I ask, what is the total cost of negotiations with Kitchenuhmaykoosib Inninuwug since the start of the Platinex dispute? Do you have that figure or can you get that figure?

Hon. Michael Bryant: Obviously, if there's a figure that exists, we will get it for you—the all-in. I don't know the extent to which we can create something that doesn't exist, obviously, but we'll find that. I can really only, right now, at this time—although if there's more information, I'll provide it to Mr. Hampton. I can say that since the time in which I was sworn in—and the member's asking about negotiation efforts—the time spent by myself and my office's work, which involved a very significant investment of time and a certain amount of travel as well to KI by myself and others within the ministry, will not be reflected in that number that the member is looking for with respect to the negotiator himself.

Mr. Howard Hampton: We'll get to your expenses later.

Hon. Michael Bryant: I'm doing my best here, Chair, to answer the question. I want to say that the questions and the—

Mr. Howard Hampton: It's okay, Chair.

Interjection.

Mr. Howard Hampton: Yes, I think I've got a good enough answer.

Hon. Michael Bryant: The tenor of the question—Chair, could I just finish? I was trying to make a point here.

The Chair (Mr. Tim Hudak): I think Mr. Hampton is satisfied with your answer. I'll go to him for his next question.

Mr. Howard Hampton: I'd like to ask the total cost of negotiations with Ardoch Algonquin First Nation since the commencement of that dispute over uranium mining in that First Nation's traditional territory as well. If you

want to account for the minister's travel or ministry staff travel separately, that's fine. But I'm more interested in the cost to the ministry.

Hon. Michael Bryant: Got you.

Ms. Lori Sterling: I can tell you right now that not all the costs that were incurred were borne by the Ministry of Aboriginal Affairs itself. So all we can do at this point is provide you with our own costs. But there very well may be other ministries that put in a significant amount of money.

Mr. Howard Hampton: If you could indicate what other estimates I should go to and ask questions, I'd be pleased. You don't have to tell me the amounts; just tell me where I should go.

Ms. Lori Sterling: Okay, I'll do that

Mr. Howard Hampton: Thanks. On March 6, the minister flew from Toronto to Thunder Bay. I believe you met briefly with NAN chiefs, held a press conference and released a memorandum of understanding, which was reported in the Canadian Press on March 6 as a template for resolving conflicts between First Nations and mineral exploration companies. Could I ask that that memorandum of understanding be tabled for the committee?

Hon. Michael Bryant: Firstly, I should say I recall that after looking at it for about five minutes, Chief Morris and council said this isn't what they're looking for. I'm not sure within the context of estimates—it's absolutely a fair question in the context of question period. I'll certainly look to the Chair as to whether or not we go into disclosure, if you like, of information that falls outside of the estimates process. I'm not sure from an estimates committee perspective what the member is looking for.

The Chair (Mr. Tim Hudak): We'll table that. I'll review it and then make a ruling.

Mr. Howard Hampton: I understand that there were several versions and drafts of that memorandum of understanding. Is that correct?

Hon. Michael Bryant: I think I'm going to have to ask the Chair to make a ruling on that one too. I'll just say, not surprisingly, that there is, from conception to proposal, a significant amount of work that goes into any document. The basic approach was to try and find—because this was in the days coming up close to the hearing and I couldn't tell if we were close or not close. At times when I was speaking with Councillor Sam McKay, the relationship was very affable. We wanted to try and find a resolution that was satisfactory to him and his community; the same with Chief Morris. This was an attempt really to honour the effort that the chief and council were making.

Mr. Howard Hampton: I'm satisfied.

The Chair (Mr. Tim Hudak): Okay, move on.

Mr. Howard Hampton: I wonder if I could just ask this question: Were versions of the memorandum of understanding exchanged with a representative or representatives of KI First Nation?

Hon. Michael Bryant: You'd have to ask the chief and council, whom I just spoke to a little while ago.

Mr. Howard Hampton: Okay, I can do that.

I think what the figures are going to show is that a fair amount of money has been expended by the ministry with respect to Kitchenuhmaykoosib Inninuwug First Nation and the Platinex dispute. One of the realities is that the Minister of Mines, under section 35 of the Mining Act, could write a letter to the mining claims recorder withdrawing the areas of land that are subject to the dispute from mining claims and mining exploration. There is provision for that under section 35 of the Mining Act.

Could I ask this: Have you asked the Minister of Mines to do that? If we're talking here about expenditures of money of the ministry, it seems to me that one way of addressing some of the issues would be for you to write to the Minister of Mines and say, "Use section 35 to take these areas of land which are under dispute out of mining exploration and mining claims." Have you done that?

Hon. Michael Bryant: No, I have not written a letter to the Minister of Mines. The member asked this question in question period and the Minister of Mines spoke to it. I know the member knows very well that the government is indivisible. You can't have a situation where one ministry takes one position and a different ministry takes another. The government is the government.

1710

One of the legislative options has been outlined by the member, and I spoke quite directly to this with Chief Morris today. They've always been very, very clear to me and to their community, given the history and the relations with Platinex, which were significantly poisoned. They've said many times that the idea of doing business with Platinex was just not something they could countenance. So then the question—

Mr. Howard Hampton: I'm satisfied with the answer. Could I ask this question, though: Would the minister support removing these mining claims that are under dispute via section 35 of the Mining Act?

Hon. Michael Bryant: Again, this isn't an issue of one member of the executive proffering an opinion other than the one expressed by the government. The member knows from the convention of cabinet solidarity that the decision of the government is the decision of the government, and any discussions that might entail—

Mr. Howard Hampton: That's fine. I think I understand now—

Hon. Michael Bryant: Mr. Chair, could I at least finish my sentences?

The Chair (Mr. Tim Hudak): Yes. I try to find a balance. If the question is a short question, I expect a short answer. If it's an open-ended question, I give the minister more time to respond. I do think that you've had a chance to answer this question.

Hon. Michael Bryant: Fair enough, Chair. I'm in the early hours of estimates. I'm figuring out how you run it and I appreciate what you just said.

Mr. Howard Hampton: One of the messages that First Nations received immediately following the budget, especially First Nations in the far north, was that \$30 million over four years was being allocated to support consultations via the northern table on substantial land use planning and resource management in the far north. Obviously that was not \$30 million under the Ministry of Aboriginal Affairs. Can you tell me where that \$30 million is actually accounted for? Does it come from another ministry?

Hon. Michael Bryant: Firstly, we're not talking about monies that—because, as the member knows, KI is not a member of NAN. This isn't something they would be accessing. But what they would be, as I discussed with Chief Morris today, is that obviously consultation with KI, and other independent First Nations, for that matter, has got to take place and this has to be also—

Mr. Howard Hampton: I'm not concerned with KI right now.

Hon. Michael Bryant: —I'm just going to answer your question—in addition to the northern table investments, and that the government is committed to providing that consultation money to KI.

Mr. Howard Hampton: Since I think what I heard you say earlier is that the \$30 million is not accounted for in the Ministry of Aboriginal Affairs' estimates, can you tell me which estimates I should go to to find that \$30 million?

Hon. Michael Bryant: Yes. To what extent it's the Ministry of Northern Development and Mines, to what extent it's the Ministry of Natural Resources, the Ministry of Aboriginal Affairs, the Ministry of the Environment and so on, we'll make inquiries.

Mr. Howard Hampton: So I'll get a response from you as to which ministry's estimates I should go to to track down that \$30 million?

Hon. Michael Bryant: Well, I'll make best efforts. We can work within our own ministry, and I do want to assist the member, but I know that when I make an undertaking to provide information, if we're not able to provide it, then that can extend estimates. If it's not within the Ministry of Aboriginal Affairs, I can't make that undertaking, but I'll certainly make the inquiry, because the member wants to know where to go to find out where those investments are made and I want to assist.

The Chair (Mr. Tim Hudak): I appreciate the minister's best efforts.

Mr. Howard Hampton: What I'd really like to know is, First Nations have been told that this is money available for consultations, particularly for the northern table. I think many of the people who are here today would be interested in knowing where that \$30 million is, what it's going to be used for and when it is going to become available.

Hon. Michael Bryant: Sure. I think this is important for the public to understand. There's a real recognition that the northern table dollars—the extent to which the government of Ontario is respecting the leadership of

NAN, and Grand Chief Beardy in particular—that's also a question that I know Grand Chief Beardy himself would also be able to answer. I certainly don't speak for him, but I'm actually speaking with him later on today about the issue of the northern table budget and our desire, obviously, to address the need to provide that funding for consultation.

The Chair (Mr. Tim Hudak): You probably have one minute left, Mr. Hampton, for your last question.

Mr. Howard Hampton: On May 15 you announced the new relationship fund and committed \$25 million over two years. In the press release it says, "Ontario is helping aboriginal communities to develop the resources, capacity and skills" etc. to work "seamlessly with governments." As I understand it, this money is to be divided not just amongst First Nations but also includes Metis and non-status communities.

Hon. Michael Bryant: This was something that we obviously discussed with the confederacy, and with Regional Chief Toulouse in particular. Certainly he acknowledged, and stood there with Gary Lipinsky to acknowledge, the fact that this was going to be capacity building both for First Nations and—

Mr. Howard Hampton: Could I ask what the division line will be between First Nations and Metis and non-status?

The Chair (Mr. Tim Hudak): That will be the last question in this round.

Hon. Michael Bryant: That's something that has to be discussed and collaborated upon between Metis leadership, First Nations and the government.

The Chair (Mr. Tim Hudak): Thank you very much. That concludes the 20-minute session. Now we'll go to the government members. Mr. Delaney.

Mr. Bob Delaney: Thank you very much. Well, Minister, I guess I'll give you a little bit of time to collect your thoughts and finish your sentences.

In the most recent budget, the budget to the Ministry of Aboriginal Affairs has been increased to nearly double what it previously had been allocated. I wonder if you could expand a little bit and enlighten us on some of the thinking behind it and some of the ways in which that will affect the work the ministry does.

Hon. Michael Bryant: The increase in the budget reflects the increased mandate as well as an acknowledgement, a recognition, of an attempt to consolidate the government's approach to aboriginal affairs. I think inadvertently in the past, because you had 20-plus ministries where a small or sometimes significant amount of work they were doing involved aboriginal peoples, you didn't necessarily have a single government strategy with the priorities and the focus and the policy development and the assessment and the creation of metrics and the creation of an information bank, and then the meeting of those goals. In fact, a significant amount of work, most of the work the aboriginal affairs secretariat did in the past, was negotiation work. There was economic development work in the past. There was some policy development, but most of the policy development was done through

other ministries, and the aboriginal affairs secretariat previously was there to assist the other ministries. But if I can put it in sort of executive terms, the lead was with the various ministries.

In the context of the way government works, it meant that despite best efforts by ministries, no matter what the portfolio, it wasn't necessarily the number one priority of that particular ministry, and the ability for an aboriginal priority to fall back was there. Moreover, in terms of driving forth significant reforms on aboriginal affairs—the ability to, for example, increase skills, individual capacity and community capacity to engage with government and the private sector on a level playing field—the secretariat was not always in a position to do that.

The increase of the budget therefore is not just a reflection of the increased priority, but it also means that, functionally speaking, the Ministry of Aboriginal Affairs plays a role as bringing together the different strands of aboriginal policy in the many other ministries that exist having aboriginal affairs, to, firstly, ensure that the priority is accorded to aboriginal affairs and, secondly, to coordinate efforts; and, lastly, to drive it through government in terms of changes. The leader of the third party knows, and members of the official opposition know, through their experience in government, that there is a process before something either gets to the cabinet table or gets to Treasury Board or gets announced, and the government has to make choices around priorities, sometimes intentional and sometimes inadvertent. This ensures a priority for aboriginal affairs, not just in word but in budget as well.

1720

Mr. Bob Delaney: To move to something that's closely allied, resource benefit sharing, what's been the type of thinking that has gone into the government's actions with regard to resource benefit sharing in terms of, say, sharing revenue with First Nations?

Hon. Michael Bryant: The commitment that the government has made obviously involves the necessity of consultation with First Nations. Grand Chief Beardy, soon after I received the appointment, made it very clear to me that this was a very big priority for him and for NAN, and was making, I think, pretty strenuous demands for an accelerated timetable. There has recently—and part of this came out of the Ipperwash implementation committee and part of this comes out of the ongoing and many meetings that I have with Grand Chief Beardy, and obviously the resolutions of the northern table. Because the province of Ontario would be embarking upon the sharing of mineral rights or of taxes or royalties at a certain rate, my question was, "How do you imagine it looking?" as opposed to, "Here's what the government says it ought to be." I know that the northern table, and Grand Chief Beardy in particular, have pushed and will continue to push for an acceleration for the result. There is also work being done at the northern table in order to paint that picture of what resource revenue sharing will look like.

As I said before, it's not just about, although this is important, the sharing of net revenue in some fashion. It's also about creating an economic incentive for economic and resource-based development, particularly in the northern communities.

Mr. Bob Delaney: During the time I lived out west, this was one of the issues that I recall dealing with out there, the resource benefit sharing and the type of opportunities that creates, either for First Nations or for some of the local communities. I think it gives rise to a question of what types of opportunities resource benefit sharing would create for First Nations, local businesses, businesses that might be owned by First Nations, and, for that matter, other sectors in that particular region.

Hon. Michael Bryant: Well, in addition to whatever the benefit sharing formula ends up being, the idea might be this—and there's understandable frustration, particularly in the north in some cases, when that helicopter flies over, and if it's flying at a certain height, there's an understanding that the latest technology is snooping around to see whether or not there are any resource extraction opportunities. Changes to the Mining Act are required in order to provide the assurances that are necessary around consultation and collaboration, but also a knowledge that no matter where that exploration takes place, whether it's in traditional lands or not, instead of it meaning a potentially lucrative mining project, either near or in any event within the broader community of a First Nation happening, in a remote region that has not seen industry happening before, instead of it being, "Oh, dear. What's going to happen? Is there going to be the creation of wealth that is going to happen, in essence, right under our noses, right next door to us, and we're going to have nothing to do with that? How can that be right?"—particularly when we're talking about communities that know the land better than anybody ever could. The idea of resource benefit sharing is that it would mean that, no matter what, yes, there has to be and will be—and there has been. We talked about Attawapiskat and De Beers and the Victor diamond mine. In addition to jobs training, in addition to jobs and in addition to potential equity shares, it means that no matter what, there's also a sharing of resource benefits. So it means that all First Nations are sharing in the prosperity, as opposed to the crown. Now, the crown gets those dollars and then spends those dollars through the budget, and that's part of the estimates process. But this means a direct sharing of those dollars, and in that sense, I guess conceptually, it's not so different from the sharing of gaming revenues, in the sense that it is revenue being shared. Obviously, this is something that is going to require a lot of discussion and negotiation and, ideally, a multilateral decision.

Mr. Bob Delaney: Thank you.

The Chair (Mr. Tim Hudak): Mr. Leal, about 10 minutes or so.

Mr. Jeff Leal: Just for the record, I want to say that I have two First Nations communities in the riding of Peterborough: one at Curve Lake, under the leadership of

Chief Keith Knott; and Hiawatha, under the leadership of Chief Laurie Carr.

Minister, on February 18, Family Day, my family spent the day at Six Nations in Caledonia on a visit. In Caledonia, when I had the chance I toured the Douglas Creek Estates and chatted with some people. Could you indicate to us today what economic assistance we've provided to the people of Caledonia over the last period of time? It's something that's of great interest to them. They've had some challenges, no doubt. But what role have we been able to play in terms of providing some concrete assistance for a community that needs some help?

Hon. Michael Bryant: There have been economic development monies that have been specifically allocated to that, and I made previous reference to that in my remarks as to the number. As well, in talking with Mayor Trainer and council, there's a real desire to work with the province, not just on the economic development promotion side but also with respect to infrastructure needs. There is under way right now a process to assess what those needs are. It's something that obviously is of benefit to not just the municipality and to the residents of Caledonia, to the residents of the county, but also the Haudenosaunee Six Nations. For example, the issue of water infrastructure is one that's a real priority for the tribal council and band council for Haudenosaunee Six Nations. The community has grown significantly, it's a large community, and they've basically got an inadequate water system. I've had discussions with the federal minister about the provision of that. It has an impact, again, not just on the First Nation but also with respect to the town of Caledonia itself. So it's not just the economic development money.

The 2006 dollars: \$1.3 million for 150 businesses that were impacted by the activity on the highways and roads. There were monies invested in a summer 2006 promotional campaign—again, hardly a panacea, but an effort to try and jump-start activity within the community. Investments were made for a media campaign to try, again, to promote tourism and use of the local businesses, and then \$90,000 in addition to that was invested in an industrial development marketing strategy.

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This quarter, Haldimand county has received over \$3.5 million for municipal roads and bridges and close to \$400,000 for affordable housing in Haldimand-Norfolk. In my discussion with the local businesses, these are all important and necessary investments, and it's an effort to assist, but ultimately, until such time as we can either get progress or until we get resolution of Haldimand tract claims—which Mr. Barrett has made reference to and is something that the federal government is charged with—there will continue to be challenges. Unless Haudenosaunee Six Nations and the community—over and above the land claims process, there are partnerships that will allow for business development opportunities that will see an increase in activity.

I will say, though, as I was driving through Haudenosaunee Six Nations yesterday, in passing the fields, the businesses, the driving range, the soccer fields, the baseball fields, the community centres, they have much to offer in the county and in Haudenosaunee Six Nations. As I said before—I don't want to repeat it at length—it is really unfortunate and a source of great frustration for the community that there's this sense that the activities that took place a couple of years ago, the confrontation, the very heightened tension within the community—I mean, yes, there is tension, and obviously, as I said before, there's a dark cloud, but that field that you referred to is vacant. There's occasionally one or two people on it. There's much to do and much to offer in Caledonia, in the county and Haudenosaunee Six Nations, and I certainly would encourage Ontarians, in addition to spending time in the member's riding, to also make sure that they spend some time and enjoy Haldimand county, enjoy Haudenosaunee Six Nations and enjoy the Grand River.

Mr. Jeff Leal: I think we all recognize that Justice Linden's recommendations in his extensive review of the circumstances related to the death of Dudley George at Ipperwash in 1995 have certainly had a profound impact on Ontario and Canada and the whole relationship between our First Nations people.

In terms of estimates and the implementation of the multitude of recommendations that were made by Justice Linden—probably one of the most comprehensive royal commissions ever in the history of Ontario, indeed, if not Canada—maybe you could go through for us, in terms of the estimates process, those recommendations and how that will be rolled out over the next number of months and years.

Hon. Michael Bryant: I'm very anxious to, as quickly as possible, implement the recommendations, mindful of the fact that unilateral implementation of the Ipperwash report is a non-starter. That's why we set up the implementation committee, and from an estimates perspective, had to provide funds to pay for the operations of that committee.

The new relationship fund, a new \$25-million relationship fund for the first two years, would be an example of that. The dollars spent with respect to the transfer of Ipperwash Provincial Park would be an example of that. Certainly the land claims reform is one of the most important recommendations in the Ipperwash commission, and how that's going to involve and relate to the federal government's recent tribunal, which is not really of use in Ontario, in the sense that most of the claims were over \$150 million, which is the cap set by the federal tribunal. Almost all the claims involve both money and land, and the tribunal can't deal with land claims. In order to go before the tribunal, I think I'm right to say, you have to cede or give up on the land claim part of it and only make the claim as against the federal government involving cash.

Firstly, I don't think that, practically speaking, is going to happen in Ontario. While I'm not saying it's not

positive—a tribunal to go to provide for a very small number of claims that would involve cash, maybe a right of way or something over a track or a road; that is good, but that's not what we need in order to expedite the resolution of these claims, which, again, is, more often than not, at the heart of many of the effects and the tensions and the confrontations that take place in this province and, for that matter, across the country.

The Chair (Mr. Tim Hudak): That's going to conclude our time. Mr. Leal and Minister, thank you very much.

We have time for one more 20-minute session of the official opposition, and then we'll conclude at that point for today's session. We reconvene tomorrow at 4 p.m.

Twenty minutes: Mr. Barrett.

Mr. Toby Barrett: Minister, I'll follow up on some of the topic areas introduced by the parliamentary assistant: the relationship with Justice Linden's report. Again, if we can continue on with the discussion around the Caledonia Six Nations area.

Certainly, Justice Linden in his report does address the whole issue of ministerial responsibility and the relationship between a cabinet minister and our OPP. I'll fast-forward: I appreciate your comments on what went on two years ago when the OPP first came into the Douglas Creek Estates subdivision.

Just to fast-forward to the weekend when we had both the Deseronto kerfuffle, if you will, and the blocking of provincial Highway 6 at Caledonia, what is called the Caledonia bypass adjacent to Six Nations territory: As far as a relationship with this ministry and the elected council, what discussions would there have been over that weekend with Chief Montour?

Hon. Michael Bryant: No provincial dollars get spent and no activity takes place as between executive council members and the OPP from the estimates perspective. I understand the premise of the member's question and think it has been addressed already in the Legislature that no interference ought to take place, and no interference has taken place.

Mr. Toby Barrett: Yes, and certainly that word "interference" was mentioned several times in the letter that we know of from Chief Montour. I think it was addressed to you, as I recall.

As far as the funding in this 2008-09 year or past year, what contribution does your ministry make to the Six Nations police?

Hon. Michael Bryant: To the Six Nations police?

Mr. Toby Barrett: Yes.

Hon. Michael Bryant: It's not something within the Ministry of Aboriginal Affairs budget. I'm not going to undertake to provide the information because it's not within my purview, but I will make inquiries, I say to the member. I believe that information has actually already been put out there, but I will make inquiries.

Mr. Toby Barrett: It perhaps is more ad hoc. I know I have attended to Six Nations police a number of times with a cheque for ad hoc funding for training, as I recall,

or perhaps for specialized equipment. Is that the limit of it?

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Hon. Michael Bryant: Again, that's not something that would be within the Ministry of Aboriginal Affairs' budget but certainly something within the federal estimates process, and I guess provincial estimates involving the Ministry of Community Safety that might be put. Again, in the spirit of co-operation, I'll certainly make inquiries.

Mr. Toby Barrett: That's fine. I'll keep that in mind as well, or perhaps I could put some of these questions forward in writing, to do it through the committee or—what is the process?

The Chair (Mr. Tim Hudak): Again, this is the estimates of aboriginal affairs. We appreciate that the minister will make his best efforts to get information related to aboriginal affairs that aren't funded through his ministry. I would ask, if you have questions, to actually present them at committee—I know the minister can't always answer them immediately—and then we can endeavour to have them responded to. I don't take written questions, but if you want to put some oral questions on the record in the interests of time, that's fine.

Mr. Toby Barrett: Sure. Well, I know the parliamentary assistant may have the information with respect to money allocated to Six Nations and to the Caledonia community. You gave us a breakdown on that. Those were not directly under your ministry's budget; that was someone else's budget?

Hon. Michael Bryant: Well, I'm hoping that the parliamentary assistant's numbers are the same as the numbers that I have. He's nodding his head, so yes is the answer. We have the same numbers. Again, it's up to the official opposition and the third party to decide who comes forward in estimates and how much time is spent in which ministries. Priorities are made, and sometimes a ministry is further down the list and estimates isn't able to address the questions. But at this time, estimates is hearing from the Ministry of Aboriginal Affairs, and within our budget I couldn't proffer a number, because we wouldn't provide funding through the Ministry of Aboriginal Affairs to policing.

Mr. Toby Barrett: The question has been raised over the last several years of the cost of policing. What is the latest on that? What has policing cost in the Caledonia-Haldimand area, and is some of that cost being borne by the federal government? I don't need the exact number; I just want to know what—

Hon. Michael Bryant: Sure. Within native policing, there is a tripartite agreement entered into by the provincial government, the federal government and the First Nation as to what the number is and what the sharing formula will be. It's not something within our budget, but it is something that involves those levels of government. The increases, as the member is aware, to the budget for the OPP—again, not within my ministry—are a consequence of the conflict arising from the failure to resolve the claim, and that I lay primarily at the feet of the

federal government. So the federal government involvement is there in that sense.

Mr. Toby Barrett: Is there an ask out there for additional money from the federal government? I mean, a precedent was set. That was a year and a half ago or so, where some money came forward. Is that precedent of any value, and is there additional—

Hon. Michael Bryant: The province, whether it be the Ministry of Aboriginal Affairs or any other ministry, has a view on fiscal federalism that isn't always shared by the federal government. That's not only the discussion of direct payments but also general transfer payments, which is something that the Premier and Minister of Intergovernmental Affairs has spoken to before. I'm sure the member has, and I would certainly encourage the member to make that pitch as well to his federal counterpart, the Honourable Diane Finley, in terms of making sure the federal government is in fact recognizing that the failure to resolve the land claim does have costs on the province and the municipality, and the federal government, I think, ought to bear the fiscal responsibility as well.

Mr. Toby Barrett: Just maybe to fast forward two years, I did ask the questions at the commencement of this occupation as to who was in charge. My understanding was the federal government. With respect to the occupation, who is in charge now as far as federal-provincial?

Hon. Michael Bryant: In charge of?

Mr. Toby Barrett: This whole issue around the occupation of Douglas Creek Estates.

Hon. Michael Bryant: Well, "occupation" of Douglas Creek Estates—as I said before, and the member knows this, if you drove by that land adjacent to the highway, there's nobody there. I know the member wouldn't want to suggest that there's in fact a significant presence there. There isn't. Actually, it's looking pretty grim. I don't know—

Mr. Toby Barrett: Essentially desolate right now.

Hon. Michael Bryant: Yeah, it's desolate right now. It's overgrown and pretty ugly. The OPP has a job to do with respect to policing. They do that job, and I'm very supportive of the job they do. The Ministry of Aboriginal Affairs, as I referenced before, has an office that tries to troubleshoot and provide assistance. As well, negotiations take place. The province endeavours to assist the federal government in trying to resolve this, but I don't believe the urgency is upon the federal government in a way that I know the member's community is feeling, the provincial government and the municipality are feeling, and our budgets are feeling as well.

Mr. Toby Barrett: Is there any way that we can continue to move forward with respect to that site? A number of barricades are still up. There's a large hydro tower at the entrance. To the north there are still the barricades of railway ties. Farther to the northwest there are a number of very large concrete blocks. I don't know who put them there. They are probably there for a good reason, to block off that end of the road. Is there any way

we can move forward, to continue to make this area look less desolate and less forbidding?

Hon. Michael Bryant: Again, I doubt this falls—well, is there anything in the budget with respect to the ministry regarding capital allocation or other costs? It tends to be considered to be part of the claim, depending on which side of the negotiating table people are on.

Let me say this, Chair: I think that creative ideas and suggestions about the best way to improve the situation, improve the use of that land, improve not only how it looks but how it's used—if there's a way in which the community and Haudenosaunee Six Nations can address that even as an interim measure, who could say that's anything but positive? It just obviously has to be one where it lessens the tensions and increases the relationship and has to be one that's multilateral. But I'm certainly very interested in any ideas the member has with respect to making improvements from the member's perspective. I'd be more than happy to raise those with chief and council and with the federal government.

Mr. Toby Barrett: And you would raise those issues primarily or strictly with the elected chief and council?

Hon. Michael Bryant: No. To be fair, I'm trying to be pragmatic here and find solutions. If anybody has good ideas, I would encourage them to get them out there, whether they do it through a member of provincial Parliament, municipal council or the federal government, or throw it up there on the Web. Leaving aside the fact that we're politicians and have a job to do in government and opposition, I would have thought any Ontarian would want good ideas to come forward that the communities could pursue, and if the federal government can support those, fine. But again, I don't think it should be lost upon anybody that it's the federal government that really has to address the claim, and the Haldimand tract in particular.

Mr. Toby Barrett: I understand the federal government's position on that particular piece of land adjacent to Highway 6—I mean, it's a dispute. It's an occupation, but as I understand it, they've indicated there is no valid claim. Now you refer to it as a claim. Is it the province's position that there is an actual valid land claim on Douglas Creek Estates?

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Hon. Michael Bryant: Again, within estimates, other than covering the costs that the ministry pays with respect to negotiations in the Ministry of Aboriginal Affairs, there's nothing more I could add.

Mr. Toby Barrett: It's not really your call to decide whether that's a valid claim or not.

Hon. Michael Bryant: Those are important issues that take place at the negotiating table, and agreement over how you would even refer to that land is certainly not there right now.

Mr. Toby Barrett: I certainly know that. Yes, it's true.

Hon. Michael Bryant: So nothing in my remarks was intended to suggest that there's been any change to the position that the federal and provincial governments have been taking at the negotiating table. I'm just again trying

to be helpful, but I'm not sure that in the context of the estimates committee I can provide much more information.

Mr. Toby Barrett: No. It does come to mind that right at the entrance adjacent to Highway 6, which as you would know is a main tourism route down to towns like Port Dover and Turkey Point for people coming from the Hamilton area, there's a tractor-trailer that was torched. There are tire rims in there. I assume there were tires in there for whatever reason; I can only speculate. But I think it would be good for all concerned—this is very bad public relations for Six Nations, in my view. This does not represent Six Nations. I first visited Six Nations with my grandmother when I was seven years old. This is not the image we wish to present to that very proud community. I do know that on probably the Monday or Tuesday, April 29, the province did provide money or the resources and tow trucks to drag the barricades off the Highway 6 bypass, just a few weeks ago. The province of Ontario purchased Douglas Creek Estates. I guess you would have clear deed to that land; I suppose it's classified as Ontario Realty Corp. land now. Is there any way that we could budget—I mean, it would take a couple of trucks maybe half a day to remove that stuff.

Hon. Michael Bryant: Is there anything in the budget right now to cover that? Often—

Mr. Toby Barrett: We're talking a matter of maybe a thousand dollars; I don't see that as a budget item. But maybe it's paid for by some other ministry. Government services has the responsibility for the Ontario Realty Corp.

Hon. Michael Bryant: The member has made a suggestion. Obviously, anything that takes place in that area can become very sensitive and can heighten tensions.

Mr. Toby Barrett: No question. Yes, I fully agree.

Hon. Michael Bryant: The member is making a suggestion as to how to improve the situation. Obviously it's something the community will no doubt consider and Haudenosaunee Six Nations will consider. I meet with tribal council, and council members as well, on a regular basis and I know that any suggestions people have, if they're of interest to all parties, will be considered. Whether or not it's something that goes to the negotiating table or to tribal council or just citizens talking to their neighbours—I mean, there are always possibilities. There is nothing within estimates I could point to that I think would address your question, but I appreciate where you're coming from.

Mr. Toby Barrett: If not your ministry, I can't see the OPP going forward and suggesting that they would do that. I would assume it would be your ministry that would take that initiative.

Hon. Michael Bryant: Yes. Your point—

Mr. Toby Barrett: Maybe this is just window dressing anyway. It's not getting to the root cause of the problem.

Just south of Douglas Creek Estates we have what's called Sixth Line; there are other roads—Oneida—that are Haldimand county roads that are now being policed

by the Six Nations Police. Whom is that an agreement between to establish that?

Hon. Michael Bryant: That's not an agreement that would have involved the Ministry of Aboriginal Affairs, I believe, but rather would have involved, presumably, federal, provincial and First Nations police. But, again, I'm certainly happy to make an inquiry if I can gain more information within the Ministry of Aboriginal Affairs. I don't know if I can, but if I can, I'll provide it.

The Chair (Mr. Tim Hudak): Mr. Barrett, about one minute left.

Mr. Toby Barrett: We know the Six Nations police do provide policing on those roads. Are they compensated for that? Is some assistance transferred over to Six Nations? That is spreading that small police force a little thin, to police those roads, which are pretty hot. If an OPP cruiser goes down there, the officers get yanked out. They get their car back maybe at the end of the day. But that's putting an awful lot of pressure on the Six Nations police, and are they getting some monetary assistance? And I don't know whether it would be through this budget, or is it just rolled in? Is there a transfer of money

from the Ontario Provincial Police to the Six Nations police?

The Chair (Mr. Tim Hudak): I believe the minister has an answer to that question, and that will be the last question.

Hon. Michael Bryant: Sure. Again, it would be subject to the tripartite agreement, not involving expenditures of the Ministry of Aboriginal Affairs but presumably the Ministry of Community Safety, the federal Solicitor General and native police.

Mr. Toby Barrett: Thank you.

The Chair (Mr. Tim Hudak): Thank you, Minister and Mr. Barrett.

That does conclude our 20-minute session, folks. We are now going to end our regular meeting of Tuesday, May 27. We will reconvene tomorrow, Wednesday, at 4 p.m. until 6 p.m., beginning with 20 minutes for the third party.

Minister, Deputy, CAO, thank you very much. Members of the committee, we look forward to seeing everybody tomorrow at 4 p.m.

The committee adjourned at 1756.

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