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Tuesday 3 June 2008

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des débats
(Hansard)**

Mardi 3 juin 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

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Tuesday 3 June 2008

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The committee met at 0906 in room 151.

MINISTRY OF ABORIGINAL AFFAIRS

The Vice-Chair (Mr. Garfield Dunlop): Good morning, everyone. We'll call the meeting to order. I'll be the Chair temporarily, until Mr. Hudak arrives in a few moments.

We're here to resume the consideration of the estimates of the Ministry of Aboriginal Affairs. There's a total of two hours and 54 minutes remaining. When the committee adjourned, the government had completed its 20-minute rotation. It is now the turn of the official opposition. Mr. Miller, you and the official opposition have the next 20 minutes.

I'd like to welcome the minister and the members of the Ministry of Aboriginal Affairs here this morning.

Mr. Norm Miller: I guess I'll start on the estimates results-based plan briefing book, on page 25, where it's talking about transfer payments; just a little more information on the specifics of the transfer payments. I note that the participation fund goes from \$3,650,000 to \$7,160,000. Can you explain why there's such a big increase and what that's being used for?

Hon. Michael Bryant: Why don't I just give a policy answer and then I'll let the deputy speak perhaps to numbers. The long and the short of it is that as the government engages more with First Nations and Métis people, that actually puts an additional workload, if you like, on First Nations and Métis people.

For example, they do not get from, their dollars from the federal government, money set aside for consultation. For them, particularly in the northern communities, as the member will very well know, planes are taken instead of taxis, so the costs of running the northern table, for example, account for the increased participation fund. Do you want to add a little more, or have I—

Mr. Norm Miller: That's different than the relationship fund?

Hon. Michael Bryant: Yes, the relationship fund is not in the RBP, not in the results-based plan.

Mr. Norm Miller: That's the \$25 million over three years?

Hon. Michael Bryant: That's right. It is different from the participation money. Anything else you want to add?

Ms. Lori Sterling: In particular, one of the reasons why the participation fund increased this year was because it supported the implementation of the Linden report on the Ipperwash inquiry. It also funded, in part, increased relationship-building at the northern table. Those were the two main increases.

Mr. Norm Miller: How is the participation fund different from the support for community negotiations fund?

Hon. Michael Bryant: They're separate processes. The northern table in particular was mandated to provide feedback and to participate in discussions with the government on issues including Mining Act changes, resource benefit sharing and far north planning. The northern table, Mr. Miller, was a new initiative, if you like. The idea was established in 2005 and it got up and running in 2007. Is that right?

Ms. Lori Sterling: Yes, the northern table.

Hon. Michael Bryant: The northern table, yes, in 2007. So it had not existed before. And the support for community negotiations fund?

Ms. Lori Sterling: The support for community negotiations fund is specifically directed to situations where we have a land claim and we're in negotiations and we actually support First Nations to participate in the land claim or treaty right negotiations.

Mr. Norm Miller: Moving down the graph there to the Islington Grassy Narrows mercury disability fund, that is projected to increase fairly substantially, from \$271,000 to \$1.2 million for 2008-09. Is there an explanation as to why?

Hon. Michael Bryant: Sure. Firstly, the good news is that a resolution was entered into, an agreement was entered into. This is something that's been ongoing for a very long time. So the good news is that we are getting positive results out of that, and the costs—and I'll let the deputy keep me completely accurate here—just reflect the increased work that went into not only the government side but also to allow for participation on the Grassy Narrows side.

Mr. Norm Miller: What's the time frame of the agreement? When did it occur? I thought it was, like, 20 years ago.

Ms. Lori Sterling: Yes, that's right. In 1986, the government passed the English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act, which was intended to provide for an independent trust fund to provide monies to persons from Grassy

Narrows and their descendants who were affected by the contamination. There was a board set up called the mercury disability board, and the purpose of that independent board was to distribute the money and monitor to ensure that the fund was solvent. This past year, the board determined—it's an independent board—that there would be additional monies required to keep the fund solvent. That's why you see that particular number.

Mr. Norm Miller: Were there problems with misuse of the money? If it was set up and it was supposed to be—

Ms. Lori Sterling: No, no. There is a fund administrator, an independent company. There was no allegation of any mismanagement of funds. It was simply a function of the number of claimants who were coming forward. They probably should have sought increased funding a little more regularly in previous years to cover off the claimants.

Mr. Norm Miller: So in years going forward, is it predicted to be back to the \$271,000 per year? Is this a one-time injection?

Mr. David Lynch: If I may—I'm David Lynch, CAO. Again, as the deputy says, it's dependent on the flow of claims and the like. In 1997, there was a \$6-million top-up by the government into the fund, and again now it's at the point where we need to top it up. The decision has been made at Treasury Board that we're going to do it on annual actuarial assumptions. We're going to go to annual increments rather than a large top-up and draw it down for 10 years or whatever that may be. So you will see that appear annually in our estimates in that sort of quantum.

The other thing which made the number a little larger this year was that the administrator made a small error in the number they asked for last year, which only brought us to about October 1, and we had to top it up. So that's why the year-to-year number looks a little larger than it might be.

Mr. Norm Miller: Okay; thanks. There was mention of some more money, I think it was from the support for community negotiations fund, for Ipperwash. How much money has been allocated for the implementation of the Ipperwash report?

Hon. Michael Bryant: Just so we're clear, these reflect the consultation participation dollars. They don't reflect the costs that would go into, for example, the new relationship fund or any of the additional recommendations. So this is on participation less than on budget. What's the timetable? What's the plan? What's the budget? Because of the nature of the report and the recommendations, it was to engage in very significant consultation, and the concern with government setting out the timeline—it would be the government setting the timetable instead of in collaboration with First Nations and Metis. Keep in mind, as well, the report comes out in the spring, so in other words, this is the first budget in which we had the commission recommendations. We aren't in a position right now to say, for example, "Treaty reforms

are going to cost X," and so on. That's something that needs to be the subject of discussions.

Mr. Norm Miller: Is there a budget for the cost of the conveyance of the provincial park? Do you have a budget for that at all?

Hon. Michael Bryant: The conveyance of the provincial park in and of itself is not going to involve a cash payment. It will involve consultation between the community and the First Nation, so there will be costs for that, which are reflected in this. But with respect to any additional costs, the question is, what will be done with it and who will pay for it? For example, one possibility is that it might be used as a business or an industrial park, in which case cleanup and potential relandscaping or whatever is to be done with the land, those may be costs borne by whoever is going to be doing business in that park. If, on the other hand, it becomes a park, then the question will be what the cost might be to put it in the position of being a park. We're not there right now at this time.

Mr. Norm Miller: Going down the chart, there's the support for Algonquin negotiation fund—\$655,000. What's the total amount of money that has been spent on the negotiations for the Algonquin land claim? That's one of the few that doesn't have a treaty. How many years has it been going on and how much money has been spent on this?

Hon. Michael Bryant: I don't know. We might not have that at our fingertips, but that's certainly something that we will get to you.

Mr. Norm Miller: Okay. Moving down the list: urban aboriginal strategy fund—that's at \$500,000 in 2008-09 that looks like it hasn't been spent in previous years.

Hon. Michael Bryant: Right. There was an urban aboriginal task force. Its recommendations were tabled. This is in part to address that, and also in part to acknowledge that the new Ministry of Aboriginal Affairs has a particular mandate with respect to urban aboriginal issues, whereas in the past almost exclusively all monies would have been spent by other ministries—say, the Ministry of Housing or the Ministry of Social Services, for example—with some assistance from the Ministry of Aboriginal Affairs, but primarily it would be done within those other ministries, so this reflects the fact that we need to have some policy capacity within the ministry. We need to have people who are able to participate and fulfill this important part of the mandate. The urban aboriginal population in Ontario, according to census data, is amounting to 78% of aboriginal peoples in Ontario. Obviously, it's a particularly important component of our goals over the next four years with respect to aboriginal people.

Mr. Norm Miller: So that money is for policy development, not necessarily running programs, particularly for development of policy for urban aboriginals. As you point out, basically half the aboriginal population lives off reserve. I know I've certainly read about complaints that they're forgotten about in many cases.

Ms. Lori Sterling: Can I just make two points in response? The first is, in fact, this money is not for internal ministry policy formation. It actually funded three pilot projects to help with urban aboriginal centres in Toronto, Ottawa and Thunder Bay.

Mr. Norm Miller: What were those pilot projects?

Ms. Lori Sterling: They were basically to provide assistance for organizations like the Federation of Indian Friendship Centres, those kinds of pilot projects.

In addition, the second point is that they are matched with federal funding. The way the federal urban aboriginal strategy is, it's a matching program, so the idea with this money was to try to also leverage federal funding.

0920

Mr. Norm Miller: I note that there's a separate item for friendship centres.

Ms. Lori Sterling: Yes, they get core funding.

Mr. Norm Miller: I actually sat in on the annual meeting of the Parry Sound Friendship Centre and went through their whole financial statement. They were, I have to say, struggling. They're in a fairly negative position in terms of their financial position.

Hon. Michael Bryant: We did provide a 10% increase in the core funding. I met yesterday with Sylvia Maracle and we discussed the issues, not just of core funding but also the energy that gets put into ensuring that all the various funding opportunities are exhausted across all levels of governments, because obviously we're not the sole responsibility for this. This is something that we want to try and assist on. Also, with respect to advising aboriginal peoples who come into urban centres, this really should be their first stop, the friendship centres.

Mr. Norm Miller: The Métis Nation of Ontario announced an agreement of framework just within the last month or so. The \$200,000 here, is that to do with that, or does it show up here?

Hon. Michael Bryant: It will be included. Discussions around the framework agreement are included in the core funding. In addition, this amount does assist their office in Ottawa, which I had the pleasure of visiting. I can assure the committee that they're using every square inch they've got in those offices. So this is to participate in a wide variety of discussions, in addition to the framework agreement.

Was there a separate line item for the framework agreement or was that in the core funding? It's within the participation fund.

Ms. Lori Sterling: Yes, they got core funding, plus they got participation fund monies for the framework, exactly.

Mr. Norm Miller: So it comes out of that \$7.1 million?

Hon. Michael Bryant: That's right. There were specific funds allocated for that.

Mr. Norm Miller: I think my time is running down, so I'll maybe get a couple of questions on the record. The chair has said to put oral questions on, even if they aren't answered—

The Chair (Mr. Tim Hudak): These are questions to the ministry that they can respond to later on.

Mr. Norm Miller: Only if they're not able to, which they probably aren't able to.

Switching to the First Nations gaming revenue-sharing agreement, quite a substantial agreement was signed within the last year. Can you provide a copy of that agreement to the opposition?

Hon. Michael Bryant: I don't think I have it right here, but we're back this afternoon, are we not?

The Chair (Mr. Tim Hudak): Yes.

Hon. Michael Bryant: Okay.

Mr. Norm Miller: With that agreement, the first, I think, \$200 million flowed this year?

Hon. Michael Bryant: That's right.

Mr. Norm Miller: To whom is that money directed and disbursed among aboriginal partners, and what sort of accountability arrangements do you have to do with this quite substantial amount of money?

Hon. Michael Bryant: A good part of what you're asking about in terms of how it's distributed really lies with the First Nations—

Ms. Lori Sterling: Mainly the OFNLP, the Ontario First Nations Limited Partnership.

Hon. Michael Bryant: Right, which is the First Nations—I say company—partnership that distributes it. As I said before, there were purposes set out in the agreement as to how the money is spent. The formula by which it's allocated, again, I don't have it in front of me, but certainly if we have it in a way that we can get it to you this afternoon, we'll do that.

I don't want the committee to think for a second that there's a lot of specificity on the government side. Why? Because there is significant accountability on the First Nations side that they have established to their membership, if you like. One of the lessons of the past is that where a government sets up a process intended for accountability which ends up being paternalistic and actually interfering with the ability of First Nations to really exercise their self-determination and self-accountability, it tends not to work. I said before, the—

Mr. Norm Miller: So does the province have any input into the priorities that the money might be spent on or not?

Hon. Michael Bryant: It's in the agreement. It's those purposes I think I referred to last week: health, education, housing—

Mr. Norm Miller: Infrastructure.

Hon. Michael Bryant: Yes, community, all those broad socio-economic purposes that you would expect.

Mr. Norm Miller: I'm sure the member for Simcoe North is likely to have some more questions about that this afternoon, as Rama is in his riding.

Switching specifically to education, what amount does the province currently spend on aboriginal education?

Hon. Michael Bryant: Again, that would be through the Ministry of Education.

Ms. Lori Sterling: We wouldn't have that specific number.

The Chair (Mr. Tim Hudak): Last question.

Mr. Norm Miller: You're probably going to tell me this is in training, colleges and universities, then, the funding allocated for apprenticeship training.

Hon. Michael Bryant: Yes. Again, I'll make inquiries. I can't undertake to provide it in the afternoon, nor can I undertake to provide it in the context of estimates, but I will make inquiries. If I can provide those numbers, I will.

My recollection is that there is reference to it in the budget itself. That's my recollection, that it's in the budget itself; not necessarily in here, but in the budget speech there was reference to it. So I'll certainly try and get back to the member today.

The Chair (Mr. Tim Hudak): Thank you, Mr. Miller. That does conclude our time for that round. For 20 minutes, Mr. Bisson.

Mr. Gilles Bisson: Thank you, Chair. Just to follow up on what was requested by the official opposition, can we get a list not only of what the format is for the sharing of the revenue from gaming but also a list of who got what? There must be a list somewhere.

Ms. Lori Sterling: We can't get that.

Mr. Gilles Bisson: What reason?

Hon. Michael Bryant: It's with the partnership. The exact breakdown, like how much did KI get, how much did Six Nations get and so on, those specific numbers are with the partnership. But again, I'll make the inquiries.

Mr. Gilles Bisson: But I think the deputy is saying that information is not available.

Hon. Michael Bryant: No.

Ms. Lori Sterling: Well, the way the gaming agreement works is that—

Mr. Gilles Bisson: No, I understand how it works, but do we get the list back? Do we get a list back of what was distributed?

Hon. Michael Bryant: I'll find out.

Mr. Gilles Bisson: Because specifically, I'll tell you what it is. Some of the communities that I represent have a bit of an argument about how it's calculated. Some feel that they don't get their fair share. I realize that's not entirely in the provincial government's hands, that's part of the partnership agreement. I understand all that. But just so that I get a better sense, I'm wondering if we can get a copy of how the calculation is made per community, and number two, if there is a list to show how much is distributed every year to each of the communities that participate. If that's at all possible, I wouldn't mind getting that.

Hon. Michael Bryant: Okay, I'll make inquiries.

Mr. Gilles Bisson: Okay. I want to move on to education. On reserve, for example in Moose Factory, there is a First Nations school that's federally funded, but there's also a provincial school that I assume is funded provincially. It's part of an isolate school board. Is there some sort of funding agreement on the provincial side when the province actually establishes a school on provincial land adjacent to a reserve and First Nations kids attend, not as their primary school but as the school they go to? Is there

a funding agreement about how the feds pay back the province? I wonder if you have any information on that.

Hon. Michael Bryant: I don't. It would be with the Minister of Education, but I will certainly endeavour to get it back to you this afternoon.

Mr. Gilles Bisson: Yes, because there are a number of examples—for example Constance Lake on Highway 11, where we've just now, a couple of years ago, opened up a school on reserve. But up until that point, the kids were bused into the community of Hearst and they went to school in the public system.

What I'm interested in knowing is how the province recuperated the dollars for the education of the First Nations kids from those reserves. Where I'm leading with all of this is that there's a crisis in education, as you well know, in most of our communities. Martin Falls has been without a school now for—how long?—four months, maybe five months, because of problems with the infrastructure. At Fort Severn they've closed the school because of mould. We all know the story of Attawapiskat. Basically it's contaminated. The kids have been living in portables now for a generation.

0930

What's clear is that the federal government is uninterested in education. This is no fault of your own; it's the federal government's fault. What I'm trying to figure out is what role the province could play vis-à-vis trying to find solutions to these problems.

I just want to say up front that I don't argue for one second that the federal government should get off the hook. They have a fiduciary responsibility. I understand that and I don't look at that as the answer. But my question to you is, to what degree is the province interested in actually starting to do some proactive things vis-à-vis education, specifically in Attawapiskat? If the feds after three promises of building a school aren't prepared to build one, where is the province vis-à-vis trying to do something to make sure these kids are able to go to school?

Hon. Michael Bryant: The province—the Ministry of Education and our ministry—is very open to finding some alternatives. The current situation is completely unacceptable, as you've said. The one that was set out in the Kelowna accord, broadly speaking, involved provincial implementation, provincial operation, but commensurate federal dollars.

As you know, there's a significant gap of more than a third between provincial funding and federal funding per pupil. So without question, not only would the federal government have to make up that gap if the province was going to do that but also pay for the additional set-up. Obviously we want to keep costs down, but at the same time we don't want to be taking dollars out of the existing education system as it is.

So we're very open to it. It's something that I anticipate having discussions with the federal minister about. We've had very, very preliminary discussions about it. We're open to it, but I'm also mindful of—I know myself the legal aid experience where, when discussions went

under way, it was 50-50 and now it's not. It's more like 80% provincial. But that said, that is one way in which we could participate.

Another way would be to try and take at the very least the expertise we have out there with the Ministry of Education and the school boards in terms of providing a basic structure and a basic curriculum. As you know, there is no standard curriculum across the board. Some of those books that are on the curriculum—it's embarrassing because they're history books with history belonging to another era.

Mr. Gilles Bisson: It's a mild way of putting it.

Hon. Michael Bryant: Yes, I know. I'm sorry I—

Mr. Gilles Bisson: You're being politically correct.

I just say that the frustrating part for the kids and the parents in most of our communities is that you look at the degree to which the kids are not keeping up vis-à-vis education by the time they get to grade 12. The percentage of kids who actually graduate: If you go to a graduating class on many reserves, you'll be lucky if two or three or kids graduate out of grade 12.

In the community of Attawapiskat, which is sad, because of the current situation with the school—I'm not sure of the exact numbers; I've heard different numbers—anywhere from 40% to 50% of the kids at the primary level are dropping out. We're talking primary school. What do you do when these kids should be in grade 9, 10 or 11 and they've not completed grade 6, 7 or 8 or whatever it is? Clearly, in the discussions I've had with kids and parents and the LEAs—local education authorities—the fundamental problem is that the federal government is just not set up to deliver education, point final.

There is discussion, as I said earlier, where a lot of the leadership is now talking about, "We should be taking over education," from the First Nation perspective, into their own boards. But to do so, it seems to make sense that it would have to be under provincial jurisdiction, as far as us not telling them what to do, but that basically they'd be part of the provincial school system.

In the case of Attawapiskat, we're struggling. I'm hearing you say that the province is interested in doing something, but I'm not sure in your answer that that something is clear in my mind or to the community. How far are you prepared to go?

Hon. Michael Bryant: Again, it depends on the extent to which the federal government is willing to fund. Let's put it this way: This government agreed to the Kelowna accord, which means, in turn, that the government is willing to be the education administrator/provider that it provides off reserve. But part of that accord was appropriate funding, so it's going to be commensurate with the federal funding available.

Again—I can't stress this enough, and I'm sure you agree with me—the long-term goal and hopefully medium-term goal in some cases is in fact neither the federal government administering or providing nor the provincial government. It's done by self-government and self-funding.

Mr. Gilles Bisson: I know it exists currently where we have on some reserves provincial schools on provincial land that's adjacent to the reserve. Obviously, we're paying for that.

Hon. Michael Bryant: Right.

Mr. Gilles Bisson: So why would it be impossible for a community that's in crisis to say, "Well, listen, we'll switch gears, and we want to build a provincial school." What prevents them from doing that? They're Ontario citizens, and we signed Treaty 9.

Hon. Michael Bryant: If it's on reserve—

Mr. Gilles Bisson: No, off reserve. There are provincial lands adjacent to all reserves.

Hon. Michael Bryant: Sure. That would certainly be a conversation between a school board, the First Nations school and the provincial government. The extent to which we try and, if you like, almost get around the terrible situation with on-reserve schooling by entering into a relatively artificial band-aid approach by sneaking the school over the boundary is not a longer-term solution.

That again ends up meaning that the province, without the funding from the federal government, is left dipping into existing education funds in order to finance this. We're going to need the federal government to agree to do this. There hasn't been a rejection of the idea by the federal government, but the flip side of it is that they did cancel the Kelowna accord, and that was wrong. To date they haven't expressed any willingness to provide the level of funding that the province is providing for people.

Mr. Gilles Bisson: Just two last points on this, and we'll move on to something else: Earlier I asked what mechanisms we have in order to recoup the dollars spent to educate First Nations kids in provincial schools, because I know that currently happens. If we can get an answer to that, that would make a little bit more sense in my mind.

Hon. Michael Bryant: Yes.

Mr. Gilles Bisson: The other thing is that Treaty 9 was signed by the province of Ontario, and within Treaty 9 we talk about providing education. I understand and I agree and support that the federal government can't get off the hook; they have a fiduciary responsibility. But the issue to me is that these kids are also provincial citizens, and if they were to live anywhere else, we wouldn't think twice. If 500 kids moved from Attawapiskat to Timmins, and we didn't have the space, we'd build a provincial school, point final.

Hon. Michael Bryant: Yes.

Mr. Gilles Bisson: So in the end, if we wait for the federal government—we've languished for 100 years; are we going to languish for another 100 years? They're absentee landlords, and at one point I think the province has to decide if it's in the best interests of Ontario, its economy and its people to make sure that these kids get a proper education. The answer, I think, is yes. If you have any comments, and then I'll move on to something else.

Hon. Michael Bryant: Look, I don't disagree. Again, I won't repeat what I said about budgets. We get ques-

tions in the Legislature fairly regularly about how money is spent within the existing provincial system. We've talked about demographic issues, particularly in urban and rural areas. The aboriginal population happens to be the fastest-growing population in the country. That's relative. We're talking about, I think, 2% of the population of Ontario, or thereabouts.

Yes. Firstly, I completely agree that they are citizens; they're our brothers, sisters and neighbours in Ontario. That's why I'm not saying, "Look, not my problem. It's on reserve, constitutionally not my business. I'm staying out." If that was the provincial approach, there wouldn't be much to do, as you know.

Absent the federal government actually entering into an agreement, which I don't think we should rule out, we have to look at alternatives. Those alternatives also include discussions, inevitably, with the school boards and what they're willing to do to assist. In some cases I've had retired teachers and principals come forward to me and say, "Why don't we put together a group of people and maybe go into each school that wants it and provide some assistance?" These are not entirely adequate alternatives, but better than the status quo.

I've talked about what ideally we have, and we have to look at different alternatives, but I'd be very interested in working with the member on pursuing those, because I completely agree.

Mr. Gilles Bisson: Just an anecdotal story, and it's a success story—I don't need a comment on this; I just want to tell the story because it's a good one. In the case of Fort Albany, where the old St. Anne's school was, it was the same kind of situation as Attawapiskat, and in some ways probably worse because there was a lot of hurt within that building. The parents who had to send their kids to the school were the same parents who had suffered the humiliation of residential school and everything that brought. I remember when I first started going up to Albany and into St. Anne's school, the parents would hardly ever come to the school to pick up their kids or participate because there was just no way they wanted to set foot in that building, yet they had to send their kids there. The success story is that we worked at the time to get Peetabeck Academy funded. So we built a brand new school called Peetabeck Academy. The interesting thing now is that the dropout rate at primary and secondary is probably the lowest on the James Bay.

0940

I was talking to the crown—you would have some feel for that as a former Attorney General—and the court docket at Fort Albany, when it comes to kids being involved in mischief that leads to charges, is lower than it is in any other community. One of the reasons, I think, is because now the kids are engaged and are part of an education system that they find some value in. I think there's something to be said about investing in education because it's not just about the kids getting the education, it's about the whole community.

An interesting little story: I'm flying my plane up to Albany on the day of the opening of Peetabeck Academy

and I'm about 20 or 25 kilometres away at about 3,500 feet and I see these flames burning in the community. I think, "Oh, my God, what's going on?" As I get closer, I realize it's the old St. Anne's school. The story is that somebody decided that they were going to burn that sucker down after all these years and all the hurt that went on. Who it is, I don't know; that's not part of the story. But the interesting part was, out of the fire and the ashes of that school, the feeling was, "We've finally put an end to that part of our history; we've moved on." You can really see the community has moved on with that issue.

Anyway, further on education and training—apprenticeship training, basic skills training to get people into the workforce—what specific programs do you know are available through the province to assist communities to provide this type of training to their members?

Hon. Michael Bryant: I think this is also going to be one of those questions where the answer lies within another ministry but I'll certainly make inquiries and try to provide you with it. Is there a specific focus on this within the provincial government? Yes.

Interjection.

Mr. Gilles Bisson: Geez, time flies when you're having fun.

The Chair (Mr. Tim Hudak): It's a good story, though.

Mr. Gilles Bisson: Thank you.

Hon. Michael Bryant: "Yes" is the answer. In addition to that, I've had conversations with Buzz Hargrove and Hugo Powell, for example, in terms of a desire within the labour unions to participate in apprenticeships, in providing volunteer services in order to assist in providing that training. As you know very well, there is already a fairly strong tradition in a number of First Nations of craftsmanship and trades being an important part of the community and skills being learned, but the specific apprenticeship programs are obviously very critical for those for whom academic study in school is part of the reason they're dropping out. This is a very important alternative that we can provide off reserve as opposed to on reserve, but the work being done with Mr. Powell and Mr. Hargrove could very well involve on-reserve as well.

Mr. Gilles Bisson: Just specifically to the Victor diamond project, I was part of the IBA process that eventually led to the impact benefit agreement that was signed with Attawapiskat. One of the things that we were not as successful in getting—we were actually trying to get the previous Conservative government to buy into it, to put forward some dollars necessary to do training on the James Bay coast, on reserve, in order to prepare people for the jobs that eventually would be created at the Victor diamond mine.

I give De Beers full credit. De Beers has done a pretty God-darn good job of trying to find ways of making sure that employment and training is available to First Nations people to be employed at the Victor diamond mine. But our experience up till now is that it's mostly the truck

drivers, the service support kind of jobs that are really being filled. The trades—electricians, mechanics, process operators, engineers, all of that stuff—by and large are not filled by First Nations people, and not because they don't want to, but they don't have the trade ticket to go along with getting the job.

One of the things that we really need to be serious about, especially in the case where you find a diamond mine, as we did in Attawapiskat, is that you have to have programs provincially that pre-certify people to get into apprenticeship training. That's for those who are out of high school. But then at the primary and secondary levels, I think we need to also have programs that go into schools and talk to kids about potential employment at the end of the day. That may be enough to hold somebody's attention till grade 12, knowing that one day I can make a good living as an electrician or engineer, whatever it might be.

The other thing is, just on that issue, certainly not in the forestry sector because there is no demand for employment there, but in the mining sector there certainly is—I was talking to Placer Dome, who are now called Goldcorp., the other day. It's just like everybody's robbing Peter to pay Paul in order to get apprentices. They're stealing tradespeople from each other at a ferocious rate. It's great for the tradespeople, they're making pretty good bucks at it, because one offers more than the previous employer; the point being, there is a pool of people who are prepared to be employed. We need to be serious as a province, saying it's the choice of the individual if they want to move off reserve and get a job in Timmins, Pickle Lake, Red Lake or wherever it might be, but we need to have programs that look at how we involve First Nations people in the employment of northern Ontario. At this particular point in time, it's mining and water development.

So if you can let me know what programs you have that would fit that, and we can get into further discussion along that line.

The Chair (Mr. Tim Hudak): That does complete our time. Minister, did you want to give a brief reply to that, or is that actually coming back to him later on—

Hon. Michael Bryant: Affirmative. I agree with him and I will get back to him—if I can't within the context of estimates, in any event—to talk about the programs in another ministry that exist for apprenticeship training for First Nations and Metis people.

The Chair (Mr. Tim Hudak): Terrific. Minister, thank you very much. Mr. Bisson, thank you. We go to the government members for 20 minutes, beginning with Mr. Rinaldi.

Mr. Lou Rinaldi: Minister, I just wanted to go back a little bit on the Ipperwash incident and how we move forward from that. In the context of knowing the current climate for the last two or three years in Caledonia and also maybe closer to where I come from, although not in my riding, with the issues around the Mohawks of the Bay of Quinte with outstanding land claims and so forth—which have been certainly an issue that's created,

to say the least, some challenges in those communities and neighbouring communities, actually. We were very fortunate last week during the National Day of Action. I'm hopeful that our native friends and neighbours do understand that we're trying to work with them, so things were generally quieter than they were a year ago on that day.

I had the opportunity, as I think I mentioned last week, to chat with the folks of Alderville. In general, they're supportive of what we're doing, but obviously it's not quick enough. I know that in many cases where we need our federal counterparts to come to the table—for example, we've talked about the Mohawks of the Bay of Quinte. I think the federal government probably has more at stake in that particular community than we do, although we need to be there; I don't want to diminish that fact. So in light of all that, can you tell us what sort of lesson we learned from Ipperwash? And it should not be confined to these two particular communities because I know there are other communities across the province where maybe the temperature's not quite that high, but it could be at any time. Can you give some sense of the lessons we learned and how that's going to help us deal with these other communities that are certainly on the radar screen?

Hon. Michael Bryant: I guess the primary lesson of the Ipperwash commission is a prescription to negotiate in good faith, to resolve differences at a negotiating table, but to provide a forum to do so. Often, where a claim is either stuck in litigation or not proceeding at a pace that would make sense to most people, either the frustration or the protest at that failure on behalf of governments—and I'm speaking generally here—is to try and let the governments of the day become aware of the unacceptable situation.

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You can't generalize, as we've said before. Chief Maracle has said for his First Nation, "We don't support protests and blockades. We want to negotiate agreement. We're not interested in that." One of the reasons, he said, is because, "We're neighbours and friends with our communities, and in fact blockading those streets and disrupting their lives is not something we're interested in doing. We want to get a deal."

That said, there are individuals within First Nations who dissent from that approach. The question then becomes one of, you might say, democratic accountability within that First Nation. Sometimes, just as we have protests on the Queen's Park lawns—and I'm not referring to the actions of last week, because in fact last week was, I think, an overall extremely positive experience for all concerned. I thought that everybody who went out and walked onto the Queen's Park lawn and spoke with people, amongst other things, saw a very positive and in many cases hopeful experience. But I'm speaking generally of some of the protests that take place. It's not necessarily representative of that particular group. Similarly, a protest that is taking place, a blockade that is taking place anywhere in the province involving

First Nations people, is not necessarily the official opposition of that particular First Nation.

How is that addressed? It's addressed by sitting down with people and talking with them. You have to have a relationship, and a positive relationship, to do that. Where the relationships get poisoned, either between a private sector company and a First Nation or between a government and a First Nation, then you have to rebuild that relationship. You have to build a certain level of trust, and that may involve activities outside of the claim. For example, if there are needs that in some way can be addressed by a First Nation through infrastructure, education, energy or health, and it's in the public interest to make that expenditure, it's also to the assistance of the broader, non-aboriginal community. Then the province can do that in order to warm the relations, if you like, between the First Nation and the government in particular. It makes for a more positive negotiating atmosphere, a more trustful negotiating atmosphere, and you're able to come to an agreement.

A gaming agreement, for example, at the end involved about eight days of discussions with an ad hoc negotiating committee struck by the Chiefs of Ontario involving grand chiefs, chiefs and an elder—I want to say six people—representing different geographic regions in the province, and the government, represented by myself. I had a relationship with some of these chiefs already, pre-existing my time as Minister of Aboriginal Affairs and, I guess, the time that we've all been here as MPPs. Then, over the course of the week, I saw and they saw the level of trust increase, to the point where we could get to an agreement. There were some nights and days where I didn't think we were going to get an agreement, and it was going to go off to court. Honestly, Mr. Rinaldi, I have no idea how long that would have taken. I can tell you this much, that it would have cost so much money to litigate and it would have taken so long and it would have been so divisive, and it would be the subject, amongst other things, of enormous diversion from focusing on all the goals that we all want to enter into with respect to economic development and self-determination of First Nations and Metis people.

Just as the jailing of chiefs and council ended up diverting so much of government, First Nations and Metis efforts on a whole host of fronts, so too would that have diverted—and it would have been all about gaming, and Rama, and what happened and who said what in the early 1990s and so on, instead of sitting down and coming to an agreement. And that's what we did.

No question, it creates frustration in communities when there are blockades, from their perspective, when there are disruptions to their lives, from their perspective. It tests the relationships that exist in those communities and it also creates the dilemma whereby you want to make progress but it's almost impossible to make progress while this disruption is taking place. You have to try to remove the disruption and then continue on with discussions. Certainly, there is no magic solution to this, but there is no way that you will remove the disruption

and there is no way that you will get an agreement without sitting down and trying to reach an agreement and, at the very least, talking about where you can find common cause. That is certainly one of the lessons of Ipperwash. Of course, in Ipperwash, that lesson applies all the way down the line to the level of the root cause of disagreement, being the claim, all the way down to the particular interactions between government and First Nation and, in the case of Ipperwash, commission recommendations around interactions between police and First Nations.

Mr. Lou Rinaldi: Minister, along the same lines, I totally support the negotiation of peace. I just want to relay for the record, maybe on a smaller scale, what transpired during my days going back to my former life as mayor of Brighton and reeve of Brighton township. Presqu'ile Provincial Park was within my jurisdiction and we certainly had one of the nicest provincial parks in Ontario, I must say. Having said that, we had a deer population challenge and back a few years ago the folks from the Bay of Quinte Mohawks claimed that that was part of their land claim process. Although unbeknownst, and at that time—very fortunately, Chief Maracle has been there for a long time, has a lot of history, and is very supportive, as you mentioned, of the neighbouring communities—beyond his control, some folks particularly from that band took it upon themselves to do a little bit of deer population control, which created certain anxiety within the municipality of Brighton, knowing that on the east shore of Presqu'ile Provincial Park there is a residential component of about 150 houses or cottages and, of course, those people have to travel though the park to get—so it really created a mess.

I had the opportunity to meet with Chief Maracle once the dust settled and, I tell you, he was very supportive of our negotiated settlement: "How can we do this together?" Just about the time that I got elected as MPP, about the same time frame of 2003, by sitting down with MNR, the community and the Bay of Quinte Mohawks, we reached an agreement where they have the exclusive right to do a controlled cull, not at will. The first year they sort of just went in and did what they thought was best. As I said, it really created a lot of anxiety within the community. There were deer killed on the road, not very far from the residences. So there was an agreement with the Bay of Quinte Mohawks and MNR and the local community that at a certain time of the year—so people knew ahead of time, knew the challenges. They got the deer to a comfortable level. The control was called off for about a year or so until it's reviewed. So they negotiated. I know, being mayor of that community, it created some challenges but at the end of the day people understood. They knew what one was doing versus the other party. The MNR was quite involved. They knew what their goals were, and they handled all the records. Having said that, I think the negotiation of peace that we are undertaking is the right way to do it.

I guess one of the other pieces we need to do a better job at, and I'm talking about all levels of government and

the native population, is to better message what we are really accomplishing. On the surface, it doesn't look like we're really making any strides. Obviously, I hear from folks in my community—whether it's Caledonia or the Bay of Quinte Mohawks—whenever there is a disruption: "Take some drastic measures." I know that I spend a lot of my time trying to tell folks how much we've accomplished, and at the end of the day, when we go through that exercise of actually detailing step by step where we were and where we are today, I think the majority of the public understands that. I think sometimes we get too involved in the day-to-day issues of dealing with a particular issue and we kind of ignore everything else. So I certainly think we need to do a better job on the communication piece because, like any government, unless we have the community's support to achieve some of those goals, it's pretty hard for us to do, because obviously you don't want to go against the wishes of the people.

Chair, how much time do we have left?

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

Mr. Lou Rinaldi: I know we don't have a lot of time, but I just wanted to talk a little bit about our new relationship fund. I know it has come up over and over again. It does a number of things. It shows the gesture that we put forward to be able to deal with the situation. On that piece, sometimes we get criticized by the other side. We can be criticized, but people need to understand that maybe we should deal with this in a different way. From my perspective—and maybe you could shed some more light on that piece—I think it goes hand in hand with some of the negotiated settlements. We're putting our money where our mouth is, and certainly the folks from the First Nations and the Metis understand that. I think that's probably a sign of what happened last week, which I think we're very, very thankful for. I wonder if you could take a couple of minutes, and maybe we'll finish off in the next round, to tell us what the fund really entails and what we're trying to accomplish with it, because once again, whenever we invest any kind of money, I think the general public wants to know what kind of results we expect.

Hon. Michael Bryant: With respect to the new relationship fund, it is intended to level the playing field in circumstances where there is limited trust between First Nations, Metis and government generally, with exceptions. By that, I mean that you can't expect to sit down with an appointed negotiator from a First Nation, as a government, surrounded by your lawyers, and expect that First Nation to say, "Okay, sure. Where do I sign?" Obviously, the historical experience in terms of entering into treaties and getting full disclosure and so on has been an experience that First Nations don't want to repeat. The level of legal expertise, business expertise and negotiating expertise that a First Nation is going to possess in-house is mixed. There are First Nations that have that expertise in-house, but most don't. So how do

they participate in these discussions to get to an agreement? Will they need, if you like, the negotiating infrastructure to do it?

Why do we do that? We do it to speed up the deals. We want to do some deals. We want to make agreements. We want to resolve the claims. We want to put historic grievances behind us. So that is there to accelerate that result.

Are we up, Chair?

The Chair (Mr. Tim Hudak): You have time for one more quick question, if you so choose.

Mr. Lou Rinaldi: Just to expand on what the minister has said, although it's frustrating with any kind of negotiated situation, I think the province, as a whole, is better off. The only challenge with the steps that we've embarked on is when we resolve all these problems. Your ministry will have less work to do, I presume. I'm sure you're looking forward to that day. I see some smirks here, so I'm not sure.

Anyway, I just want to end off for this round. I think it's encouraging. I can say that from the discussions I've had, even as late as last week, with Chief Jim Bob Marsden from Alderville, obviously we have a long way to go, not just with the chief, but also with some of the band members I attended a function with just last week. Things are somewhat more positive, I guess; more positive than they were two or three years ago. I try to meet with them on a regular basis because they're important to my community. They're a contributor and they also rely on the services that we provide provincially. So I treat them just like any other of my eight municipalities. They're a real part of our community. So they're encouraged and, like anything else, we need to do it quicker. That's just the normal way of doing things.

The Chair (Mr. Tim Hudak): Mr. Rinaldi, thank you very much. That concludes the time. We hit it right on the nose. We have time for two 20-minute segments—the official opposition and the third party—before we need to head to the chamber for the beginning of question period. So 20 minutes to the official opposition. Mr. Dunlop.

Mr. Garfield Dunlop: Thank you very much, Mr. Chair. Minister, welcome this morning. The one thing I want to put on the record right at the beginning is that I really agree with the stand-alone Ministry of Aboriginal Affairs. I never liked it being tied in with any other ministry, whether it was the Attorney General or natural resources. So I'm hoping that it does give it a sense of independence from other ministries.

I want to put a few little things on the record, mainly about the First Nations in my own riding and the aboriginal people. It's amazing when you live in central Ontario and you get to work with these unique communities. As you know, I've got the Chippewas of Rama, which is where Casino Rama is located, and it's under the leadership of Chief Sharon Stinson Henry. I also have, at the other end of the riding, the Beausoleil First Nation, which is the First Nation made up of Hope, Beckwith and Christian Islands. It was actually interesting to hear Mr. Rinaldi mention that he had the nicest

provincial park in Ontario. I don't think you've been to Awenda Provincial Park, which has Giants Tomb Island and four or five miles of Georgian Bay on its shoreline.

Mr. Lou Rinaldi: We'll compare notes.

Hon. Michael Bryant: The Chair will have to rule on this later, I think.

Mr. Garfield Dunlop: Yes, we'll question that. But most people would agree that Awenda is the best provincial park in Ontario.

We have Beausoleil First Nation, with Chief Rodney Monague, and then we have the Georgian Bay Metis Council, which is around 2,500 members of the Metis Nation of Ontario members in our riding. It's interesting to work with this community. We've got a few land claims and disputes with the casino etc., but it is interesting, as an MPP, if you're interested in getting out and meeting all your constituents, attending powwows, the gatherings and all these sorts of things. I just want to say that because it's a part of the job that I really enjoy. I didn't know at first, when I became an MPP, whether or not I would enjoy doing that.

My questions this morning are fairly simple. I was chairing part of the meeting when you first started the estimates, and one of the statements you made—I jotted it down—was that your role was to improve economic conditions for aboriginal people through jobs. I think that's on the right track.

We have, as you know, Casino Rama in our riding. Casino Rama is operated right now by the Penn National Gaming corporation. The payroll to Simcoe North residents, whether they be aboriginal or citizens throughout central Ontario, is around \$140 million a year now. I believe it's the most profitable commercial gaming casino in the country. The thing that I brag about the most is that Casino Rama is the largest employer of aboriginal people in our country, with 3,400 total employees working at the casino. It's my understanding that around 1,400 people are aboriginals at any given time, not only from the area but from Muskoka and south Simcoe and throughout the province of Ontario. I'm proud and very happy about that and I brag about that all the time. We should all brag about that because it is a large employer.

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Something is coming up in 2011 and that's the gaming licence; that's the time it has to be reissued. I know it's done through the Ontario Lottery and Gaming Corp., but I would hope, in your role as the minister, that you would be very supportive of this particular licence being reissued. I'm wondering if you can tell us what specific plans your ministry has in place to ensure that Casino Rama's gaming licence is extended past 2011. I'd like you to comment on that. I know you can't issue the licence, but if you were supportive of it, your quotes here today would mean a lot.

Hon. Michael Bryant: Yes, 2011, unfortunately, in our political world is a long way off, isn't it? I think, among other things, you're recommending that the issue of a licence, one way or the other, be addressed sooner rather than later to provide greater certainty, and I take

that point. I also appreciate the very positive words with respect to the successes, employment successes in particular, around Casino Rama. To be honest, the initial focus of myself and the ministry on gaming generally was the agreement and getting the agreement going that we entered into in January, February of this year. Also, to be fair, that's from the First Nations partnership's perspective, which is involved in implementing all gaming. I think its primary focus as well was that. I anticipate that at some point in the fall there will be some inquiries made on all sides: from the partnership's perspective, the government's perspective and Rama's perspective. That's when we'll start talking; when I say "we" I mean the government of Ontario.

I agree that dealing with and resolving this issue is an important one. I also appreciate that we're doing so in a context where all the gaming revenues now—all of them—will be shared with First Nations instead of from a single casino. So that really means we're dealing with that casino instead of dealing with the issue of gaming generally, which allows us to provide the local focus that it deserves. I don't want to get ahead of the government on this in my remarks and I don't want to get ahead of the minister responsible, but I take your point and I certainly look forward to, at some point very soon, sitting down with people to talk about their intentions and how we can address this issue of the expiration of the licence in 2011.

Mr. Garfield Dunlop: I appreciate your comments on that. We've sort of jumped the gun on it locally, and you can understand why.

Hon. Michael Bryant: Of course.

Mr. Garfield Dunlop: There are the issues of commerce and the casino. I can tell you that we have an organization called Lake Country in north Simcoe and the Mnjikaning First Nation, the Chippewas of Rama, are a very important part of that because it's all about economic development—tourism, jobs, you name it—in the area. We had a meeting last week and actually had representatives—Kelly McDougald came up from the OLG. I can tell you that her comments were very positive, and we want to build on that. On the other hand, if for some reason this licence was not reissued to Penn gaming Casino Rama, it would be devastating for this community; 3,400 jobs are 3,400 jobs. We just lost 700 jobs with the closing of the Huronia Regional Centre in Orillia. So this becomes—from my perspective, from the government's perspective and I hope from the perspective of all citizens of Ontario—a very high priority for one community. As we work towards 2011, obviously we'd like to see some kind of announcement next year or the year after that it will be reissued and we can carry on for the next 10 or 12 years and continue to build on what is the most successful commercial gaming casino in our country today. But we're not taking it for granted. We want to lobby. We want to work with the government. We want to work with OLG, and we want to work with all First Nations to share in what we consider to be a really good-news story in our country.

We're getting a lot of questions from the media regarding what our position is on this. What's the Ontario government's position? What's the position of Queen's Park on this? Could you possibly give me any kind of a quote I could use to give—not that you haven't made quotes before, in the past, but what should I tell the media about 2011 and about reissuing that gaming licence?

Hon. Michael Bryant: It's a very good question, and I understand that your community is looking for more information and you're looking for more information. I hope you appreciate that when I say that I don't want to get ahead of the government, it's not to suggest for a moment that in fact we have an intention or a goal that I'm not sharing with you. It's not that. It's that, quite simply, the government has not addressed this issue to date. Of course, any consideration of it that existed in the past was also in the context of ongoing litigation. There is litigation that is taking place as well, so I also need to be mindful of saying something that impacts that litigation.

Why don't I do this? This is not in the context of estimates, but whatever—you're asking as a local MPP, and you could ask me in question period too. I will certainly try and provide you with the update that you're looking for, and I'll undertake to put my mind to providing information to you that I'm able to, and maybe, just as importantly, as a local member of provincial Parliament, that you're provided regular updates on information so that your community can be aware of regular updates on information. Again, back to the first point that you made and the first point that I made, I understand that this uncertainty is always a challenge within the community. I just want to say that the mind of the government of Ontario is certainly very open to all the different alternatives. The government has not focused its mind on this in part because litigation was ongoing and in part because we are very focused on the gaming agreement.

I also need to consult with First Nations leadership broadly and, of course, the local First Nation as well. I haven't, for example, spoken with the chief about the chief's desired timetable, and should probably do that. I bet you can speak for the chief and say that you would like it resolved tomorrow.

I take your point. I'm not going to satisfy the request right now, but I do want to be able to provide the information as it becomes available. At the same time, I just can't get ahead of the government, because we haven't made any decisions yet.

Mr. Garfield Dunlop: I appreciate that too. Talking to First Nations leadership in the community and to their colleagues the residents of the Chippewas of Rama First Nation, I think they're looking, at this level of government, at the Queen's Park level, at me and at you to be two strong advocates to support the reissuing of this licence. Obviously, I'm there, and I know you can't get ahead of the government on it, but I'm going to tell you—I'm not sure if there's going to be a cabinet shuffle

or not, but over the next couple of years, if you are the Minister of Aboriginal Affairs, I'll be asking you or writing to you on a regular basis, because I want to make sure that we don't lose this. This has become a high priority for a community. I want to put that on the record now, and any support you can give it in the future, and particularly anything you can come out and say vocally that would support the reissuing of this gaming licence would be very supportive.

1020

The Chair (Mr. Tim Hudak): Mr. Barrett, there's probably about six minutes left in the official opposition's time.

Mr. Toby Barrett: This morning there was some discussion about the relationship fund—there's mention of it in our binder because the announcement was just made a few weeks ago. Just a couple of quick questions: Is there an application process or application forms for that fund?

Hon. Michael Bryant: At this time, we're in discussions with the leadership as to how it ought to operate. There are different models. This is something where, eventually, we'll absolutely need to provide that information to members of provincial Parliament, along with First Nations and Metis leadership and First Nations and Metis communities.

Mr. Toby Barrett: Any idea how the allocation would be determined?

Hon. Michael Bryant: I'm not sure if this answers your question, but the goal is to provide the community capacity that I referred to—a level of expertise that will allow for agreements to be made, negotiations to take place on a timely basis, and also specific skills-training capacity. Right now, the individual skills training will not make up the bulk of how the fund is spent, but my hope is that over time, as that ability within the communities—as they build that in-house legal, business and other expertise—to engage in negotiations with the private sector and government in a timely way, the fund will be used more to provide specific assistance to individuals in creating their own businesses and entrepreneurships, and sustaining them in the skills to themselves create more jobs and wealth and capital. We do have a challenge there, as you know. Although Six Nations has shown enormous leadership in the way in which they've dealt with disposition and use of homes and property, we have that big problem within the Indian Act, which does not allow capital to accumulate. We have a capitalist system, but in this capitalist system, there is no ability to have capital on reserve. It just doesn't make any sense. It's a real barrier to progress because in the absence of ownership of the home, the housing—I think everybody knows that in many communities, the housing is in a terrible state.

Mr. Toby Barrett: You mentioned Six Nations. That land is crown land. That's not—

Hon. Michael Bryant: When I made reference to the innovation and the leadership—Six Nations wanted to work with banks to try and allow for homes to be im-

proved, and in essence what happens is that something other than title is transferred. I think it's through—

Mr. Gilles Bisson: A band guarantee.

Hon. Michael Bryant: It's a band guarantee on the one hand. That's the guarantee on the financing, but the individual ends up getting something resembling a leasehold. That's what I was referring to: home ownership.

Mr. Toby Barrett: We know there's been media about this relationship fund. I guess the assumption was that there were other funding programs for business development and things like that. But much of that, I understand, is around negotiations or relationships with various parties. I get emails, and there's an assumption out there, and maybe it's because there's so much in the media about Brantford—we now know that there's a temporary injunction—that some of this money would be used to pay lawyers. I don't know whether that's true or not. Maybe it's too early, but the assumption is—I'm just thinking of the HDI business in Brantford. There was a very large number of Toronto-based lawyers, well-known lawyers—Marlys Edwardh, is it? The question is, is there a new fund to pay for all these lawyers? HDI and Aaron Detlor—the assumption is that there's not much coming in to them by way of fees. How can they afford to hire someone like Marlys Edwardh, who is a very high-profile lawyer, as I understand it.

Hon. Michael Bryant: Ms. Edwardh is also a very respected and excellent counsel. And that issue of cost is directly before the courts right now. That's an outstanding issue, so I can't get into that specifically.

The comment had been made before—and I completely share this concern and the government shares this concern. We don't want this \$25 million to somehow be used primarily to pay for often quite expensive hourly fees—although the government always negotiates a fair rate—either to lawyers or consultants.

The goal is to try to create—when I say in-house capacity, in the provincial government, the Ministry of the Attorney General does the vast majority of the work, I want to say 98% of the legal work. The crown attorneys who are providing either civil or criminal work don't bill the government per hour; they get paid a salary. When I say building an in-house capacity, I mean ideally what we would have—and again, this is subject to negotiation and consultation with First Nations—is First Nations building up that in-house capacity, so that instead of it going on an hourly rate to somebody in many cases outside of that community, whether they be in downtown Toronto or somewhere in the region, rather it's the First Nation that's engaging in that capacity.

Mr. Toby Barrett: Okay. One other—

The Chair (Mr. Tim Hudak): Sorry, Mr. Barrett, that does conclude the time.

Mr. Toby Barrett: Just quickly, there is a request for a relationship fund for the other side—

The Chair (Mr. Tim Hudak): Sorry, that does conclude our time. We do have an afternoon session as well. We'll move to the third party. Mr. Bisson, you have 20 minutes.

Mr. Gilles Bisson: We have a very short session this afternoon. We just don't have enough time.

I want to go on to the issue of mining. You will well know that at dispute is the issue of making sure that First Nations get their fair share when it comes to any mining activity or whatever activity happens on their traditional lands. But the issue that's even more fundamental than that is the First Nations not just being consulted, but being listened to when it comes to how and when and if there is to be any development on their traditional territories.

You'll know as well as I do—and just to make sure that I'm clear on the direction I'm going in, the majority of First Nations want to have development. It's not a question of how they stand opposed to development; it's a question of how they want a deal that makes sense for their people.

I guess my question is this: We've got some good examples and we've got some pretty bad examples of junior mining companies that have come in and done some exploration. A good example is what happened with De Beers. De Beers said up front, "We ain't opening no mine until we get an impact benefit agreement signed"—very simple. They just weren't going to do it. It took a lot of time; it took the better part of probably six or seven years to negotiate an IBA. In the end, the IBA was ratified by about 75% or 80% of Attawapiskat, which allowed the mine to go forward. So that's a good example.

The bad example is what happened in the case of KI, where a junior mining company said, "To heck with the rights of the First Nations. To heck with the duty to consult that the crown has. We're just going to go ahead and do what we've got to do."

My question to you is simply this: I understand that there's a round table and that we're going to deal with a whole bunch of issues flowing out of this round table, but why doesn't the government just take a position now and say, before any claim is registered after being staked, it will not be registered with the mining recorder until such time that there is proof that the First Nation has been consulted and has signed off? Why don't we just take that position now? It would end part of the problem.

Hon. Michael Bryant: It's interesting. We're outside of estimates, but I'm enjoying this conversation.

Mr. Gilles Bisson: No, it's very much part of it.

Hon. Michael Bryant: Yes.

Firstly, we know how the statute reads and the requirements of the statute. The government could take a policy position but would not be in a position to enforce it absent statutory changes.

How else could the government effect that? In essence, I feel as if we've endeavoured to do that by the support, for example, of that agreement between prospectors and developers in the Assembly of First Nations and statements made by the Premier and myself that an agreement ought to be the goal of every junior mining company that seeks to enter traditional lands. But is that

the law of Ontario right now? No. That's why we need to change the Mining Act.

So what do we do? It's part of my job to go around and advocate for full consultation. I do that. I realize that KI is obviously a very, very important exception to the rule, but it is the rule, and it is the majority of the cases that, in fact, consultation does take place. The De Beers approach and the impact benefit agreement that De Beers entered into becomes a model, and I don't just mean in the abstract, I mean literally. Companies call up De Beers and say, "Can we have a copy of your agreement and can you tell us what the approach is?" And they do that.

1030

So yes, I agree, we have to deal with the statutory requirements to deal with those exceptional cases, but it is the case right now, to give credit to First Nations and, for that matter, to the industry, that the number of instances where there are agreements and there is consultation represents 99% of the instances. These exceptions are—I'm not saying, "Oh well, they're exceptions," and shrugging my shoulders. I'm not saying that. I'm saying they're very, very important instances that we have to address, and I've certainly made it a big priority.

Mr. Gilles Bisson: I guess the point is that the reality is that the majority of the mining companies are trying to do the right thing—the De Beers example. But there are still some others out there who just want to short-circuit the process. Currently the Mining Act—I've got a copy of it and I've looked at this in some detail—gives the minister the right to write regulation. All this simply needs is a regulation to say, before any claim is accepted by the mining recorder's office, that there needs to be a sign-off by the community that's affected. That resolves half of the issues right there.

Hon. Michael Bryant: Two things: Firstly, you enunciated a policy position—post-staking mandatory consultation. Right?

Mr. Gilles Bisson: Well, I'll get to that after, but I'm talking "pre" at this point. The premise is, this year, if First Nations know that basically they have not only a right, but that there is a duty on the part of the mining industry to go in and say, "We think there might be some mineralization in your territory. We've done some aerial surveys; let us show you what that is, and we want to go in and do some staking"—staking may well not lead to a mine, as you well know, you've got to stake how many claims before you find one, but it's the first step towards finding a mine—"Can we have your permission and what advice do you have to give us when it comes to entering your land to do that?" Ninety-nine percent of First Nations will fall over each other to make it happen, so it's not a hindrance to development.

My question is, currently we have the right within the Mining Act for the minister to write regulations, and all you need is a regulation that says that no claim shall be registered with the mining recorder until such time that there's some form of sign-off from the First Nation, and we can define that. The problem with opening the Mining Act is that there's a whole bunch of other people who

want the Mining Act opened for a whole bunch of different reasons other than assisting First Nations. Let's be quite blunt with each other here.

Hon. Michael Bryant: You're making a constructive, positive and obviously experienced suggestion here, so when I say this I don't mean it as a criticism: I'm not sure that that prescription would receive the full endorsement of First Nations themselves. In other words, I think even if it could be effected by regulation—and I doubt what you're referring to could be effected by regulation, because I think it would be contrary to a statutory provision; it's a statute that needs to be changed—I don't know if in fact we have a consensus around that particular alternative to the current situation. I'm not saying that it's something that's on or off the table, and I don't mean it's not that simple in a trite way. I mean I don't think it can be effected by regulation, because if it could have been effected by regulation then perhaps the NDP government might have done that, because that would have been a lot—

Mr. Gilles Bisson: It wasn't the issue it is today, in all fairness.

Hon. Michael Bryant: Fair enough. I didn't mean it in that way. I just mean it's a lot easier to effect things by regulation than it is, obviously, by legislative changes. Beyond that, even if it were possible, and I don't think it is, we do need to be in a position as a government that we can say, "This is a consensus position as between"—and believe me, I've had discussions with the confederacy, and Grand Chief Toulouse and Grand Chief Beardy in particular about the north and independence as well. I wouldn't say that there's a consensus position as to what the result is, let alone also bringing in the voice of the mining industry, which I don't think we can completely exclude, I'm sure you'd agree. Nor do we want to create a situation where no mining company would come within a country mile of the province of Ontario because the climate is such that it's unattractive. We do have a lot of industry right now, and we want to encourage that, but at the same time we've got to find the balance between the economic development that comes with that industry for First Nations people, on the one hand, and the respect, consent, consultation and self-determination on the other hand.

Mr. Gilles Bisson: We're going to disagree, the two of us, on, "Can you do it through the Mining Act?" I say yes; you think probably not. But that would be something interesting to follow up.

On the other issue, is there a consensus within First Nations? I think you could get one pretty quickly on this—

Interjection.

Mr. Gilles Bisson: Let me finish. I heard what you had to say in discussion with NAN Treaty 3, the various tribal councils and others, basically that if there was some sort of guarantee to say, "Nobody can just jump on your land and stake a claim without talking," we can work out the details fairly simply.

Let me move to the next part, which is the issue of section 35. Yesterday there was a question in the House, and I thought it was interesting. I'm not going to read it for the record; I don't have enough time. The basic premise was that our leader has been raising a separate issue, which is, once a claim is staked, the minister, under section 35, can withdraw that land from that staking activity post-staking. Yes, post-staking; I've got it right. The answer to the question by Minister Gravelle was, "No, I don't have that right under section 35." I'm looking at 35 here, and it says that he does:

"The minister may, by order signed by him or her,

"(a) withdraw from prospecting, staking out, sale or lease, or"—when we talk about "sale or lease," it's the activities that happen after staking—do you follow?—because, once you've staked a claim, then you make a deal with the mining company. You either sell that claim to a mining company or you lease it or you have some sort of royalty arrangement. So clearly the act contemplates that if there is some reason that it has to be withdrawn, it could be withdrawn.

Just your comments on that: Why would the minister say something that's pretty darned contrary to the act?

Hon. Michael Bryant: That's not my understanding. I guess this may be one where we agree to disagree, but my understanding is that that particular provision is interpreted, based on principles of statutory interpretation, as applying to—and if you read the sentence, I think there was a comma "or"—right?

Mr. Gilles Bisson: Yes, I know. It's "staking out, sale or lease," and "sale or lease" are the two activities that can happen after staking.

Hon. Michael Bryant: Yes, I hear you on that. If the word "staking" wasn't in there, perhaps it might be interpreted differently. But my understanding is—and you'd have to take this up with the Attorney General; I always agree with the Attorney General—that that's not how—

Mr. Gilles Bisson: You Attorneys General are all the same, by the way.

Hon. Michael Bryant: That includes Mr. Hampton, then—includes an interpretation that says that it's pre-staking. That's a different set of legal interpretations.

Mr. Gilles Bisson: Okay, we agree to disagree, but here's the issue. If, on the one hand, the government is not prepared to put a regulatory change or a legislative change, whatever you choose to do, to make sure that the First Nations are protected when it comes to being consulted about any activities of staking and what may happen after as far as benefit from that, then you need some way at least to stop the bad apples and send a very strong message on the part of the province that, "We encourage exploration. Ontario is a great place to come and do business. The only thing we're telling you, by way of policy, is that you need to go and talk to First Nations when entering on their territory. If you don't do it properly and you do it without them, we reserve a right, under section 35." You've got to do one or the other to resolve this thing. For the life of me, on the one hand

you've got the statutory requirement to do the post-staking withdrawal if you need it, and if you chose to, you could do the pre-staking by way of regulation. What gives? Why is the government so hesitant in moving on this?

Hon. Michael Bryant: No, pre-staking doesn't require a regulation, or if it does, it has already been enacted, because it takes place. Minister Gravelle referred to that, I think, in his answer. They do engage in pre-staking, if you like, no-go zones. As I said, the statute does not allow us, by regulation or otherwise, to do it once a stake is laid.

In any event, I want to get the forest from the trees. Your recommendation is, I assume, that regardless of what that statute says, we need, for future cases, to establish under the Mining Act the consultation duties to be fulfilled. With respect to KI in particular, I just say that we—we, the government; the Ministry of Aboriginal Affairs and the Ministry of Mines—have engaged in extensive discussions with Platinex and KI in trying to find a solution. So if there was a neat solution that the government could have executed, it would have been done already. I appreciate the question that you're asking, but it's just not available to us right now. If it were, we would have exercised it.

1040

Look at the situation we have right now. You know what the relationship is between KI and Platinex, right? At the same time, we know that we want to try and provide some certainty to that community. We want to provide satisfaction to that community. Chief Morris has said to me, "I'm not against development."

Mr. Gilles Bisson: Hardly any are.

Hon. Michael Bryant: "I just want to be able to start again, afresh, with a clean slate." That's what he said to me a number of times.

Mr. Gilles Bisson: Section 35 is one way to do that. The frustrating part in all of this is that, as somebody who is both knowledgeable and—excuse me; let me say that again. I know many people in the mining sector. In discussions that I've had with both the majors and the junior mining exploration companies, they want the province to show some leadership on this, because it's creating great uncertainty now when it comes to staking. When you're going out and trying to raise dollars to get into a major exploration program, and it happens to be on traditional territories, there is a grey area there. At the end of the day, can we, will we, how do we get permission from First Nations? It creates great uncertainty.

The mining companies, the majors, and a lot of the junior exploration companies, are saying, "We're looking for the province to establish some leadership on establishing what the rules are, so we all know what the heck they are, and then we make a decision. It's either economical or it's not, and we move forward." Those who are pro development will say, "You can't restrict our right too much." Some people may argue less than that, from the other side of the equation. If the mining

corporations and the junior mining exploration sector are saying, “Do this,” and the First Nations are saying, “We need to find a solution,” I don’t understand why this thing is dragging on so long. Because there’s going to be another Platinox that is going to move on someone’s territory—to have it all redone again.

What do we do? Do we tell First Nations, “Exercise your rights by asking the minister to withdraw, under section 35, any of your territories from future staking”? Certainly, we don’t want to do that, but that’s the only option you’re really giving First Nations. You’re saying, “The only thing we can do as a crown is to remove from pre-staking lands that are in dispute.” What we’re kind of telling First Nations is that the only tool the government has that it’s willing to use—if you basically say, “Withdraw from the ability to stake and explore my traditional territories,” that’s about the only thing. I think that would be disastrous.

Why don’t we find a solution to this? It’s not all that complicated: section 35, post-staking, or regulations under the Mining Act. Why? What’s the big difficulty?

Hon. Michael Bryant: It’s a matter of getting, firstly, the consultation with aboriginal peoples on the one hand, and the consultation that I think you would agree that you need to enter into with the mining industry on the other hand, to come up with a solution. I’ll just say that a year ago, Mr. Bisson, this issue did not have the level of public interest that it does today. Nonetheless, it was a commitment of ours to in fact review and make changes and modernize the Mining Act. I think, if you just track question period, we’ll see that this is an issue that has certainly arisen with greater urgency over the last six months. The question will be, will the government be able to say that we acted in a timely fashion under the circumstances? I think, at the end of the day, we’ll be able to say that. You’re saying, “Hurry up.” I take your point.

Mr. Gilles Bisson: I would just say that the relevance of the issue today is that it took a while for First Nations to organize themselves in saying, “We want to make this an issue.” The first thing, which you understand as well as I do, is that they’ve got to be the drivers in this thing. We can’t make a paternalistic decision on their behalf.

As far as this whole issue of accessing their traditional territories, I can tell you that that’s been around for a while. In fact, there have been bills that I’ve introduced in the House, and there have been questions for a while. I think what precipitated it was the jailing of both the Ardoch First Nation leadership and KI. Quite frankly, that’s one of the tragedies.

Very quickly, on a separate issue, water regulation: You’ll know that many, probably a majority, of First Nations communities don’t have potable water. Part of the problem is that basically, the federal government says yes, they follow provincial standards. My experience, when I look at the water plants, is that they don’t. I’m just wondering if we can get from the ministry whether there is any formal agreement between the province and the federal government, or is there any mechanism that

ensures that the federal government follows provincial water regulations.

Hon. Michael Bryant: I think the Chair’s going to say, “Make it short.”

The Chair (Mr. Tim Hudak): That will be the last one. It’s the last question.

Hon. Michael Bryant: Within the Ministry of Aboriginal Affairs—look, let me answer the question in a more fulsome way, maybe, when we go back after the break. Would that be all right with you, Chair? We’ll get you that information when we come back.

The Chair (Mr. Tim Hudak): Okay, terrific. Folks, we will stand adjourned until this afternoon at 4 p.m., when we will have one hour and 14 minutes remaining in the estimates for aboriginal affairs. Thank you, folks. We’ll now proceed to question period.

The committee recessed from 1046 to 1604.

The Chair (Mr. Tim Hudak): Good afternoon, folks. We’re going to call back into session the Standing Committee on Estimates for our afternoon session of Tuesday, June 3, which will be our last session on estimates. We have approximately one hour and 14 minutes remaining. The first rotation will be the government’s 20 minutes. Then we’ll divide up the remaining time equally among the three parties.

The minister has some further information that he wanted to convey to the committee. My suggestion is to work with the government members to ensure the minister has time to do so within the hour and 14 minutes that we have remaining.

I also want to note a reminder to members of the subcommittee. We’re meeting at 3:30 tomorrow in this committee room before our next session of estimates, just to discuss if we want to meet in the summertime, or your approach to the remaining time that we have left on committee. As you know, we have to report back by November 17, the third Thursday of November.

I do have a ruling. I want to respond. The minister had asked for a ruling from our May 27 meeting. So I’ll read this into the record:

At the May 27 meeting of this committee, the Chair was asked by Minister Bryant to make a ruling on the admissibility of a document requested by a member taking part in the committee proceedings. The minister questioned the relevance of the document to the estimates process. Specifically, Mr. Hampton requested the minister table 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.”

I’ve given the matter careful consideration, and in so doing have looked back to a ruling made by Murray Gaunt, the MPP and Chair of the Standing Committee on Social Development in 1980, when his committee at the time—interesting, eh?—was charged with the consideration of the Ministry of Health estimates. That was the way it was done in those days. While the issue he addressed concerned the admissibility of witnesses, rather

than documents, during the estimates process, some of his reflections are applicable to the question at hand.

Mr. Gaunt reminded the committee that, "The purpose of estimates committee is for members of the Legislature and, through them, the people of Ontario, to determine if the government is spending public money appropriately, wisely and effectively in the delivery of services intended." He continued, "In the best sense of parliamentary tradition, ministers and staff come before the estimates committee as supplicants seeking approval for expenditures and programs for which they have responsibility. They are the applicants for the money. The relevant question to the committee is, 'Shall the vote carry?' Therefore, the committee's responsibility is to judge if this money has been or will be spent wisely."

Members know there are significant sums of taxpayers' money that committee members are being asked to approve. Past Chairs have recognized that while the discussion during estimates rightly involves the actual dollar expenditures of the ministry in question, it might also involve the discussion of that ministry's policy, which is the reason for the expenditure in the first place.

As Chair, I tend to allow members to ask a wide range of questions based on the estimates before the committee to ensure they are confident the ministry will spend those dollars appropriately. Members have asked questions, for example about the delivery of similar programs in previous fiscal years, about the policy framework that supports a ministry's approach to a problem or to a service delivery, or about the competence of a ministry to spend the money wisely and efficiently.

The Ministry of Aboriginal Affairs also plays a unique role in this government. According to its own results-based plan for 2008-09, the ministry has a mandate to coordinate government policies related to aboriginal people in Ontario and has corporate leadership across government, being responsible for coordinating cross-ministry aboriginal policy initiatives and the multilateral relationship processes.

With this in mind, I would like to recognize and say I appreciate the efforts on the part of Minister Bryant and his deputy minister in endeavouring to provide the committee with answers regarding programs and initiatives within the ministry, as well as those where the ministry is involved in its advocacy or coordinating role.

I would remind members that standing order 109(b) authorizes committees, except when the House orders otherwise, to send for persons, papers and things.

I would also like to remind the members that the estimates process has worked well with the give-and-take approach that we have seen. On one hand, members of the committee take care to keep their questions relevant in the context of the main question: Shall the vote giving authority to spend certain sums of money for specific purposes carry? The ministry, for its part, demonstrates an openness in providing information as requested by the committee.

It is in the spirit of give and take that I rule the member's request for the memorandum of understanding

is in order. I trust that the information will assist the committee in its consideration of the ministry's estimates and I trust that the minister, as he has committed to do on other issues, will openly share that information with the committee.

Hon. Michael Bryant: Thank you, Chair. Now the real question is whether or not you're going to rule on the issue of which is the greatest park in the province of Ontario. I know there was some discussion on that this morning.

The Chair (Mr. Tim Hudak): Obviously that's an issue that is going to take some time and consideration. The Chair may in fact have his own version of parks in the beautiful Niagara Peninsula that may come into the question at hand.

Mr. Lou Rinaldi: That's a conflict

The Chair (Mr. Tim Hudak): It is a conflict? Then we'll take—

1610

Hon. Michael Bryant: Chair, I appreciate the ruling. I think those were early minutes of estimates. I was wondering, when I asked for a ruling, how far the net would be cast. Had I known how positive and constructive this was, I would happily have provided it at that time. I was thinking about the thin edge of the wedge and all that etc. I am certainly happy, as I am with a number of other items, to share information with the committee.

The Chair (Mr. Tim Hudak): Absolutely. I appreciate that. As you noted, in my ruling I wanted to make special note of your efforts to get those answers to committee members, as well as those of your deputy. Even if it isn't your ministry that delivers it, you've been involved in some way. So I do want to commend the minister for that.

Hon. Michael Bryant: Thank you.

The Chair (Mr. Tim Hudak): Folks, we're going to begin with the government members. As I said, they have 20 minutes in this rotation, then the remaining time will be divided up equally between the three parties that we have on the hour and 14 minutes or so left. Mr. Rinaldi.

Mr. Lou Rinaldi: As we wind things down here this afternoon, I have three or four remaining questions that maybe the minister could elaborate on a little bit more, and then we can wrap up, as you said, in the remaining time.

Minister, in more of a detailed sense, can you tell us what is the Metis Nation of Ontario framework and what does it hope to accomplish as we go towards that particular framework?

Hon. Michael Bryant: Sorry. Did you say the Metis framework?

Mr. Lou Rinaldi: Yes.

Hon. Michael Bryant: I'm going to answer that. I'm also going to take the Chair's advice and use this opportunity, if it's acceptable to you, Mr. Rinaldi, to read in a few answers to members' questions and a follow-up to the inquiries. Is that okay with you?

Mr. Lou Rinaldi: Absolutely.

Hon. Michael Bryant: There was a question by Mr. Hampton about provincial expenditures on Platinex and Frontenac negotiations; in particular, information on the retention of Mr. Cam Clark as lead provincial negotiator for Ontario. The ministry did not incur any direct costs on either of the files to date. Mr. Clark was retained by the Ministry of Northern Development and Mines. Mr. Hampton wanted to know, among other things, if it wasn't through the Ministry of Aboriginal Affairs, where was it. That work was retained by the Ministry of Northern Development and Mines in accordance with the negotiation process. I know that the ministry will be up before estimates committee and I'm sure between now and then we'll have the particulars on that one.

There was also a question with respect to the purpose of the \$30 million announced in the March 2008 budget for far north land use planning. They are monies to be administered and distributed by the Ministry of Natural Resources, and it's our understanding that the exact breakdown of the \$30 million has not yet been finalized.

With respect to a question around policing costs, again not within the Ministry of Aboriginal Affairs, but in the spirit of co-operation I looked into these costs and the total Six Nations policing costs related to Caledonia and the policing arrangements on the Sixth Line. That was a question from Mr. Barrett. Again, these are within the Ministry of Community Safety and Correctional Services. I did make best efforts with respect to the inquiries, but I wasn't able to provide that. I know that certainly it's open to the member to make inquiries to the minister responsible.

Ipperwash Inquiry Priorities and Action Committee: Mr. Hampton wanted to know precise membership and I'm happy to oblige. Regional Chief Angus Toulouse, Grand Chief Beaucage, Grand Chief Beardy, Grand Chief Randall Phillips, Grand Chief Diane Kelly, Chief Joseph Gilbert, Grand Chief Stan Louttit, Chief William Montour—Bill Montour—of Six Nations, Grand Chief Tim Thompson and a First Nations elder, and whether or not it's one elder or another is determined by the First Nations membership.

The Metis membership on the committee is Mr. Lipinski, president, Metis Nation of Ontario; France Picotte, chair of the Metis Nation of Ontario; Sharon McBride, vice-chair, Metis Nation of Ontario; Tim Pile, secretary-treasurer; a provincial women's youth representative; another provincial youth representative of the Metis Nation of Ontario; and a Metis elder.

For the government, the membership is myself; Minister Bartolucci, the Minister of Community Safety and Correctional Services, by virtue of the fact that about half of the recommendations of the Linden commission involve policing issues; the great Jeff Leal, MPP for Peterborough and parliamentary assistant for aboriginal affairs; and also Dave Levac, MPP for Brant and parliamentary assistant for community safety.

For the government of Canada, present was a regional director general from the Ontario region of Indian and Northern Affairs Canada, who played an observatory

role, not a participatory role, on the committee itself. We're encouraging the federal government to actually participate in this.

Funds for the new gaming agreement: How is that to be distributed? I think Mr. Miller asked questions about that—sorry, Mr. Dunlop did, perhaps. I've made reference to the Ontario First Nations Limited Partnership as a company. It is in fact a limited partnership established to administer and distribute gaming revenue provided under the gaming revenue-sharing agreement to member First Nations.

Gaming revenue distributions to each community are determined by a formula using factors that include population, remoteness and needs. First Nations that receive revenue provide annual audited financial statements for the receipt and expenditure of this revenue. Amounts must be expended on health and education or community, cultural and economic development. Both Ontario and First Nations will select a joint appointee to review and make inquiries on the financial statements of First Nations that receive revenue. We're almost done here, Chair.

The Algonquin land claim negotiation: There was a question about when the province become involved in that negotiation. It was back in 1991-92. How much has this claim cost Ontario to date? Between 1991-92 and the present, Ontario has spent \$10,526,309, as of March 31, 2008. The approved budget for 2008-09 is \$1.258 million. So the total of all that is \$11.784 million.

All the achievements in the context of Ontario's only aboriginal title claim—all the other claims are treaty claims. This is the only comprehensive land claim, which is the federal language. It includes 10 status and non-status Algonquin communities, 14,000 square miles of land, the entire Ottawa valley watershed in Ontario, and it includes a comprehensive process of public involvement.

The specific breakdown was an agreement to split the cost of settling the claim 50-50 with Canada; an agreement that private property was not on the table—in other words, there would be no purchase of private property; an agreement of ownership of Algonquin park was also not on the table; and an agreement on exercise of duty to consult through the 14,000 square miles of land. There was also an agreement as to how the 10 Algonquin communities will work together to negotiate with Ontario and Canada as a collective. The target date for settlement is 2010. An agreement on that settlement must provide economic development as a priority.

My editorial comment on that would be that \$10 million spent negotiating a claim over 15, 16 years is probably a noteworthy example of why resolving claims in a timely fashion is not only important to the overall relationship between governments and First Nations, not only important to the economy with respect to certainty, not only primarily important with respect to the resolution of historic grievances, but also, in my view, a timely resolution of claims is very likely a better use of taxpayer

dollars: \$10 million spent thus far and \$11 million forecast to resolve a claim.

I have a copy of the gaming revenue-sharing financial agreement with me and I'm happy to provide it to the Chair. Copies can be made.

Education: "How much money does the province spend on aboriginal education and training and what type of programs does it support?" Mr. Bisson asked. Again, this isn't within the budget of the Ministry of Aboriginal Affairs, but the information I was able to obtain was that the government is investing \$45 million on aboriginal education and training programs. The specifics are within the Ministry of Education and the Ministry of Training, Colleges and Universities.

1620

Water quality on reserve: "Is the province responsible for ensuring that provincial water quality standards are met on reserve?" was Mr. Bisson's question. The federal government and the First Nations band councils are responsible for water quality on reserve. That's where the lines of responsibility lie.

The other question was, "Is there an agreement to bring water quality on reserve up to the provincial standard?" The provincial Ministry of the Environment has offered, and has provided on occasion, its technical expertise to First Nations and the federal government, and continues to be available and willing to assist when asked by either the federal government or First Nations.

That exhausts the inquiries that I undertook to make, so those are the answers we provided. There are no other outstanding undertakings or questions. Now I can answer Mr. Rinaldi's question with respect to the Metis framework.

Mr. Gilles Bisson: Just on a point of order to the clerk: If we can get a list of questions that were asked and what has been responded to and what we're waiting for, that would be helpful. You must have a list of all of that. The minister has responded to a number of inquiries and it would be good to get that formally in some kind of document. Plus, he's just submitted the gaming agreement while you were chatting with the Chair. We need to get a copy of that, because he's just given us back a report that we asked for.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Okay.

Mr. Gilles Bisson: So what I'd like is a list of the questions that were asked, as we got earlier, and what's outstanding.

The Chair (Mr. Tim Hudak): Is that okay?

The Clerk of the Committee (Ms. Sylwia Przedziecki): Yes.

Hon. Michael Bryant: Just so we're clear, I appreciate what Mr. Bisson's asking. We've been jotting them down. There isn't anything missing so there's nothing outstanding. In any event, that's all open, obviously, to the clerk and the Chair. Copies of the agreement—here's a copy. I don't think we have—

Mr. Gilles Bisson: One is fine.

Hon. Michael Bryant: We have a couple of copies.

Framework: Firstly, what was important about the framework from the perspective of the Metis Nation was something that was—I'm not overstating it—celebrated by the president of the Metis Nation of Ontario, because from the perspective of the Metis Nation of Ontario, it was the first occasion on which the government of Ontario had formally acknowledged the existence of a government-to-government relationship with the Metis Nation of Ontario; an agreement to work with the Metis Nation of Ontario and recognize the distinct character, heritage, history, legal status and obviously the socio-economic needs of the Metis people as distinct from the First Nations of Ontario and, for that matter, as distinct from the Inuit. Under our Constitution, aboriginal peoples are defined as Indians, Metis and Inuit. The Supreme Court of Canada has made rulings with respect to Metis rights, but in terms of relationships between government and the Metis Nation of Ontario, it had never been particularly defined.

What the framework agreement provides for is in fact an entrenching of the formal relationship and acknowledgment between the Metis Nation and the government of Ontario, just as we have with First Nations, through the new approach that was established. In my previous life as minister responsible for aboriginal affairs and in the previous portfolio, we established a new relationship that would see formalized, regular, entrenched lines of communication between First Nations—as between the political confederacy on the one hand, as governments, and the government of Ontario on the other hand, as a government. That established a government-to-government not just relationship, which had been referred to before by a previous provincial government, but more pragmatically, I guess, established a process for how the priorities of First Nations would in fact be addressed by the government of Ontario.

The Metis framework allows for consultation and eventual agreement on how the relationship between the Metis Nation and the government of Ontario will take place and how we will entrench it and formalize it. This is one of the reasons why the government did it, and it was one of the reasons why the framework agreement was greeted very positively by the Metis Nation of Ontario. It also, I guess, politically acknowledged the importance of the Metis Nation of Ontario, that this was a priority for the provincial government, that the needs and also the opportunities afforded by the Metis Nation of Ontario and the important and historic relationship between Ontario and the Metis Nation of Ontario was in fact being acknowledged, keeping in mind, of course, that Ontario—the Legislative Assembly of Ontario in particular—had a bounty on the head of Louis Riel without a very specific dollar figure attached.

In the face of that ugly history, which we remember every year on Louis Riel Day in Ontario in a ceremony outside on the lawn, which many members of this committee have participated in, and in contrast to that abysmally low point in the relationship between Metis people and Ontario, this—from the perspective at least of Mr.

Belcourt, who at the time was president of the Metis Nation of Ontario—was a high point, and something that is entirely to the credit of Mr. Belcourt and entirely to the credit of the Metis Nation of Ontario and leaders like Mr. Belcourt, as well as Gary Lipinski, the current president, the years and years of advocacy, patience, negotiations and discussions, and eventually a result that they were looking for. Obviously, it was a good day for them for that reason and they deserve all of the credit for it.

I hope that answers your question. I'm in your hands, I say to the government members of the committee.

The Vice-Chair (Mr. Garfield Dunlop): Mr. Rinaldi, you've got about three minutes left in this round and then we go into the last 15-minute rotation for each caucus.

Mr. Lou Rinaldi: Great. Thanks very much, Chair. Minister, I'm delighted that you wanted to bring that to the forefront, to give us a bit more clear indication of how the framework works.

Having said that—I guess more of a general question mostly relating around native issues. The majority, I would think—and I don't have any specifics to qualify—from my perspective are mostly related around the land claim issues. That just seems to be the core root of where disputes stem from, and there are others, not just land claims, but I mean that seems to be the big core issue. Within your ministry that's just been newly formed to focus on native issues, can you give us some idea on how we can sort of speed up those land claims? I guess they've been there for a long time. It's something that doesn't happen overnight, but I'm sure that will be one of your aims.

Hon. Michael Bryant: The first thing you do is—I think we need to decide on targets, deadlines, and then determine how we're going to get there. Right now, it's really the reverse of that because there are no targets and no deadlines established. Because it tends, frankly, to take so long that it literally goes from one government to the next to the next, it wasn't unusual for land claims that were on my desk five years ago to have been commenced by Ian Scott, a member of the New Democratic government or a member of the Conservative government. It means that it always becomes someone else's problem or issue, and it always gets put off and put off. At the same time, the costs incurred of the negotiations continue to be incurred. I'm not saying that those costs somehow disappear. If you have deadlines, you're probably going to have increased costs on a day-to-day basis, but overall I think it would be a more efficient process. Far more important than the efficiency of it would be the resolution, in a timely fashion, of very old claims.

1630

I think we need to set out a target, and the federal statute that deals with the cash-only claims, which don't apply to Ontario, and to the \$150-million-and-under claims, which don't apply to most of the Ontario claims, is set out at three years. So deadlines are set by the federal government around claims. They're set, under the statute, at three years and then you work from there. You

design a process and fund a process that will provide for resolution within that framework.

Right now the province can and will do exactly that on our end of the claim, but from a First Nations perspective, that the province is in a position to settle a claim but the federal government is not is of little use to First Nations. A claim is a claim is a claim. The concern over who pays for what is not primary; it's the resolution of that claim. It's two things: Firstly, it's the setting of a deadline; and secondly it's the coordination of federal and provincial to reach that deadline.

What that means is that the federal government needs to get into the business of resolving Ontario claims, by which I mean \$150-million-and-over claims, and cash and land claims, which make up, again, 95% of the Ontario claims. We're not alone; there are other provinces that fall into that category. They have to get into the business of—

The Vice-Chair (Mr. Garfield Dunlop): If you could wrap up, Minister?

Hon. Michael Bryant: Sure—of a reasonable timeline, and then they have to basically provide the funding for it.

More on that, perhaps, as we continue to go around. Thanks, Chair.

The Vice-Chair (Mr. Garfield Dunlop): We'll now go into the last 15-minute rotations for each caucus. Mr. Miller or Mr. Barrett.

Mr. Toby Barrett: Thank you, Chair—

Mr. Lou Rinaldi: Sorry, Mr. Chair. Is it 15 or 20 minutes?

The Vice-Chair (Mr. Garfield Dunlop): Fifteen minutes will clean it all up for each caucus. We're dividing up the last 45 minutes three equal ways.

Mr. Lou Rinaldi: Okay.

The Vice-Chair (Mr. Garfield Dunlop): Thank you. Go ahead.

Mr. Toby Barrett: I'll just pick up the one or two questions left.

The last time I was phrasing questions, I was speaking about the new relationship fund that now has been identified, the \$25 million, through this ministry. I think you indicated that this would be a down payment. As far as the budget, what is your expectation or plan for further funding? How much additional money would be budgeted for?

Hon. Michael Bryant: I'm not able to put a number on it right now because we took a different approach.

We could have said, "We think we're going to spend X number of dollars over the next 10 years." We could've done that, or we could take the approach where we provide significant funding to get the relationship fund up and running and to get it into operation for at least a year, after which the government of Ontario would be in a position to say, "Okay, here are what we anticipate the needs are and what we forecast the needs to be." Had we done it the other way, where we said, "Okay, over the next 10 years, we believe that the new relationship fund should be X number of dollars," we

would not have been able to announce, let alone allow for early implementation as quickly as we did, within the first six months of this mandate and within a year of the release of the Ipperwash commission recommendations. That would have taken longer. So the idea was, let's get this going and then we'll be in a better position to assess the needs and we'll have a better idea of that, I say to the member down the line.

Mr. Toby Barrett: The Ipperwash report recommended that this government establish a treaty commission of Ontario. I wonder where we are as far as implementing that recommendation and the cost of that, which the ministry would bear. Also, would this be similar to what we had a number of years ago? Is it the Indian land claims commission of Ontario? I'm trying to remember. Is it something like that?

Hon. Michael Bryant: It used to be the case that the—ONAS was the acronym, the Ontario Native Affairs Secretariat. It was a number of things, but primarily it was a provincial negotiation secretariat agency of the government. That function certainly continues under the Ministry of Aboriginal Affairs, but what doesn't happen, as I referred to before, is the kind of deadline-driven, coordinated resolution of land claims as between the federal and provincial governments.

The institution that you may be referring to is the Indian Claims Commission that existed under the federal government. Jim Prentice, the former federal minister of aboriginal affairs, in fact was the chair of the Indian Claims Commission. The Indian Claims Commission, on the one hand, worked well in terms of getting results; on the other hand, it was not binding. So it would make recommendations to the federal cabinet, but I think I'm right to say that the convention was not to accept the recommendations. And at some point, the Indian Claims Commission was dissolved.

Mr. Toby Barrett: I'm trying to remember—perhaps under the Attorney General, was there not a commission to do with more provincial claims? I think there was at least one claim on the Haldimand tract. I may be wrong. It was wrapped up several years ago, perhaps under this government, I'm not sure.

Hon. Michael Bryant: It would have been under the auspices of the Ontario Native Affairs Secretariat and its predecessor entities, but any such claims would have involved a federal and a provincial signatory.

Mr. Toby Barrett: One other thing from Ipperwash: It recommended that native police forces be made, if I'm not mistaken, independent of the OPP rather than an enhancement of the OPP. Where would we go on that? Is it the government's position that they should remain supervised by the OPP? What is the relationship with the RCMP? I'm sure there are informal relationships.

Hon. Michael Bryant: I couldn't speak to whether or not the RCMP is involved. That is an issue, broadly speaking, that will be addressed by the Ipperwash implementation committee. It will obviously involve the minister for community safety, Rick Bartolucci. Therefore, it will inevitably involve significant input from the OPP

and obviously from First Nations as well. But, no, that's something that we intend to consult and collaborate on with First Nations.

Mr. Toby Barrett: One other thing: You would be aware that a number of businesses and residents in the Caledonia area—it may have been close to two years ago—launched a certification for a class action lawsuit. Does this ministry budget to be involved in that process? I guess it's a lawsuit for compensation from the Ontario government. Is it your ministry that would take the lead in dealing with lawyers?

Hon. Michael Bryant: No, it would be the Ministry of the Attorney General, as litigation. This was one of the challenges. I think both Mr. Miller and Mr. Dunlop said that having a stand-alone ministry is vastly preferable. One of the reasons is, how can you, on the one hand, try and build relations as the minister responsible for aboriginal affairs, and on the other hand, be the chief legal officer, trying to deal with lawsuits? What this allows is for myself and the Ministry of Aboriginal Affairs to continue to try and improve relationships among First Nations, even under circumstances where there is on-going litigation. So the sensitive litigation consultations and discussions that might take place between counsel and counsel take place in another ministry with a different set of issues involved and the independence that attaches to the Ministry of the Attorney General.

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The Vice-Chair (Mr. Garfield Dunlop): You've got about five and a half minutes left.

Mr. Toby Barrett: Okay, thank you. In the Caledonia area—I guess the one question I continue to get—what is this ministry's advice with respect to the future of that subdivision, the Douglas Creek Estates? Does this lie strictly at the negotiation table? One option that people, certainly in the neighbourhood, would be opposed to is to have that handed over. It's presently Ontario government property. What's the ministry's advice on that? Or is this done strictly through the negotiation table?

Hon. Michael Bryant: I'm not saying that it's either on or off the table. Everybody wants to come up with creative solutions. I haven't seen one that involves the use of that land to date, nor, as I understand it, has it been formally proposed at any time. It's something that I obviously don't want to say on behalf of the government is either going to happen or never going to happen, but I think the speculation that it will necessarily happen certainly isn't backed up by any facts or any of the activity at the negotiating table.

What's on the table and what's off the table—as the member knows, if there are activities outside of Caledonia that take place somewhere in Haldimand county, or Norfolk county for that matter, or Brant county, are they related to the negotiations? I can't speak for what took place before I was sworn in. I don't know the extent to which things dropped off the table as being unresolvable at the time. But typically, no.

Right now the offer that's on the table is with respect to the Welland claim. There was an offer made and then

there was a response from Haudenosaunee Six Nations. The extent to which there are other things on the table—I don't want to compromise the negotiations, but I don't have a significant update for the member at this time.

Mr. Toby Barrett: One other property, the Burtch property: Is your ministry footing the bill? I'm sure there were surveys, neighbouring environmental assessments and things like that. I just wonder, what's the status of the Burtch property? Is there a transfer process in place right now, that your ministry pays the bill for that process?

Hon. Michael Bryant: The deputy's helping me out here. It's undergoing—did you say remediation? Why don't I let you answer.

Ms. Lori Sterling: Right now the property is not an environmentally safe place. So they're doing remediation in the sense of checking the soil and taking down half-dilapidated buildings. That will go on for a little more time.

Mr. Toby Barrett: That's an Ontario Realty Corp. property. Does that somehow get transferred over to the status of crown land, to be native territory or—

Hon. Michael Bryant: It's just under remediation right now. But to your point, if any lands become part of a First Nations reserve, that would be a matter that's entirely within the domain of the federal government.

Mr. Toby Barrett: Okay. In the time I have, what is the status of the Ipperwash Provincial Park? This may have come up earlier. I understand there's a plan to return or share management of Ipperwash park, and the expenses involved there and working through that transfer process, if you will.

Hon. Michael Bryant: The community, the government and the First Nation are in discussions about the joint management and use of the land, as well as in discussions about the timeline after which the title would transfer over. I guess the preliminary issue to be addressed, for which I don't have an update, is how this land is going to be jointly managed and used. This is the community and the First Nation deciding together on how that land will be used in the spirit of cooperation, rebuilding and healing within the neighbouring communities and the First Nation. Either along the way or after the fact, discussions will take place about how long it will remain in that status, after which title would transfer. It's certainly not inconceivable that the use of the land would continue, regardless of the title, after there's an agreement on joint management.

The Vice-Chair (Mr. Garfield Dunlop): Thank you very much, Minister and Toby. Now to the third party for 15 minutes.

Mr. Gilles Bisson: Just to be clear: Is that the last 15 minutes that we have?

The Vice-Chair (Mr. Garfield Dunlop): Yes. We'll vote after the government party.

Mr. Gilles Bisson: Just a couple of things, and then I would like to use some of my time at the end to make a bit of a closing statement. In regard to the water issue, you responded earlier to part of the question that I had, which was that yes, it's a federal responsibility admin-

istered by the First Nation. I understand that, but I'm wondering, is there any ongoing discussion? I've been told by federal officials out of the ministry—their ministry of the environment; they call themselves something else, I forget what it is—that they actually do follow the provincial water regulations. Is there really any way of verifying that, in fact, they do? From what I can see, they don't because most of them are on boiled water.

Hon. Michael Bryant: The answer that I provided and my understanding is that the water quality and the standards are federally determined. In terms of them being different from provincial standards and less than provincial standards, then what about bringing it up so that they don't have one water quality standard off reserve and one on reserve, that would be wrong. It may be constitutional, but that doesn't mean it's right.

The way it's accommodated at this time is that the Ministry of the Environment has said, "Look, we're here to assist to bring it up to whatever standards you wish, but as long as the current structure is in place, it's a federal standard." Again, this was something where, had the Kelowna Accord that had been agreed to been sustained by the current federal government, you would have the provincial standard, the provincial administration and the provincial expertise brought to bear. Another example of, unfortunately, why the Kelowna Accord—

Mr. Gilles Bisson: Just to be clear, the federal government basically follows whatever standard they set out; there's no obligation on their part to follow the provincial standard. What we end up with is sort of like two classes of water systems within the province of Ontario.

The other thing, just in regard to transportation: Are you aware of any applications that are made to build all-seasons roads, specifically to the James Bay from Highway 11?

Hon. Michael Bryant: They would be made either through our office or directly to the Ministry of Transportation. I don't know if we have an answer off the top—it would be within the Ministry of Transportation. I don't have the answer right here in front of me.

Mr. Gilles Bisson: Okay. Just so I can help you a little bit with what I'm looking for, I do know that Mushkegowuk tribal council got some money from, I believe, the Ministry of Northern Development and Mines, and FedNor, I think, is where the other part of the money came from, and they used it as a part of a feasibility study. It's not even a feasibility study, it's like a pre-feasibility study about what needs to be done in order to build an all-seasons road. There are some rumours out there that there is a second study going on to do a road from Hearst north up to Attawapiskat. What I want to know is, do you have anything on that?

Hon. Michael Bryant: Again, it would be within the Ministry of Transportation, not through the estimates process, but outside of that. We'll try and track down that answer.

1650

Mr. Gilles Bisson: Really quickly, again on the transportation side: Transportation costs are a huge part of doing business in most of these communities from the northwest to the northeast. They're landlocked communities, as you know. You've visited many of them, and you would know, just from the price of your airline ticket or a charter to get in, that it's pretty darned expensive to do business in these remote communities. Are there any policy changes or any decisions that you're looking at making to try to deal with some of the transportation costs? There used to be at one time, years ago, a subsidy through the post office that allowed people to ship food and other things by way of the post office as a way of being able to reduce the cost of getting some of the basics into the communities. Are you aware of anything, provincially, that we're looking at to try—I'm not suggesting subsidizing the postage, but are there any studies or anything going on to look at the cost of transportation for these communities?

Hon. Michael Bryant: Not that I'm aware of. I would imagine that it would be federal, partly because it's in the air and partly because it's First Nations. You'll know very well that there are, in fact, First Nations-owned—or partially owned—airlines. As to whether or not there was and is a subsidy done through the post office, I'm not aware of that. Again, outside of the estimates process, we'll try to find the answer to that and provide it to you.

Mr. Gilles Bisson: If there's anything, I'd be interested, because I've heard some people talking about how there's some work, provincially, going on in that area, and I just wanted to know what that was.

Again, on the issue of the remoteness, one of the things that we're seeing is that there are high levels of diabetes and other diseases in a lot of the communities, and a lot of it has to do with food. The cost of being able to get a head of lettuce to a community, or carrots or good fruits and vegetables is pretty high, and as a result, people can't afford to purchase them. From a health perspective, are you aware of any initiatives on the part of the Ministry of Health to look at the whole issue of healthy eating, as far as being able to provide those types of sustenance to those communities?

Hon. Michael Bryant: It's a very good point. The AHWS, the Ministry of Health, the Ministry of Health Promotion and First Nations work on that, in fact. Again, there's much federal overlap on reserve, but we try to basically—similar to the Ministry of the Environment and the provision of their expertise, the same holds with respect to the Ministry of Health Promotion, in working with First Nations to try to design, for example, some guidelines and some suggested best practices as to what to avoid and not to avoid. It probably means a little less bannock and a little more—

Mr. Gilles Bisson: Fruits and vegetables

Hon. Michael Bryant: Fruits and vegetables.

Mr. Gilles Bisson: The sad part is that it's cheaper to get pop and chips flown into communities than it is to get a head of lettuce flown in because of weight. It's an issue

of weight on aircraft. You pay by the pound. Unfortunately, more of that is consumed than of other foods.

I just want to take the last five or six minutes that I've got to make a general statement, from my perspective as a member who represents a large part of Ontario with remote communities—as well as my leader, Howard Hampton, who represents a sister riding next door, with regard to northwestern Ontario.

What I would say is this: I listened through these estimates, and I give the minister some credit. You have been straightforward in the answers that you've given. I think there's some empathy for the issues that face First Nations. But I think there's a fundamental decision that the province needs to make, from a policy perspective, if we're going to deal with a lot of these issues, and it comes back to the issue of who has responsibility to do what.

We've gotten into this mess, as I said earlier on, because we basically signed a treaty with First Nations and for the first half century did nothing and for the second half century we didn't do it too well. Quite frankly, the federal government was about 90% responsible for that. What we now see is that First Nations are starting to recognize that they live in the province of Ontario. I say that in the sense that—you would understand—they're starting to recognize that, yes, they signed a treaty with the federal government, but, at the end of the day, they also signed a treaty with Ontario and that if they limit themselves strictly to dealing with the federal government, we may very well wait another 50 or 100 years to deal with these pretty pressing problems.

Just to paint a picture, if you go into almost all of the communities in my riding and in Howard Hampton's riding and I would say Mr. Gravelle's, to a certain extent—especially the land-locked communities—it's a pretty desperate situation. I invite members of the committee, if we travel this summer on the James Bay for the work that we were looking at doing in regard to getting the committee up there to look at the flooding issue, to go and observe what people have to put up with. You're talking about communities that were built 40, 50 years ago, where the infrastructure has not been maintained in a way that it should have been maintained. It's no fault of the First Nation; there's just no funding federally to do proper maintenance.

In 80% of our communities' water systems, you wouldn't drink the water out of the tap for fear of getting sick or who knows? In the case of Kashechewan, I suspect to this day that there are people who passed away as a result of drinking that water. If you look at housing, there are 20, 25 people living in a house. Why? Because the federal government doesn't provide adequate dollars to provide decent housing. Education: abysmal—an abysmal record on the part of the federal government.

If the federal government can be faulted on one thing—if I could point the finger at one thing aside from housing—it would be the issue of what they've done in education. To leave now three generations of aboriginal children in the situation that they have around education

is, in my view, criminal, because it's not given the capacity to First Nations to develop the leadership and do the things they need to do—not to say that there's none there. You know as well as I do there are some very competent people who, beyond all of the hardballs and curves thrown at them and what the federal government didn't do, have themselves managed to move forward and become the leaders they are today and provide the administrative support to their communities etc. But we don't have the critical mass that we have needed to do what has to be done in those communities, and the reason why—I think a big part—is the failure of the federal system when it comes to education.

I have how much time? Because I want to finish on time.

The Vice-Chair (Mr. Garfield Dunlop): You've got about four minutes.

Mr. Gilles Bisson: Four minutes? Here's the point: If we as a province continue to sit here and say, "We're limited by what the Constitution says and we're limited by making sure that the federal government lives up to its fiduciary responsibility," I very much fear that, 50 years from now, a Minister of Aboriginal Affairs and a future member from Timmins–James Bay will sit here and be having the same conversations.

The decision that the province has to make is, to what degree do we want to be a part of the solution? I recognize, Minister, that we're talking about 50 years of problems that have built up. We're not going to fix it in six months, one year or two years. We're talking about pretty long-term solutions to some of these issues and, yes, fairly expensive ones, because most of these communities don't even have the basic things we take for granted, like a sidewalk, a paved road. Go into any of these communities in the summer and the dust in the community would be enough to make you sick, and it actually does make people sick.

I think the province at one point has to make a fundamental decision, and that is, do we become part of the solution, recognizing that yes, we're going to put ourselves on the hook for part of the solution—never to say that we take the federal government off the hook. The federal government has a fiduciary responsibility, and I don't advocate for one minute that we say, "Well, the heck with you guys. We'll just do it on our own," but we need to find ways to incrementally move the federal government with us towards finding solutions.

There are areas that we can do that in. For example, with Nishnawbe-Aski policing there's a prime opportunity, as I pointed out earlier at these hearings, where a \$25-million infrastructure investment is needed to bring NAPS infrastructure to current standards in comparison with other policing services in the province. The federal government doesn't want to put up their half; the province says, "We'll put up our half if the federal government puts up their half." We're never going to get anywhere. I say to you, one way to do it is to say, "Here, we have an agreement. We know what the funding mechanism is: It's 52-48. Here's our 48%. We're putting

the money there," make it available to First Nations and shame the federal government towards finding the solution of bringing the funding forward. I'll tell you, if we don't push the federal government, First Nations communities and ourselves as government towards taking the responsibility, they're going to continue doing what they've done for the past 100-plus years. I think wherever possible, we need to lead by example as a province.

On the question of education, we should be creating an Education Act for aboriginal people that enables them to create their own school boards based on what they need. We don't force it on them; we say, "Here's the legislation. It's enabling. If it takes you 10 years to make up your minds on how you want to do it, that's fine, but the legislation is there and we will work with you and with the federal government to figure out how we fund all of this in the end," recognizing that it's going to cost us a buck as well.

We've done it on the James Bay with the James Bay General Hospital—a merger with the Weeneebayko General Hospital. We've assumed the responsibility for health care on the James Bay. I think that is long overdue. I applaud the work that Smitherman has done on that. In fact, I've been leading the charge with many people trying to make that happen. In the end, we've got the federal government putting money in, we as a province are putting more money in, and we're going to be able to provide better health care services for the people on the James Bay.

I say that we can no longer point our finger at the federal government. We need to become part of the solution as a provincial government. I recognize that we can't do it all, but we've got to pick our fights and we've got to pick them where we can make the most effect. Wherever the opportunity exists, such as with Nishnawbe Aski policing or other issues that I've raised, I just think we should lead and bring the federal government along, kicking and screaming, because that's what it's going to take to finally bring justice.

1700

The last point, and the minister will agree with me on this: The conditions under which our First Nations people have to live in those communities are unacceptable in a country like Canada and a province like Ontario. I think it's a really sad statement about our society when we allow communities to be so far behind what everybody else is used to. When we allow that to happen, as members of this assembly or federal members of Parliament, I think we're all collectively to blame. If you're in the opposition or the government, we're all equally responsible, and I look forward to trying to find some solutions to some of these very complex problems.

The Vice-Chair (Mr. Garfield Dunlop): That cleans up your time as well, Mr. Bisson, as a member of the third party. The government has 15 minutes to wrap up.

Mr. Lou Rinaldi: I'm going to make it very brief and I'll leave some time for the minister to wrap things up. At the outset, I wanted to take the opportunity to thank

ministry staff, the deputy and the rest of the crew for the work they've done to make these seven hours come to an abrupt end—it's amazing what happens when you're having fun—and the committee staff, the clerk and all her staff and, Chair, you and Mr. Hudak for running this process really efficiently and, of course, all the committee members from all sides of the House. It was a really productive session and we did get some answers that I think will help folks from our First Nation communities to better understand the challenges we face. I think we all truly feel that we're all steering in the same direction.

Having said that, Minister, if you want to make any final comments, I'll leave that time up to you.

Hon. Michael Bryant: Thank you, Mr. Rinaldi. Let me just start by complying with the Chair's ruling around the Kitchenuhmaykoosib Inninuwug proclamation, the KI proclamation, and I'll read it into the record:

"The KIFN proclamation establishes the principles and values underlying any relationship that KIFN establishes with potential partners on KIFN land.

"Preamble

"Whereas Kitchenuhmaykoosib Inninuwug have resided in their traditional area since time immemorial and have always lived in harmony with nature, Kitchenuhmaykoosib Inninuwug inherits the responsibility to protect and restore their lands, water, and air for all future generations;

"Whereas Kitchenuhmaykoosib Inninuwug teachings and customary laws deserve respect by non-aboriginal partners, in order to achieve harmony and balance in Kitchenuhmaykoosib Inninuwug's natural environment;

"Whereas Kitchenuhmaykoosib Inninuwug arrives at decisions based on consensus of the community, however achieved, to ensure a lasting result for generations to come, those decisions will be complementary to their values and processes and recognize the cultural and traditional practices of their people;

"Whereas Kitchenuhmaykoosib Inninuwug requires that any community economic renewal and resource-based initiatives provide livelihood opportunities for their youth and future generations in keeping with cultural teachings and values;

"All partnerships with KI will be rooted in respect for traditional cultures and values, particularly to ensure the care and protection of ancestral lands.

"Declaration

"Principles of Declaration:

"All development of land-use processes will be consistent with traditional values of sustainability of Kitchenuhmaykoosib Inninuwug.

"All parties will share in the responsibility to ensure lasting, sustainable and responsible decisions and consequences.

"Decisions affecting the health and well-being of Kitchenuhmaykoosib Inninuwug will involve the community through its elders and elected leaders.

"All parties agree to be honest with each other and respectful of all life. This shared vision respects the

teachings and wisdom of Kitchenuhmaykoosib Inninuwug elders that supports the care and protection of the diversity of life on the land. This shared vision also supports dialogue and working together on the basis of respect and in a manner that will bring together the best of different knowledge traditions.

"Therefore, Kitchenuhmaykoosib Inninuwug and Ontario resolve:

"(1) That respect for the natural environment and sustainable development will coexist for all mining partnerships, consistent with the traditions and beliefs of Kitchenuhmaykoosib Inninuwug.

"(2) That Kitchenuhmaykoosib Inninuwug people will continue to pursue cultural and livelihood activities on affected land.

"(3) That principles of mutual respect and consultation will guide the exploration and development of resource-based opportunities, including potential benefits such as employment, education and sharing of revenue.

"(4) That Ontario and Kitchenuhmaykoosib Inninuwug will work co-operatively, as guided by the elders' knowledge and traditions, environmental values and perspectives, and customary indigenous traditional values and practices of Kitchenuhmaykoosib Inninuwug people, and to be harmonized with broader-scale ecological considerations and provincial responsibilities of Ontario."

That was from March 2008. It was intended as a summation of principles and values, Chair, that was parallel to—along with, aligned with, consistent with and addendum to—the very specific efforts by the government to try and resolve the matter in an agreeable fashion.

On that front, issues around, for example, a bilateral forum with KI for land use planning, resource benefit sharing, consultation relating to lands and issues relating to mining, are all set out. Those are the bread and butter issues that, in fact, involve something obviously much more concrete than principles and values, but sometimes come across as almost legalistic in terms of their articulation. Those specifics are set out in a letter of January 25, 2008, a copy of which is up on the Ministry of Aboriginal Affairs' website.

That really flowed out of my first meeting with the community, which was a very positive occasion. I was welcomed into the community; people had signs welcoming me into the community and gifts were exchanged. It was what I hoped then, and I still hope now, was the beginning of a particularly improved relationship between KI and the province of Ontario. The proclamation was intended as an acknowledgement of the teachings, values and principles that drive many of these things and drive the motivations of Chief Morris and council for all the decisions that they were making.

So there we go. I've now discharged all of my undertakings and provided all the information the committee has asked for. I want to thank the Chair and the Vice-Chair for the way in which these committee hearings were conducted. I want to thank in particular Mr.

Miller, Mr. Barrett, Mr. Bisson and Mr. Garfield from the official opposition and the New Democratic Party, the third party, for the spirit in which these discussions took place.

I confess, this is one of the most positive parliamentary experiences that I've been a part of since I've been elected. I sat on the justice and social policy committee when I was in opposition between 1999 and 2003. It was a fairly partisan committee, unlike, say, the public accounts committee. That was, I think, a tripartite partisan moment: Kormos, for the New Democrats, Bryant for the Liberals and people like the former parliamentary assistant, Mr. Tascona, for the government. It was not how committees operated in the 1980s, 1970s, 1960s and prior to that.

But Mr. Miller, to his credit, began the questions and the discussions at a level that I think were constructive and helpful, and allowed us to have a very good discussion about the government's approach: yes, how the government is spending money, but we entered into a conversation far broader than that, I hope not setting a precedent that will somehow prejudice government committee participation in the future, but rather a spirit of tripartisan co-operation which I'm very grateful to have been a part of. To the government members, who reflected that as well in their questions and discussions, and who thankfully just provided a number of spontaneous ideas—particularly helpful were the local reflections on what's happening in your home communities.

Of course, I'm the tip of the iceberg—if I can be an iceberg—of the work of the deputy and everybody in the Ministry of Aboriginal Affairs, and the assistance provided, frankly, by other ministries in assisting us in providing the information that we could provide in our

inquires. The people in my office have put an enormous amount of work in trying to show up here with the information that will allow us to have a positive discussion that fulfills the purposes of the supply process, and the estimates committee work in particular. I'd like to thank everybody concerned and hope that this experience carries on with your deliberations in the future, as the committee hearings continue. In a word, thank you.

I know I probably have a little bit of time left, Chair, but rather than talking out the additional time—and if you oppose this, that's fine, since we want to end in a co-operative way, as we began—I seek unanimous consent to agree that the government will forgo its additional time and allow you to go straight to—

The Vice-Chair (Mr. Garfield Dunlop): We can agree to that.

Hon. Michael Bryant: Agreed? Agreed. Thanks, everybody.

The Vice-Chair (Mr. Garfield Dunlop): Thank you very much, Minister. We will put the question now on the vote.

Shall vote 2001 carry? Carried.

Shall the estimates of the Ministry of Aboriginal Affairs carry? Carried.

Shall I report the estimates of the Ministry of Aboriginal Affairs to the House? Carried.

I'd like to thank all the members, on behalf of Chair Hudak, and particularly the minister and the ministry staff for being here and providing good, valuable information to the committee.

This committee is adjourned until tomorrow at 4 o'clock, when we'll discuss the estimates of the Ministry of Health and Long-Term Care.

The committee adjourned at 1711.

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Also taking part / Autres participants et participantes

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Mr. Norm Miller (Parry Sound–Muskoka PC)

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