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**Official Report
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Tuesday 4 September 2012

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des débats
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Mardi 4 septembre 2012

**Standing Committee on
Estimates**

Ministry of Aboriginal Affairs

**Comité permanent des
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Tuesday 4 September 2012

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The committee met at 0904 in room 151.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Good morning, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations? Ms. Campbell.

Ms. Sarah Campbell: I nominate MPP Paul Miller.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Do you accept the nomination?

Mr. Paul Miller: Certainly.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Great. Are there any further nominations?

Mr. David Zimmer: Yes. I'd like to nominate Rob Leone because he asks difficult questions, and if we can get him in the Chair that will rein him in, okay? I nominate Rob Leone.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Pursuant to standing order 117 in the sessional paper that was tabled on November 24, 2011, the Chair of the Standing Committee on Estimates must be from the third party, pursuant to an agreement that was—

Mr. David Zimmer: Then I nominate Sarah Campbell, because I think she'd do a much better job than Paul Miller.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Ms. Campbell, do you accept the nomination?

Ms. Sarah Campbell: No, I don't—but with thanks to the nominator, I guess.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Are there any further nominations?

Mr. David Zimmer: Can we have speeches?

The Clerk of the Committee (Ms. Valerie Quioc Lim): Maybe a short one.

Mr. David Zimmer: I'd like to hear from Mr. Miller how he would be conducting himself as Chair of this committee before I cast my vote.

Mr. Paul Miller: Well, the first action will be to throw you out.

The Clerk of the Committee (Ms. Valerie Quioc Lim): Are there any further nominations? There being no further nominations, as Ms. Campbell did not accept, I declare the nominations closed and Mr. Miller, Hamilton East–Stoney Creek, elected Acting Chair of the committee.

MINISTRY OF ABORIGINAL AFFAIRS

The Acting Chair (Mr. Paul Miller): Good morning, committee members—and especially Mr. Zimmer, for his

support and love. We are here to resume consideration of the estimates of the Ministry of Aboriginal Affairs, vote 2001. There is a total of two hours and 10 minutes remaining.

When the committee adjourned at the last meeting, the official opposition had just finished its 20-minute rotation.

I recognize the third party. You have 20 minutes.

Ms. Sarah Campbell: Thank you. I have gone over some of the draft Hansard. I wasn't able to get all of the draft Hansard—one day was missing—so I apologize if I duplicate.

Interjection.

Ms. Sarah Campbell: No, that's fine. I think we'll just take it as we go.

I'll start off with some questions that pertain to my riding, which I'm fairly certain Mr. Vanthof hasn't covered. Actually, I'd like to start off with some questions I have about the cuts made to the discretionary benefits for chief and council pertaining to Ontario Works. I know that we did have a discussion about that prior to the end of the last session, before we rose in June, but I would like to hear your thoughts as to how and why that decision was made and what can be done to help communities.

Hon. Kathleen O. Wynne: Welcome to the committee.

As I mentioned last week, the overarching decision about the changes to benefits had to do with our fiscal situation and, as you know, applies across the province. This is not just an issue that has an impact in First Nations. But we recognize that there were some concerns raised by First Nations about the impact of the cost-sharing of discretionary benefits and the impact that will have on their communities. So what has been decided after meetings with the leadership is we have provided temporary relief from compliance with the new cost-sharing formula until April 2013, because we heard very clearly that there was a difference between the impact on First Nations and on municipalities, because First Nations don't have the same revenue tools to be able to make the changes that they might need to make. So this time frame will give us a better understanding of how First Nations use the discretionary benefits.

One of the issues that has come up in this process is that there's a real unevenness across the province in terms of how the discretionary benefits are used. We need

to get a better handle on that. We'll understand the implications, as I say, of the new cost-sharing arrangements, and then we'll be able to explore some approaches that will actually address some of the unique situations that are faced by the First Nations communities, at the same time recognizing our need to keep program integrity in place and deal with the fiscal sustainability, which is where this comes from in the first place.

0910

I guess one of the things that's most critical to me, and I know to Minister Milloy, is that we make sure that the needs that are meant to be addressed by these discretionary benefits, whether they're temporary health issues or particular challenges that a family is facing, are prescribed, but that when we get into longer-term issues, longer-term housing issues or some of the things that actually should be funded out of different envelopes and some of which should be funded through federal government funding, we make sure that it's clear that those are not part of the discretionary benefits. So that scoping process I think is part of what needs to happen in this year.

We've had that conversation with the First Nations leadership, so I look forward to those discussions happening now.

Ms. Sarah Campbell: I did have the opportunity to meet with many First Nation communities in my riding. I have well in excess of 50 communities in my riding alone, and so it's no small task but something that's very important to do, because you can meet with people over the phone, you can write and correspond back and forth with letters, but until you're in the community and you see the conditions and get a feel, a bit, for some of the challenges that the communities are experiencing, you really don't know.

What really surprised me is—when I met with Grassy Narrows First Nation, for example, we talked about what some of the things are that they use their discretionary funds for. They told me—you know, it's no surprise; it's something I've heard time and time from many communities—that they use it to help their community pay their hydro bills. But the part that surprised me was, I asked, "Okay. Well, what's your primary source of heat?" Some communities have electric heat and, understandably, you can understand why it's so high. They told me it's also the very "energy-efficient" CMHC housing that's also guzzling a lot of electricity because they have the air exchangers; they have all of these other things that, despite having brand new windows, good insulation, a solid foundation and all of that stuff, there really is no winning, so to speak. That's something that needs to be addressed.

Also, I talked to many communities—and they use it for things like eyeglasses, helping people get to and from medical appointments; in some cases, rent, where some of their community members rent from CMHC. A big thing is food, right? I mean the cost of food is so expensive in many places across the north, but especially in far-removed communities. Many of the communities that

are in my riding—you know, in the north—are far removed, and that's another reason why hydro is so high, because they aren't paying the typical residential rate, where it's high density. They're very low density, and they're paying extremely high rates.

So I wanted to know what is going to be in place come April or May 2013?

Hon. Kathleen O. Wynne: First of all, kudos to you for the travel and the contact that you have. I think we were in Wabigoon Lake at the same, and I know that when you've got as geographically huge a riding as you do, it's a challenge, but the unique nature of every community must make it very rewarding—your ability to see that.

I think you're making my point for me in terms of the range of issues that these discretionary benefits are expected to deal with, and some of the things that you've talked about—for example, the housing infrastructure that some of the folks in these communities are living in, the CMHC housing, some of the repair or lack of repair of those buildings. That's an issue that is huge. You know from the situation in Attawapiskat that the housing discussion with the federal government is very difficult for many First Nations and it's certainly something that I've raised with the Minister of Aboriginal Affairs federally, that adequate housing is critical.

But I think to expect somehow that a series of stopgap benefits through the social services envelope will deal with some of those really systemic issues is very problematic. That's one of the reasons that I wanted to have this conversation over the next few months, because what I have said to some of the First Nations folks is that if we get to the point where we can sort out exactly what this discretionary benefit is most useful for and then there are other issues that are much broader and more systemic that need to be dealt with, then I think we're in a much better position to go to the federal government and say, "Look, these are things that are not sustainable."

You've raised another issue, and that's the food security issue, the cost of food. That is a very broad, systemic issue that we have to look at. I think somebody last week talked about the cost of chips and Coke not being different in the north than in the south, but trying to get broccoli is another issue. What are the future initiatives that will provide for better food security and more nutritious food accessibility for communities in the north?

I've had people talk to me about greenhouse projects. I spoke last week about the greenhouse that we saw at Wabigoon Lake. It's a greenhouse that's growing seedlings, but there are other greenhouses in other parts of the north that are growing food.

I don't have the answers to those big systemic issues, but you're raising them, and they're being raised in the context of a stopgap benefit that I don't think is designed to deal, nor is it capable of dealing, with those broader issues. That's really what this year is about: figuring out what this benefit can do and what it can't do and then working with First Nations to make the case where we need to make it.

Ms. Sarah Campbell: Thank you for that. I do agree with you about the point that Ontario Works and its discretionary benefits are not designed to help address a lot of the systemic issues. The problem that I have is that Ontario and communities have been battling with the federal government for how many decades now? We're not seeing any improvement; let's face it. In fact, my personal view of what happened with Attawapiskat is: Here we had a community that was sick and tired of putting up with deplorable, substandard, worse-than-Third World living conditions, and they stood up, and what happened? The federal government vilified them and put all the blame on them. What's really happening, even when a community does take a stand? My concern is, if we cancel these discretionary benefits—isn't having something better than nothing?

Also, something that frustrates me—you brought up the cost of food—is: What is wrong with our society and our governments when we're perfectly willing to subsidize the price of alcohol through the LCBO but we can't help people get access to food? There's something really wrong there.

I also wanted to find out about how much exactly this program was costing Ontario, because I know that it was introduced during the Ontario budget, but my understanding with the 1965 welfare agreement is that not very much of this money is actually coming from Ontario; I think the bulk of it is actually reimbursed or paid by the federal government.

Hon. Kathleen O. Wynne: You're right. You'll have to talk to the Ministry of Community and Social Services to get the chapter and verse on those costs, but what I can tell you is just in terms of the way social assistance is funded in Ontario, because you're referencing that.

There is what is called the '65 agreement, which was 1965. It's also referred to as the Indian welfare services agreement and the memorandum of agreement respecting a welfare program for Indians. It has a number of names, but in the vernacular it seems to be called the '65 agreement. In that agreement, Ontario assumes responsibility for the provision of provincial welfare in First Nations, and then the federal government reimburses Ontario for approximately 92% to 93% of eligible expenditures. The Ministry of Community and Social Services administers that IWS agreement on behalf of all the participating ministries.

Since that agreement was signed, the federal government hasn't been providing the same level of service that it agreed to in 1965. For instance, child care rates have been capped since the 1992 levels based on the per capita costs, the cost-sharing or reimbursement formula set out in the agreement, and it changes annually. Right now, that agreement covers Ontario Works; it covers the child and family services program, the child protection and child welfare prevention through MCYS; it covers the child daycare program, which is run through education; and the homemakers program through the Ministry of Health and Long-Term Care. So there is a reimbursement that happens.

0920

One of the issues is that notion of eligible expenditures. I think that's a point of contention, but I think in terms of the actual amounts, you'll need to talk to the Ministry of Community and Social Services.

I go back to my original point that there is a need—and I hear what you're saying about how something is better than nothing. But I also think that when you have an ill-defined—and this isn't casting aspersions anywhere, but over time I think sometimes if there isn't a review of the way programs are administered, the boundaries can become blurred and it's not clear exactly what the program is for and what it's not for. When you have an ill-defined program, there's confusion, and there can be a lot of inequity that creeps in. That's one of the things that I know has concerned us. If you look across the province, there are radically different expenditures from community to community. We need to sort that out. We need to figure out why one community is spending X dollars per person and another is spending much, much less. That's one of the reasons I think it's important that we sort this out.

I also just wanted to note, there is a note that we have on a Nutrition North Canada program—and you're probably aware of that, a program that's intended to deal with the high cost of food. I'm just going to ask Laurie LeBlanc to speak to that.

Ms. Laurie LeBlanc: It is a federal government program that was launched in 2011, so it's relatively new. It replaces the Food Mail Program they had before. It is intended to improve access to perishable, healthy food in isolated northern communities, so it includes fresh vegetables, fruit, that kind of thing. There has been criticism of the program that the money, the subsidy, goes to the businesses and it doesn't go to the consumers. The businesses are accountable, therefore, to pass that subsidy along. There is a limited number of foods that are eligible. Fortunately, it doesn't include chips and snacks. That is not covered by a subsidy. It's really around that fresh food. There have been some protests about it around the north. It is also only eligible for communities that don't have permanent road access or rail access, for fly-in communities.

So there have been some concerns about transparency and effectiveness, and I think the federal government is obviously hearing about those protests and concerns. As the minister said, as we work with the communities, if there's something, we can pass that along to our federal counterparts as well. But there is an attempt on their part to recognize the very high costs in the very isolated communities.

Hon. Kathleen O. Wynne: The other issue—and this is an issue that is highlighted in Grassy Narrows around food security—is the issue of contamination of a food source. One of the reasons that I'm pleased that we've reconnected with the Grassy Narrows community and that ministry officials are going to be meeting with them to talk about the whole range of issues surrounding the contamination of the fish is that where there's a food

source that has been contaminated, there needs to be a realistic look at what's going to work. There was the Fish for Food program that was put in place and that was bringing frozen fish into the community. That wasn't acceptable to members of the community. The concern has been that the fish has continued to be eaten, and there's some confusion about the science in terms of what's safe and what's not safe, and we're trying to sort that out with the community. That was one of the reasons I went to Grassy Narrows, and it's obviously something that will be at the centre of the conversations with that committee that has been set up. But it speaks to the complexity of the food security issues in the north.

Ms. Sarah Campbell: I'm glad you raised the Nutrition North program because I wasn't aware of the program until I went up to the Far North this past January, February and March. But the program is still, in my opinion, not very effective, because what happens is, first of all, there's unequal distribution of the program in terms of the subsidy. Not all communities have equal access to the subsidy. It's based on the former—I can't remember what the program was called, the mail—

Ms. Laurie LeBlanc: Food Mail.

Ms. Sarah Campbell: The Food Mail program. So some communities used the Food Mail program more than other communities. My understanding was that wasn't something that the members of the community had any control over. I think it was kind of like civil servants who were able to order the food. I think teachers were one of the groups, and nurses and people like that.

The communities now—some communities are only getting I think 50 cents—

The Acting Chair (Mr. Paul Miller): One minute.

Ms. Sarah Campbell: —or something to that effect. But the other thing is we still have to keep in mind that even with this program—I've gone into many of the northern stores in these communities. I've looked at the price of milk and you're still looking at—

Hon. Kathleen O. Wynne: We're not there. Absolutely.

Ms. Sarah Campbell: Yes. Eighteen dollars for four litres of milk. It's just—for people who are on social assistance—

Hon. Kathleen O. Wynne: But your federal counterpart in your riding is a member of the government. My hope would be that you're able to raise all of these issues. I have yet to meet your federal counterpart at any of the events or anything that I've attended, and that's neither here nor there, but the fact is that it is the federal government that needs to step up to the plate. My belief is that we need to have a rational approach to these things and obviously have to co-operate—

The Acting Chair (Mr. Paul Miller): Thank you. We'll now move on. Thank you, Minister.

Hon. Kathleen O. Wynne: Thank you, Chair.

The Acting Chair (Mr. Paul Miller): The government is now up. Mr. Zimmer, my favourite.

Mr. David Zimmer: Thank you for recognizing me.

I'd like to turn the discussion over to Ipperwash issues. It seems in many ways a long time ago that that issue was faced here in Ontario and all of the tragedies and the fallout from it and so on. But I think it's important in the aboriginal affairs community to keep those issues and the progress we're making on some of those sensitive issues always in the fore. I know that the inquiry made 100 recommendations. My information is that, as of today, 71 recommendations have been implemented or are continuing to be implemented by the provincial government, but there are about 24 recommendations that are currently under consideration by some, I think, seven ministries, and four of the recommendations were directed to the federal government.

Minister, can you bring us up to date on the 24 recommendations that are currently under consideration by the seven ministries?

Hon. Kathleen O. Wynne: Thanks for the question. I'd like to talk a little bit about our responsibility in the Ministry of Aboriginal Affairs for leading the development, the coordination and the implementation of the government's response to the inquiry's report, because it's not just one ministry that is responding to the inquiry's report; it really is across government.

The Ipperwash Inquiry Priorities and Action Committee, or the IIPAC, was established to allow First Nations and the provincial ministries, led by the Ministry of Aboriginal Affairs, to set some priorities and work together to review and address the report's recommendations. Not all of the province's efforts to address the Ipperwash recommendations fell under the IIPAC umbrella, but many of them did.

What I'd like to do is just go through the key achievements to date, because I think if we group some of these and look at where we've gotten to, we'll be able to paint a picture of what's yet left to be done.

0930

Some of the key achievements to this point—I've talked about this before in this session—the creation of the Ministry of Aboriginal Affairs in June 2007. What this initiative did was signal the commitment to address issues of aboriginal peoples in Ontario. There hadn't been a stand-alone ministry. That has been the case since June 2007.

We've achieved greater input to government decision-making. The establishment of the IIPAC committee that I just spoke about in that process, along with a number of other bilateral processes with aboriginal partners, has really solidified the commitment that Ontario made with First Nation leaders to work on implementing recommendations. In turn, Ontario government and First Nations technicians are working much more closely to explore priority recommendations.

The issue of aboriginal capacity-building: In 2008, Ontario established—I've spoken about this before—the new relationship fund, the commitment of \$25 million over the first two years. That was a key recommendation of the Ipperwash inquiry report: to make a concerted investment in the capacity of First Nations. The 2010

budget committed \$60 million to the new relationship fund over the next four years, between 2010 and 2014: a base of \$15 million available annually for the fund and applications permit, multi-year funding. We actually talked about the new relationship fund process.

On the issue of government response to aboriginal protests and occupations, a response and reconciliation capacity was created in MAA in order to be able to assist the crown and aboriginal interests on specific issues. Ad hoc committees were established on an as-needed basis around emerging issues.

In February 2012, the Ministry of Community Safety and Correctional Services issued a police-aboriginal relations approach. That is an approach, a policy, that's aimed at enhancing police and aboriginal community relationships, and that approach includes existing OPP and ministry initiatives. There's a set of peacekeeping principles and current MCSCS policing guidelines, one of which being policing aboriginal occupations and protests and major incident command guidelines. Those guidelines were approved and distributed to police services.

What this is part of, from my perspective, is a culture shift around the relationship between government and First Nations via the policing relationship. The Ministry of Community Safety and Correctional Services has also allocated funding for aboriginal awareness training, and that's a requirement for front-line recruits and specialized units in policing aboriginal occupations and protests. I know that sometimes initiatives like that are not seen as part of the hard response, but in order for a hard response to be successful, there needs to be the skills training and the awareness that will allow for those relationships to perhaps allow for less conflict to happen in the first place, and that's obviously a goal.

On justice reforms, the Independent Police Review Act, 2007, passed into law in May 2007—prior to the release, actually, of the Ipperwash report—and that statute amended the Police Services Act to create an independent police review director to handle public complaints against police, including complaints of misconduct involving racism and other culturally insensitive conduct. Again, that's part of the culture shift.

On First Nations policing, the Ministry of Correctional Services is continuing to work with First Nations representatives on exploring a legislative basis for First Nations policing in Ontario through the IIPAC process. The potential elements of a First Nations policing statute could include some of the key elements that are covered in the Police Services Act; for example, minimum standards for police services; an officer code of conduct; civilian oversight of police services—the equivalent of police services boards; administrative structure; and responsibility for providing local police services. That work is under way.

Some other MCSCS initiatives include the development of a ministry guideline for information exchange between the government of Ontario and the Ontario Provincial Police in order to fill what was identified as a

policy gap. There was nothing there that allowed for that information to flow.

On the public education and awareness front, I've spoken here already about the First Nation, Métis and Inuit education policy framework that has been developed in co-operation with aboriginal communities and peoples, school boards and other education stakeholders. Also, as part of that curriculum review process, aboriginal content has been integrated into the revised curriculum. I think I've said here that I think that we still have a ways to go in terms of the capacity of the education system to actually deliver that content and perhaps the need for more of that. The Ministry of Education has posted *Aboriginal Perspectives: The Teacher's Toolkit*, which is a resource to help teachers integrate these perspectives into classroom instruction. We continue to work with the Ministry of Education on making those changes real and bringing them to life in classrooms around the province.

On land claims reform, our ministry has reformed its claims process. We've met the objective that was set in reviewing the backlog of claims submitted prior to April 1, 2008, by March 31, 2011, and we've revised the assessment process to have all new claims reviewed within three years of receipt. That brings us into compliance or into sync with the federal benchmark, which is the same, so that when new claims come forward, we would look at them and within three years determine whether they would go forward or not. I think that's accurate—deputy? Yes.

On the lands and resources, ministries across government have established a range of formal and informal co-operative processes and agreements with aboriginal communities and organizations to facilitate their involvement in resource management planning, in operational partnerships, administrative aspects of resource allocation and regulation and in accessing resources. Some examples of those are the Anishinabek/Ontario Resource Management Council, and that's through the Ministry of Natural Resources; the water power site release policy, again through the Ministry of Natural Resources, and also the forest tenure modernization initiative; the Green Energy Act initiatives, through the Ministry of Energy; the Far North Act, through the Ministry of Natural Resources; and the northern Ontario growth plan, through the Ministry of Northern Development and Mines.

In July 2008, the Premier announced the plan to develop a system of resource benefits-sharing with aboriginal communities. That announcement included a plan to protect the northern boreal forest under the Far North planning initiative and the mining reform act. MAA, our ministry, was in discussion with aboriginal partners regarding resource benefits-sharing; since 2008 that conversation was ongoing. There were intensive discussions in 2010-11 that focused on developing the terms for those resource revenue-sharing arrangements. Unfortunately, that process fell apart in June 2011. There was an announcement about the Métis Voyageur development fund to support the participation of Métis resources

and development opportunities, but an agreement with the First Nations was not reached, and in the spring of 2012, our ministry provided funding to the chiefs of Ontario to undertake a rollout report to help First Nations prepare for future discussions.

I think I've spoken about the need for resource revenue-sharing discussions to go forward, particularly vis-à-vis the Ring of Fire, and we are committed to that happening. We weren't able to reach an overarching agreement, but my hope is that the conversations will be ongoing, particularly vis-à-vis the Ring of Fire.

The two other areas I want to just touch on, and then I'm going to ask staff to speak about some of the recommendations that haven't been completely fulfilled—because I think that was your question, Mr. Zimmer, on the 24 recommendations. On consultation and accommodation—and some of these are a work-in-progress; a lot of them are a work-in-progress. What we've done in terms of consultation and accommodation is, we've explored and we continue to explore opportunities to work in conjunction with First Nations on the development of some really practical tools to develop training and capacity support, to facilitate consultation, as well as to create potential forums to learn more about First Nation and Métis perspectives on the duty to consult and accommodate. We're committed to doing that. We've put guidelines in place.

0940

Finally, the last area I just want to touch on is heritage and burial sites. In March of this year, our ministry and the Chiefs of Ontario cohosted the IIPAC forum on burial and heritage with participation from the First Nation task force, ministry staff from 10 ministries and First Nations-invited guest experts. So we're working on that front.

I'm just going to read into the record a couple of quotes before I turn it over to staff. But I think what's important coming out of all of this work that's been done in response to the report is that culture shift that I was talking about, because I think that that is what's going to allow us to move forward. I'm going to quote a couple of remarks that weren't specifically related to the Ipperwash inquiry recommendations, but I think they speak to that change in relationship.

The first one is from Grand Chief Warren White. He made these remarks at the Wabigoon ceremony that I spoke to earlier. MPP Campbell was there with me. Grand Chief White said, "I see a willingness to work together. I see a difference in the attitude and the way Ontario does business. We hope, and we will share—we will continue to bring the issues to the forefront." That change in the way we work together I think is critical.

Gary Lipinski, who's the president of the Métis Nation of Ontario, on March 4, 2011—and that comment from Grand Chief White was just this past summer, in July. This comment from Gary Lipinski is from March 4, 2011, and it's part of a letter that he wrote in support of our ministry's receipt of the United Nations Public Service Award in 2011. He writes, "The agreement honours the role the" Métis Nation of Ontario "plays in speaking

for its communities. In doing so, it provides the foundation for a new collaborative relationship between the MNO and the Ontario government. Signing this agreement was a vital step in the ongoing journey of reconciliation between the government and Métis in Ontario."

He was referring there to the Métis Nation of Ontario and the government of Ontario's framework agreement that was signed. Again, I think that that comment speaks to the change in the relationship, and much of that has to do with the changes we have made in response to the Ipperwash inquiry.

I'm just going to ask staff—

Interjection.

Hon. Kathleen O. Wynne: Yes, sure.

Mr. David Zimmer: If it's not an appropriate question, just—

Hon. Kathleen O. Wynne: Just don't answer it?

Mr. David Zimmer: Just pass it on and we'll go to the deputy. We were talking about the resource benefit-sharing agreement and the issues flowing out of that, and you used the expression that, unfortunately, that "process fell apart," but that there's a rollup report that's being done. I guess that's sort of the lessons learned from that process, and perhaps how to do things in the future so we don't get into one of those "it fell apart" scenarios. But it might be useful if they have any insights into lessons learned from that falling-apart process in the context of the cultural shift—that you're trying to shift the paradigm.

Hon. Kathleen O. Wynne: I wasn't in this office at that time, but from my understanding—and I'm just going to talk about this high-level and then maybe staff can speak to the specifics. But I think there was a complexity involved in trying to come up with a framework agreement across a large number of First Nations. If we look at the Métis Nation of Ontario and our ability to come to an agreement there: Because there's one organization that we were dealing with, I think that changed the dynamic. Within the broader discussion with First Nations, there were many voices. Again, there's no blame here. It's just that there wasn't a coherent vision of how this would work, and so it was difficult to engage in that discussion. As I understand it, there was a need for some more time for the First Nations side of the table to be able to do just what you're saying, come to some lessons learned and develop that vision of what was going to transpire going forward.

The reality is that fiscal situations change and there are different dynamics at play. I think that where we are now is that the discussion around resource revenue-sharing is going to be more about the individual initiatives, the Ring of Fire in particular, and the bilateral conversations that are happening between the government and the First Nations as part of that process.

I'm not going to presuppose what the lessons learned from the First Nations side are, but from our side—and you and I have spoken about this before—we have to be clear about what the parameters of the discussion are, we have to be clear what it is we're talking about and what

we're not talking about, and then scope the discussion according to those parameters.

Mr. David Zimmer: Has that rollup report been completed now, or is that still a work in progress?

Hon. Kathleen O. Wynne: It's a work in progress.

Mr. David Zimmer: Thank you.

The Acting Chair (Mr. Paul Miller): We'll now move on to the PCs and MPP Nicholls.

Mr. Rick Nicholls: Good morning, Minister.

Hon. Kathleen O. Wynne: Good morning.

Mr. Rick Nicholls: I hope you had a great Labour Day weekend, as I did.

Hon. Kathleen O. Wynne: But you weren't canoeing, I understand.

Mr. Rick Nicholls: No, I was not canoeing. I was cycling.

Hon. Kathleen O. Wynne: Okay, that's good.

Mr. Rick Nicholls: Using leg power, for sure.

Hon. Kathleen O. Wynne: We like active transportation.

Mr. Rick Nicholls: Absolutely. It's part of the green energy; is it not?

Hon. Kathleen O. Wynne: That's right.

Mr. Rick Nicholls: I have a quick question for you. This year, the Ministry of Health implemented a non-increase in EMS funding in the region of Middlesex-London, and an audit by KPMG determined that this actually amounted to a funding shortfall of approximately \$400,000 for EMS services in London. I mention this because there are two First Nations communities in Middlesex-London that are eligible for land ambulance services from the region. The population of these communities, since 2007, has actually increased by 153% and—

Hon. Kathleen O. Wynne: Sorry. Can you just say that last piece? What has increased?

Mr. Rick Nicholls: I'm sorry. The population of these two communities, since 2007, has actually increased 153% and 211% respectively. With valuable resources now being stretched thinner in the city of London, what has your response been to this issue to ensure that First Nations communities in Middlesex-London will continue to receive these EMS services?

Hon. Kathleen O. Wynne: That's a very specific question about a particular area of the province. I'm going to have to get back to you on the specifics around Middlesex-London, and we will do that.

I'm going to ask staff, though, to speak generally to the relationships on health issues, because we do take part in and we have initiated a number of health and wellness strategies. The aboriginal healing and wellness strategy is something that's extremely important and is critical to our relationship on health with First Nations communities. We also have youth mental health initiatives. Again, that relationship on health is shared with the federal government, and so I'm going to ask staff to speak to that briefly.

Before I do that, Mr. Nicholls, I want to just highlight what you said about the increase in population in the two

communities. As we have this conversation, we have to remember that aboriginal children are the fastest-growing demographic in the province. One of the reasons that I believe the work of this ministry across government is so critical is that the future workforce of many parts of the province is going to be dependent on healthy aboriginal children who have been able to graduate from school and have been able to develop their skills. I think it's a little-known fact among the general public—you obviously know it because you've got communities in your riding, but I don't think the general public in Ontario realizes what an important demographic aboriginal youth are in the province.

I'm going to ask Laurie just to speak to our health initiatives.

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Ms. Laurie LeBlanc: Sure. Just two different streams I'll mention briefly. One is a provincial government effort. It's called the aboriginal healing and wellness strategy, and it's actually a joint program—it's really interesting—between the Ontario government, the First Nations and aboriginal organizations. A number of ministries are involved in that: the Ministry of Community and Social Services, Ministry of Health and Long-Term Care, Children and Youth Services, Ontario Women's Directorate and MAA as well, and that strategy really looks to combine the traditional and mainstream programs to help improve aboriginal health.

We look at programs and services available to aboriginal people on-reserve and in urban and rural communities—that's an important point; community wellness programs; aboriginal Healthy Babies; counselling to address mental and emotional issues; crisis intervention; healing lodge; health care; health promotion; education; as well as shelter and safe houses for women escaping domestic violence and their children—and the minister did refer earlier to that being a particular challenge; prenatal and postnatal care; and substance abuse treatment centres. This strategy has been around for a while; it has been very successful in some of its outcomes.

The other thing, though, more broadly is a relationship and some work that we're doing with First Nations communities and aboriginal organizations. The Ontario Ministry of Health is the lead; our ministry is involved with the federal government and it's a tripartite committee, and sometimes committees—it's a committee that actually speaks truth to power. Is that the right term? We look at the issues that are facing the communities at the time to try to be more collaborative and coordinated in our response. Prescription drug abuse is a good example of the kind of thing that we're dealing with.

So we really do try to work closely with federal officials, with aboriginal leadership and communities to try to make the most that we can of the various resources that go into aboriginal communities.

Hon. Kathleen O. Wynne: The other area that we've made investment in, as I said, is aboriginal children and youth mental health. As part of the overarching provincial mental health strategy, \$9.2 million has been ear-

marked for aboriginal-specific mental health and addiction initiatives. So the Ministry of Aboriginal Affairs is working with the Ministry of Children and Youth Services to develop a regional allocation strategy to determine where the new aboriginal mental health workers will be deployed because there is new human resource available for these issues.

I guess the final thing I would say is that the aboriginal health initiatives are both on- and off-reserve. So part of the urban aboriginal reality is that friendship centres are often a place where resources are available; so the Healthy Babies program, for example, in a number of the friendship centres that I visited—that's where that program is delivered. On-reserve there's a different model; there will be, often, a health centre that again will be funded provincially and federally. So that raises the issue of coordination of all of those programs, and I think that's some of the ongoing work that we have to do to make sure that the dollars and the human resources are going where they need to go and that issues like addiction and mental health are part of a holistic approach to health.

Mr. Rick Nicholls: Well, I appreciate that. Thank you, Minister. The dollars are being stretched, and they have to be stretched right now.

Have you had an opportunity to discuss the thinning of the resources—financial resources, that is—with the Minister of Health to make her aware of the fact that there are two aboriginal communities in the London-Middlesex area—which by the way is not my riding; I'm Chatham-Kent-Essex, but I do have one in my riding. But we were aware of the fact that these two communities were eligible for land ambulance services. We just had a concern, and I'm wondering if you had had an opportunity to at least raise that concern with the minister so that these two communities wouldn't be—

Hon. Kathleen O. Wynne: We'll certainly cycle back to the Ministry of Health to get more information on that. But as I say, our focus has very much been on making sure that the right services are available.

When I travelled to Webequie a number of months ago—and I think I mentioned this in our conversation about the Ring of Fire earlier—one of the things that we talked about was the availability of addiction prevention and addiction treatment resources. That was related to the conversation about people being ready to take part in training, being able to take part in the economic initiatives. It's very important that we get that part of the health equation right.

I have had the opportunity to meet with the Minister of Health and the expert group that she brought together to look at addiction and mental health resources in First Nations communities. I know that she's engaged in that activity and that she's watching very closely the healing and wellness strategy to see where there need to be refinements and so on.

We'll get back to you on the land ambulance.

Mr. Rick Nicholls: Thank you very much. Go ahead, Laurie.

Ms. Laurie LeBlanc: Can I just add that the aboriginal healing and wellness strategy, just to emphasize the commitment, is a \$38-million program which provides more than 460 community-based aboriginal health and healing programs? It is something that is quite significant and making an impact.

Mr. Rick Nicholls: Thank you; I appreciate that. I'll look forward to your response back.

I'm going to turn this over to my colleague Mr. Leone.

Hon. Kathleen O. Wynne: Can I just be clear? It's London-Middlesex; it's not your riding. It's not Chatham-Kent.

Mr. Rick Nicholls: No. There may be others, but specifically the question was pertaining to London-Middlesex and the two communities in that area.

Hon. Kathleen O. Wynne: I apologize. I missed that.

Mr. Rick Nicholls: That's all right.

Hon. Kathleen O. Wynne: That's good. Okay, thanks.

Mr. Rob Leone: Thanks, Minister. I noticed in your answer to one of the questions by the member for Kenora-Rainy River that you encouraged her to have a discussion with her federal counterpart with respect to aboriginal issues. My question is: How often do you, in fact, dialogue with the federal government in terms of aboriginal issues in the province of Ontario?

Hon. Kathleen O. Wynne: Our staff are in regular—

Ms. Laurie LeBlanc: Weekly.

Hon. Kathleen O. Wynne: Yes. I was going to say "every other day." But there's a lot of interaction between the ministries. I have reached out on a couple of occasions to have a conversation with Minister Duncan, and certainly my staff and his staff talk. There's frequent interaction.

Mr. Rob Leone: If you could provide us some indication of the nature of the discussions; what types of issues are you discussing when you're interacting—

Hon. Kathleen O. Wynne: All the issues that we've talked about here; all of the places where the provincial responsibilities and the federal responsibilities intersect. That ranges from housing to—

Ms. Laurie LeBlanc: Education.

Hon. Kathleen O. Wynne: Yes; housing, education. In terms of the land claims, there's a much more formal interaction. It may be helpful for staff to speak to that, but we certainly talk about a range of social issues.

The other reality is that there is a standing invitation for Minister Duncan to join, meet with, the Aboriginal Affairs Working Group from across the country. It's relatively disturbing to me that he hasn't taken us up on that. I've only been the minister since last October, but certainly my predecessors—the federal government didn't take part, hasn't taken part in that national conversation, and I think that it would be very helpful if that were to happen.

Mr. Rob Leone: Does the province of Ontario have any official position on self-government?

Mr. David Zimmer: Sorry, I missed that question.

Mr. Rob Leone: Does the government of Ontario have an official position on self-government?

Hon. Kathleen O. Wynne: We're working in specific areas, and I think I raised the discussion that we're having—the bilateral conversation that we're having with the Union of Ontario Indians, for example, on self-government in education. Certainly there are various conversations around the province. I attended a session in Kashechewan, when I think the Mushkegowuk Council—is that right? Yes—was having a session on self-government. I availed myself of the opportunity to listen and take part.

We're interested in being part of processes that facilitate good, sustainable, healthy communities wherever that can take place, but I think it's been more sector-by-sector.

I'm going to ask staff to speak to other—I don't think we've got any formal policy or agreement on self-government at this point.

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Ms. Laurie LeBlanc: We don't have one overarching policy. As the minister said, we're working with the federal government in terms of some discussions going on around self-government, in education—I know there's been an interest in child welfare and social services as well, so very specific areas.

I would, if I can, just add to the question about a relationship with the federal government, which of course happens at the political level, and then staff also have an ongoing regular working relationship. We do, not just in our Ministry of Aboriginal Affairs, but in a range of ministries—education, community and social services—also work with the federal government specific to some aboriginal issues.

As a side note, I've been asked to sit down tomorrow with the Deputy Minister of Aboriginal Affairs, and he brings in all of his senior executive from across the country. They're focusing on Ontario region to hear some of the things going on in Ontario region federally, and they want to hear the perspectives from the deputy minister, from a staff perspective as well as some First Nations perspective about things that the federal government can do to help address some of the challenges.

So, at the staff level, there's quite a bit of dialogue that goes on and information-sharing.

Mr. Rob Leone: So Ontario regularly provides their position and opinion on matters like self-government, issues relating to the Indian Act. That's part of the normal conversation of what goes on between—

Hon. Kathleen O. Wynne: That's one part of the conversation, but I think what is more germane to us is the ongoing challenge that is faced by aboriginal people in the province. Sure, if the discussion of jurisdiction or self-government or those broad issues arise, then we will take part in that conversation. But what's critical to us is that we have open lines of communication to deal with issues as they arise.

When the issue in Attawapiskat arose and I was newly appointed minister, our ministry was working with the

Ministry of Community Safety and Correctional Services on mobilizing Emergency Management Ontario and trying to gauge when it would be that EMO would go to Attawapiskat. It was very important that I call the Minister of Aboriginal Affairs federally and say, "Look, we're concerned. We think that something needs to happen here. When are your people going to go to Attawapiskat?" That's the conversation that I had with the Minister of Aboriginal Affairs federally. I will continue to do that, Mr. Leone. I'm not somebody who's going to point a finger and say, "The federal government isn't living up to its responsibility." What I'm saying is, there are joint responsibilities. There are three-way responsibilities; we talk about First Nations, federal and provincial. The only way that we're going to have any successful, sustainable future in Ontario for aboriginal people is for all orders of government, including First Nations and aboriginal organizations, to work together.

Are there frictions and are there concerns that I hold politically? Absolutely. But that's not the fundamental point. The point for me is, how do we work together, how do we make sure that everybody's picking up the pieces that they need to pick up and that we're facilitating each other's best process?

If I go back to the discretionary benefits, part of that for me is, how do we sort out who's responsible for what in that particular area?

Mr. Rob Leone: Certainly, there's a great deal of debate with respect to self-government and empowering First Nations to confront the issues that they're facing. Certainly, other provinces have decided to go about different ways of addressing that concern, British Columbia being one of the foremost, I think, with respect to that. Has the ministry analyzed a comparative analysis of other provinces and their dealings with issues relating to aboriginal affairs? How do we feel we're shaping up against other provinces?

Hon. Kathleen O. Wynne: I'm going to ask Doug Carr—his name is not David. I'm going to ask Doug Carr to speak to your question.

The Acting Chair (Mr. Paul Miller): One minute, Mr. Carr.

Mr. Doug Carr: Okay. In British Columbia, for example, where self-government is probably the most, if you will, ripe and extensive, and also in Quebec, it has been done in the context of their treaty negotiations. It has been in the context of land claim discussions, if you will. The federal government has made a condition of reaching treaties that self-government agreements also be reached so that First Nations then come out from under the Indian Act and all those federal oversight responsibilities. That's why, in Quebec and British Columbia, you see the most evolved approach to self-government.

In Ontario, as you know, we're only negotiating the one treaty, the Algonquin treaty and the Algonquin matter, so self-government hasn't become as pressing an issue and hasn't become as developed here. As the deputy said, it's kind of focused issue by issue, education being probably the one that most First Nations are expressing an interest in at the present moment.

The Acting Chair (Mr. Paul Miller): Thank you, Mr. Carr. We'll now be moving on.

I'll remind the committee that we have about seven or eight minutes left. Wherever we end up, we will start again with the third party.

Ms. Sarah Campbell: Actually, if you could stay at the table, I have a few more questions.

Are you saying that those discussions can primarily only occur or would only occur in the context of treaty negotiations?

Mr. Doug Carr: No. I think that the government doesn't have a formal position on self-government, Ms. Campbell. I think that what the government up to now has been interested in is outcomes: Where would a self-government discussion actually make a difference in terms of the quality of life for First Nation peoples or Métis people? To date, in Ontario, education has probably been the area where First Nations have told us that we could make the biggest difference if self-government were to be brought in. As well, they've talked about child welfare as perhaps the next biggest area that we've heard about.

I think that the government hasn't taken a position year or nay, but we haven't been, if you will, pushed by Canada to do it in the context of treaty-making, as has happened in a couple of other provinces.

Hon. Kathleen O. Wynne: Our predisposition, if you look at those conversations on education and on child welfare—and I won't speak for Minister Hoskins, but I know that the issues of customary care and the issues of self-government around education are certainly issues that we want to explore and we are exploring, and we're predisposed to see those as potentially very good things. Even though there's no formal policy, there's certainly no negative judgment or any resistance to having those conversations. In fact, we want to have those conversations.

Ms. Sarah Campbell: So what is the official government position on creating a Haida-like agreement? That has been raised by a number of communities in my area: that they didn't give away their rights to the land; that in the treaties they actually state that there should be sharing and co-management.

Mr. Doug Carr: The only area right now where we have a formal assertion from a group of First Nations is the Algonquin nations, who have said to us that we have not negotiated the treaty that we should have negotiated with them. Over a 22-year period, we've been engaged with Canada and the Algonquin nations, trying to find that treaty.

I think the government has no other assertion on the table that a new treaty needs to be negotiated. Across the spectrum of land claims that we do have in the province, the 60-odd claims we're working on, the question has been about living up to existing treaties. That's why we really haven't been confronted, in the treaty context, with a broad range of assertions that we need to negotiate self-government as part of creating these new treaties.

Ms. Sarah Campbell: So, despite the new relationship, this government is only interested in living up to its

current obligations and not looking at doing anything that would be more equitable?

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Hon. Kathleen O. Wynne: No, I don't think that's true. In fact, I think I just said, in answer to your earlier question, that we are predisposed to look for new arrangements. When I talk about education, and I use the Union of Ontario Indians as an example—the bilateral conversation that's going on there—I think we very much want to find new models, and we want to work with First Nations. That new model in that instance would be a self-governance model of education. So I think it's absolutely inaccurate to say that we're not interested in looking at change in that area.

I think what Doug is saying is that there aren't particular rights issues that have been raised with us, so we're in a different situation than some of the other jurisdictions in the country. But where those conversations come up, where there is interest, where there's an engagement, we're very much interested in following up and being part of development of new models.

Ms. Sarah Campbell: What's the process, then? As I mentioned, I have a number of communities in my area who have expressed interest time and time again about creating a Haida-like agreement. How should they pursue that?

Hon. Kathleen O. Wynne: Doug?

Mr. Doug Carr: We have a formal process for addressing land claim assertions, and that involves First Nations pulling together a submission in which they document carefully the nature of the claim that they're making. Then they have to bring forward all the historical evidence that relates to that claim that they're bringing. We need to see maps and we need to see the basis of the assertions in terms of government documents and so on that would allow us to be able to assess that claim. They can submit that claim to the ministry and then we'll review it. As the minister said in response to an earlier question, our commitment is that we'll review those and provide answers within a three-year period.

If we were to receive an assertion from Treaty 3 First Nation, say, in your riding, then we would look at it and we put it through our process.

Hon. Kathleen O. Wynne: But the other part is that even before that, if there are communities that you're aware of who are interested in having a conversation or asking us about what that process would look like, we have staff and people who would be happy to have that conversation with them.

Ms. Sarah Campbell: Do I still have a couple of minutes left?

The Acting Chair (Mr. Paul Miller): You have a couple of minutes left.

Ms. Sarah Campbell: Okay. So I wanted to fire off a few quick questions about the new relationship fund. Specifically, I'm wondering if I could get a breakdown of the money that has been spent on the new relationship fund. How much has been spent since 2010, to which community, and for which process or project?

I'm also wondering if other ministries are aware of the existence of this fund, and what kind of promotion has been done.

Hon. Kathleen O. Wynne: We can get you all those details. I'm just going to ask David de Launay to come up and speak to that.

Mr. David de Launay: I'm just looking for my detailed note on the numbers.

The Acting Chair (Mr. Paul Miller): David, what is your title?

Mr. David de Launay: Assistant deputy minister of aboriginal relations and ministry partnerships.

The Acting Chair (Mr. Paul Miller): Thank you.

Mr. David de Launay: What I can tell you is that virtually all the First Nations in the province have core funding through the new relationship fund, which generally provides either a staff person or support for their involvement in consultation processes, which could be background research or other activities. Virtually every First Nation has that arrangement through the new relationship fund.

We refer to the second part of the fund as enhanced funding, which First Nations or organizations apply for, and they could be aboriginal organizations as well. We do provide, on the core funding, funding to the Métis as well as First Nations. In the enhanced funding, we have fairly strict criteria by which we fund projects, because it's always oversubscribed.

That's the short story. We can get you the exact details of everything.

Ms. Sarah Campbell: Thank you. In terms of eligibility, would a First Nation community be eligible if they are just negotiating with the provincial government, or does industry have to be involved?

Mr. David de Launay: No. As I say, virtually every First Nation has core funding. They're not all necessarily involved with the provincial government or proponents, but most of them are, in one way or another.

Hon. Kathleen O. Wynne: I think I gave these numbers earlier. There are 465 projects in 135 First Nations. To David's point: Virtually every First Nation has got funding—33 Métis communities and 22 aboriginal organizations.

Ms. Sarah Campbell: Thank you. I appreciate that. I'm looking for specific numbers, though: per community and which project.

Hon. Kathleen O. Wynne: Yes, and we're going to have to get back to you on that.

Ms. Sarah Campbell: I appreciate that.

Specifically with regard to Shoal Lake 39, I know that they've been trying to conduct some consultation with—I should back that up. Shoal Lake 39 is trying to get the provincial government—various ministries—to consult with them about the twinning of the highway around Kenora. This is a project, if you'll remember, that was announced prior to any consultation, and it kind of brings back to the question that my colleague from Timiskaming—Cochrane asked: At what point does the formal

consultation begin? Because this project was announced; plans were drawn up by the MTO—

The Acting Chair (Mr. Paul Miller): One minute.

Ms. Sarah Campbell:—and then there was the realization that, “Whoops, we should have consulted with the community.”

Hon. Kathleen O. Wynne: The Minister of Aboriginal Affairs at the time, when I was Minister of Transportation—we travelled to Shoal Lake 39. We met with the community, and there was an immediate engagement by the assistant deputy ministers with the community on a number of issues, including training possibilities for people in the community. I know that Chief Mandamin has raised this issue a number of times, and he raised it at a gathering in the spring. In fact, there was a meeting happening immediately after that meeting. The engagement continues.

It certainly was my desire that there would be opportunities for the community, because that's one of the issues that was raised. It wasn't just about the twinning of the road and the corridor that the road was going to follow; it was also about: What were the opportunities for the people in the community to have jobs, to be part of the project?

The Acting Chair (Mr. Paul Miller): Thank you, Minister.

Hon. Kathleen O. Wynne: Okay. When we come back, maybe I can add to that.

The Acting Chair (Mr. Paul Miller): Yes. Actually, the third party will start with 10 minutes this afternoon.

I hope my performance met with your approval, Mr. Zimmer.

Mr. David Zimmer: Surprisingly, yes, it did.

The Acting Chair (Mr. Paul Miller): Okay; that's good.

We're now recessed until 3:45 this afternoon. Thank you.

The committee recessed from 1017 to 1545.

The Acting Chair (Mr. Paul Miller): Good afternoon, committee members. We are here to resume consideration of the estimates of the Ministry of Aboriginal Affairs, vote 2001. When the committee recessed this morning, the third party had 10 minutes left of its 20-minute rotation. Then we'll go to the government for their 20 minutes, and after that we'll have our last round of 10-minute rotations. I now recognize the third party.

Ms. Sarah Campbell: Thank you, Chair. This morning before the break, I asked the minister, and the minister stated that her ministry undertook immediate engagement with Shoal Lake 39 over the proposed highway twinning. My questions are: If this was the case, in the most recent meeting where we met on August 1 in the community, why did the MTO already have the plans drawn up, and why are they at the point where they have to go back to the drawing board because they're saying that proper consultation had not occurred?

Hon. Kathleen O. Wynne: I'm going to ask staff to go over the meetings that have taken place with Shoal Lake 39. Again, I haven't been part of those most recent

conversations, but I know that at the point that we began the discussion, there was a potential corridor that had been laid out. We looked at the map with the community and we saw where the traditional keeper of the map—I can't remember the woman's name, but she had held on to that agreement for her whole lifetime, really, and we looked at where the traditional territory touched the place where MTO had drafted a potential corridor. That was one of the issues that was going to be discussed. I'm going to ask Laurie LeBlanc to speak to that.

Ms. Laurie LeBlanc: Thanks. I'll just go back a little bit in the history of the meetings that took place in Shoal Lake. Minister Wynne, when she was Minister of Transportation, and Minister Bentley from Aboriginal Affairs met with the First Nation back in 2010. Since that time, there has been a number of—I would say progress. Back in October 2011, Northern Development and Mines officials were talking to the First Nation about consultation protocols dealing with some of the staking issues. But really what's happened—and I'll skip through some of the history here to say that—

Hon. Kathleen O. Wynne: There were meetings in November.

Ms. Laurie LeBlanc: There were meetings in November and December and in January 2012. What I really want to get to is, starting this past February, it really did ramp up quite a bit in terms of our discussions with them. On February 3, 2012, on behalf of the ministries of MNR, MNM, MTO and MOE, the ADM from Aboriginal Affairs participated at a meeting at the First Nation to discuss the impasse, and this was the impasse around the Highway 17 four-laning. At that point, there was a decision made that there should be a retention of a mediator to begin the conversations with the First Nation about some of their overarching concerns. Again, in February, later in the month, the ADM conducted a follow-up meeting with Shoal Lake.

Following a meeting that took place in March—and this time it was with the ADMs of five ministries who went to Shoal Lake to have a conversation, and the First Nation decided to end the blockage. They wanted to consider, at that time, our proposal to bring in a mediator. At the time, the First Nation indicated that its preference was to have another session before they went ahead to get a mediator, and that actually took place in April, where MAA and MNR visited the community and met with the chiefs in council. At that point, there was some discussion about potentially some erecting of toll booths over the course of the summer. They decided to work together, at the request of the chief, with the First Nation, MAA and the community to develop the terms of reference for a potential facilitator. That took place in early summer. The First Nation provided a first draft of the terms of reference in June, and we've been having discussions back and forth for the last month or so. I know this is very long-winded, but just to again say that in August the MTO ADM went up to the community.

Ms. Sarah Campbell: Yes, I was at that meeting. I do thank you for that summary. I guess the issue that I have

and the issue that the community has brought forward to me is that, yes, there have been meetings, but there haven't been productive meetings. What they have told me is that they will have different mid-level bureaucrats who will show up to various meetings. It's not the government-to-government relationship that they want and that they should expect, because it's in the treaty that there should be a government-to-government relationship. At this point—and it's really unfortunate, the community and the chief have taken the position that they want the Ministry of Aboriginal Affairs to completely stay away from the community, because meeting after meeting, they're saying that nothing has happened. They want to deal with the Premier directly on this issue, and they did say that treaty partners shouldn't be making announcements without talking to the First Nation first. I guess it also sort of begs the question that if there was a genuine spirit of negotiation and consultation, and if the community was or is seen as an equal partner, why then did the MTO sign a 12-year contract with an Australian company in the midst of this consultation?

1550

I'm not sure if that happened when you were the minister of MTO—

Hon. Kathleen O. Wynne: No.

Ms. Sarah Campbell: —or if that has happened since.

Hon. Kathleen O. Wynne: I have no idea who MTO signed a contract with on that particular—if it's on that particular project. I don't know if it's on that project or if it's on another project. I have no idea.

Ms. Sarah Campbell: It's for that stretch of highway.

Hon. Kathleen O. Wynne: But what I do know is that in my very early conversations with Chief Mandamin, and I have reiterated this since, we made it clear that we are absolutely engaged in this conversation, that my agents, in the sense that the ministry is there—

Interjection.

Hon. Kathleen O. Wynne: Yes. The assistant deputy ministers are speaking with them. I can't be at every meeting; that's just not logistically possible. But we are absolutely engaged as a government with the First Nation.

It seems to me, in the telling of the story about the meetings that have happened, that there has been progress. If the conversation has gotten to priority issues and development of an action plan, it seems to me that that is huge progress from the first meeting that I had with them in May 2010. So I guess I would gauge that movement as being positive movement.

My hope would be—and I guess this is another point from my perspective. As the local member, you are very aware of how government works, and I really do see the role of local MPPs, regardless of political stripe, as facilitating communities in getting their needs met. Sometimes that means that taking an oppositional stance to government is helpful and you can push, and I totally get that that's your job. But sometimes, when there are these complex issues that are multi-layered and are not

straightforward, no matter what your party stripe is, I think it would be wonderful if you and I could have conversations when necessary to help advance this situation—

Ms. Sarah Campbell: And I certainly appreciate that, but—

Hon. Kathleen O. Wynne: —because I can tell you, Ms. Campbell, that we've been doing everything we can to bring this issue to the place where the community gets support in terms of training and the road can be twinned, because we believe that will be in the best interests of all.

Ms. Sarah Campbell: I can appreciate that's your view.

My issue is that what we're seeing time and time again, despite the fancy rhetoric that we've heard earlier today and in all the government documentation—we have a government that day after day, time after time, has continued to operate not in good faith, has continued to make decisions without consulting communities, and this highway twinning is a prime example of that. This twinning was announced. You've got everybody's expectations up in Kenora. People are getting upset. People are looking at the First Nation. They're wondering why the First Nation is stalling development when, in actuality, the government has gone along on their path for the last couple of years. They have drawn up plans. I saw the plans.

Hon. Kathleen O. Wynne: Okay. So let me—

Ms. Sarah Campbell: They incurred a tremendous amount of expense—

Hon. Kathleen O. Wynne: Okay.

Ms. Sarah Campbell: I'm not finished, please. And the other thing is that I know you say that it's not possible for you to attend every single meeting, but I would like to see the case where we have mid-level bureaucrats who go to some kind of—you know, I'm not likening First Nations communities to foreign governments, but if it is a government-to-government relationship, you don't send a mid-level bureaucrat; you go and personally negotiate with—

Hon. Kathleen O. Wynne: Well, can I answer? Because I think we're going to run out of time here. I just want to say that in terms of making sure that a project goes ahead, the mid-level bureaucrats—you're using that term in a disparaging way, which I think is not fair, because the people with the knowledge are the people who are being sent. The people with the knowledge are the people who are being sent to have this conversation.

Ms. Sarah Campbell: They can't make decisions.

Hon. Kathleen O. Wynne: The people with the understanding of how the project—and the decisions get made by the government. That information comes back. But the reality is that the complex and technical issues that have to be discussed vis-à-vis building a road and the mapping and looking at the issues involved, that has to be people who have the knowledge, and that's how government works.

The Acting Chair (Mr. Paul Miller): Thank you. We'll now move on to the government. You have 20 minutes.

Mr. Rob Leone: Point of order.

The Acting Chair (Mr. Paul Miller): Point of order.

Mr. Rob Leone: Yes, I don't want to take up your time, but I'm curious as to the rationale of why we're not going to have Minister Murray in for the next round or rotation. If you could provide a rationale—because we're going to be done here in less than an hour, so I just wondered if there was a public reason for not having him in today.

The Acting Chair (Mr. Paul Miller): I wouldn't be privy to that decision, Mr. Leone. I'm sure the clerk will have an answer for that.

The Clerk of the Committee (Ms. Valerie Quioc Lim): We did tentatively schedule Minister Murray for tomorrow because we weren't sure how the timing was going to go for today, when it was going to finish. I did inform Mr. Prue last week just to let him know, to make sure. It is fine with him. He said that that's okay, because we had already scheduled them for tomorrow.

Sometimes we don't know when routine proceedings will end, and we didn't know when it was going to finish for today.

Mr. Rob Leone: Okay. I just wanted to have it on record.

The Acting Chair (Mr. Paul Miller): Thank you. Mr. Zimmer.

Mr. David Zimmer: Thank you. In fairness to you, Minister, take some of my time if you want to continue with your answer and comments to the last question, because it was an aggressive question and I think it's something you probably want to respond to.

The Acting Chair (Mr. Paul Miller): Mr. Zimmer, I'll determine whether it was aggressive or not to the point where it needs to be rectified, okay? You don't have to give up any of your time for the third party.

Mr. David Zimmer: Thank you. I don't have to, but Minister, I'd be interested if you would continue with your response to Ms. Campbell's question.

Hon. Kathleen O. Wynne: I guess the only other thing I would say is we have documentation of the letters that have gone back and forth dealing with this issue; I know, having been the Minister of Transportation at the time. The announcement was made by the federal government and the provincial government, so it was a joint project that was announced before I was the Minister of Transportation, and then there is a long history of notifications for public information centres, the preliminary route designs, the planning sessions. Throughout 2009-10, there were—and I can provide this list for the member—opportunities for input by the community. That is how routes are planned; that's how the Ministry of Transportation does its business.

The reality is that the expertise rests with the bureaucrats and that the minister is engaged in, whether preliminary conversations or at intervals—and I had said to the chief that I was open to having further conversations with him, and we have had an opportunity to speak at other meetings, but that the ongoing day-to-day work was going to be done by bureaucrats, and that was a much

more efficient way of doing it, because I'm neither a planner nor a civil engineer. So those conversations need to happen.

The other thing is that from my perspective, this isn't about fancy rhetoric. It was about me getting on a plane with Minister Bentley, at the time, going to the community to look at what the concerns were, to see the road, to see where the challenges were and to hear from the community. Some of it was about the actual location of the road, but some of it was about the economic development of the community, and that's where the training piece came in. That's where the concern about young people and people in the community having work was part of the discussion. That's been why a number of ministries have been engaged in this conversation, including, I believe, the Ministry of Training, Colleges and Universities, because that was part of the vision of how this project might benefit the community.

So, the opposite of fancy rhetoric: What we have wanted is for this project to move ahead in a way that was going to be good for the First Nation community. Thank you for that time to clear that up.

Mr. David Zimmer: A question about land claims treaties: Here's a question I get from constituents sometimes, because they read in the paper on a regular basis that a land claims treaty has popped up here and popped up thereof in Ontario. There's a sense among some constituents that with all treaty land claims, just by virtue of the fact that someone has made them, we're into a complex negotiation and here we go again on a never-ending land claim.

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Can you give me some idea of the process of how the ministry reacts to a land claim? I rather expect that there must be some criteria or some way of looking at them, because on the surface, some of them may be very serious and very realistic land claims and others might be less so. How does the ministry initially assess a land claim, and then how do they decide what track to put it on—a fast track, a slow track? How does the whole process work?

Hon. Kathleen O. Wynne: Thank you for that question. I'm going to frame the answer to this question and then I'm going to ask Doug Carr to answer it. When you hear him speak about this, you'll understand the depth his knowledge and you'll understand why you want him to answer this question and not me. Again, that is how government works at its best.

I want to frame the answer by posing four separate questions. The first one is what are the benefits of negotiating land claims—benefits to all Ontarians and to First Nations? The second question: Why does Ontario engage in land claims? What is our obligation, and why do we get involved? The third question is what are the principles that guide our negotiators? I think that starts to get at the meat of what you're asking, Mr. Zimmer. The fourth one, which I think is germane to the public perception, is why do land claim settlements take so long? I'm going to ask Doug Carr to speak to those issues.

Mr. Doug Carr: Thank you, Minister. Let's start with what the courts have found since 1973 in the Calder decision, which is a Supreme Court of Canada decision that aboriginal people have legal rights in land across this country. The land claim process is really a way of responding to legal obligations that governments have—governments of Canada and Ontario—to ensure that those land rights are respected in the way that governments have dealt with land and natural resource matters over many years.

The land claim process allows us to meet our legal obligations to aboriginal people in land and resources. It also provides an opportunity for First Nations, where they have rights that haven't been addressed, to be able to discuss with the government ways that those rights can be met in a fashion that allows that community to grow and become stronger and more self-sufficient. Stronger aboriginal communities contribute to a stronger, broader economy and a stronger Ontario. So the land claim process provides the flexibility you wouldn't have, say, in litigation to determine those outcomes that are going to work for an individual community as well as for a broader region in Ontario.

The land claims process as well, I think we'd say, does address some of the times when there is uncertainty. First Nations can make assertions about land or resources and their rights that are not being met, and sometimes that can cause challenges for the private sector in terms of knowing what to do, or the government, whether they can dispose of a certain kind of land or whether we can allow for permits or licences for crown land to be made available to the private sector. Through the land claim process you can achieve the level of certainty that then allows crown land to be used to its maximum benefit and lands that become part of the First Nation to be used for their maximum benefit.

Really, it's about First Nations sufficiency, it's about justice and legal obligations, and it's about economic development for First Nations as well as the broader aboriginal communities that are involved in the claims.

Hon. Kathleen O. Wynne: And in terms of the length of time, Doug, and why it takes so long?

Mr. Doug Carr: Land claims do generally take an awfully long time to negotiate, and I think there are three broad reasons for this. The first one has to do with the nature of First Nations themselves. Particularly for First Nations, as well as for Métis people, the connection to land is so profound that it's really part of the identity of that community. So when they're talking about a land claim, they're not talking in a way that you would in a commercial sense, about whether this parcel of land should be part of the reserve. They're really talking about their identity and who they are, whether that land is something that is theirs for their exclusive use and benefit; and whether they have a sufficiently good relationship with the crown governments, be it the federal government or the provincial government, that they feel that their grievances over time have been addressed.

The land claim process becomes a focus for the community and its identity. Consequently, it can take a long

time for an aboriginal community to look at the propositions that are put forward by the government to negotiate. In the end, there has to be a referendum by all the members of the community on whether they're prepared to accept the settlement that's offered by the federal and provincial governments.

In accepting those settlements that are offered, the community is really making a decision about whether they're going to change and transform their relationship with the crown government and with the surrounding communities, give up that grievance and kind of change from, if you will, looking at their grievance in the past to looking forward to economic development and community development. That's a real change for communities and their identity, and it requires an awful lot of thought and political work within First Nations to be able to make those decisions. That can take quite a bit of time. That's one thing.

The second thing is that the crown itself, the Ontario government—when crown land is an issue, things always take an awful lot longer, because we're doing our due diligence. It's a public resource, and we want to take the time to make sure that we fully understand the implications of making land available in a land claim settlement. We may have a legal obligation to provide certain land, but how we provide that land, which land it is and under what conditions it's provided are fundamental aspects of the land claim process. You end up, ideally, with a First Nation that gets its due; its rights are addressed and its grievances addressed, but at the same time, we have a very careful accounting for that crown resource, that belongs to all the people of Ontario, when it's contributed as part of the land claim settlement.

We have a very rigorous process that we have to go through, which is capped by a public environmental assessment process and notice and so on, that makes sure that the crown resource is being used to the maximum benefit here.

I think the third reason is a more frustrating reason, but I think it needs to be said, to be honest, and that is that you have not only the First Nation and the government of Ontario, but you have the federal government involved in almost all land claim situations. Each one has its own processes and its own rules and its own policies that it wants to follow. Sometimes, adding a third party to a discussion doesn't increase the complexity by double; it maybe increases it by fourfold. So it can take a long time. Ontario's processes and interests aren't the same as the federal government's. We do our best to be as efficient and effective and synchronize with them as much as we can, but that's unfortunately sort of a fact of life in the land claim process.

Mr. David Zimmer: So can I ask sort of a hypothetical, just by example? An aboriginal community shows up at your office to present a land claim. This may be an over-simplistic question, but what sort of indicia do you look at on the claim as they have presented it, before the ministry decides to accept the claim or decides, "No, that's not a claim that we're going to accept"? What are the indicia that you look at?

Mr. Doug Carr: Okay. We're essentially looking at three kinds of things. The first thing is the facts: What's the historical story? We require a First Nation to come and tell us what they think happened, what the story was that led to the grievance. They need to be very clear about all the events and provide as much evidence as they can for each element in that historical story.

Twenty years ago, when I started in this business, that could come in three or four banker's boxes. Today, it comes on a CD, and it will have sometimes over 1,000 documents that pertain to the background: What's the nature of the grievance, and what's the evidence that leads up to supporting the First Nation's story as to why this is a grievance?

That's the first part. What really probably takes the longest time is going through that material and trying to ground-truth it. Sometimes we hire our own researcher to do some research. Sometimes we can look at it in-house, if it's less complex, and make an assessment as to whether we feel that it's very strong historical evidence.

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Sometimes, of course, we talk to our federal colleagues, because they also have their information and their historical research. We're ideally trying to be on the same page with respect to what the facts are. So that's the first part: What are the facts?

The second part is that we do a legal assessment based on those facts of: Does the province of Ontario have any legal outstanding obligations with respect to the facts that are out here? If we do, does that match the assertion, because it might well turn out that the First Nation asserts X, Y and Z, and we look at it and we might say, "Yes, we do have actually some obligations here," but we might think our obligations are A, B and C. So we do this careful assessment of what our legal situation is, based on the facts, and compare that to the assertion.

The third thing we look at is the impact of negotiating the claim. We want to make sure that we're negotiating claims where we've got a reasonable chance of getting a settlement that's going to address the grievances of the First Nation but is also going to be an effective use of the crown land and is going to involve dealing with third parties, if you will—non-aboriginal people, the general public that might be affected by the claim. Before we agree to accept a claim, we might look long and hard about what we think the impacts will be on non-aboriginal people. That way, when we give an answer to the First Nation about whether we're going to accept the claim for negotiation, we might accept it with some conditions that would help ensure that we don't create unfairness or new injustices in trying to address the First Nations' historic injustice.

Hon. Kathleen O. Wynne: Doug, can I just add to that, because having said all of that in terms of the upfront process—once the decision is made on whether you're going to go forward, having discovered the facts and so on and measured the impact, there are some principles that guide you and guide our negotiators at each stage: some things about private property—we

negotiate a claim when there's a clear legal obligation to the First Nation; I think you've touched on that; the principle that Ontario will not expropriate private property to achieve a settlement, although private property may be acquired on a willing seller/willing buyer basis at fair market value; and then extensive public consultation is always part of the process. I think you touched on this as well: existing uses of crown land are taken into consideration, and every effort is made to minimize the impact. Are there other principles?

Mr. Doug Carr: Yes. I think the other principles are really more process-related; that we try to always, if we can, coordinate with the federal government, so there's nothing like having either non-aboriginal people who are affected or the First Nation whipsawed between the two governments. So we try very hard to decide upfront what the two roles are of the governments so that helps make a more fair process for everyone.

I think that a very important thing as well that we have to have come out of land claims is that there has to be finality and certainty at the end. So you want to leave a better relationship between the First Nation and their neighbours as well as the First Nation and the crown, the provincial government and the federal government, but we also need finality so that we know that the assertion is addressed, and then the relationship can move on in a more positive fashion.

Hon. Kathleen O. Wynne: And that speaks to why it takes time, because if you want it not to be a divisive process, you need to take the time that it requires.

Mr. David Zimmer: This question is always fascinating. I've seen some of these claims come through. An argument will be built starting with—and I'm just making this up—the such-and-such treaty signed in 1793 and 1767 and then something happened in 1810 and 1812 and so on. So when they present the historical facts, how does one go about checking historical facts—who said what to whom and what undertakings were given in 1811 and 1797? How does that develop? I just find that a fascinating and complex piece.

Mr. Doug Carr: It really relies on three different kinds of things. First of all, there's a very extensive record in the federal archives. The federal government has, of course, not only their archives since 1867 but also the archives of the imperial governments that occurred in various forms, as you mentioned, back to the 1700s. So there is a fairly extensive federal archive that you can go and check some of these things with. That's the first thing.

The second thing is that the more claims we settle, the more we develop a common understanding between ourselves and the federal government, and also often the First Nations, of what actually happened at certain key conferences. For instance, in 1913 there was a critical conference between Canada and Ontario, who were trying to decide what they were going to do about some real problems in creating reserves in Treaty 3. We used to fight about that 20 years ago when I started in that business. We fought viciously about what was the mean-

ing of the 1913 conference. Today we all pretty much agree on the meaning of that conference by working at the various claims and the historical research over time. So it's a growing body of consensus information, if you will. Even though it happened a long time ago—there may be some element of doubt—we all sort of agree, on the balance of probability, these sorts of things happen. That's the second thing.

The third thing, of course, is oral testimony. The courts have recognized a legitimacy, within the courts, for oral testimony that often comes from the First Nation side. So we will listen to elders and listen to their testimony and assess that against what existing written records we have, and it often very much enriches and enlightens the written record in ways that are quite surprising that you might not have thought of if you hadn't actually heard the oral testimony.

Hon. Kathleen O. Wynne: Just to wrap that piece up—and thank you again for the question—none of this is done in a vacuum; it's not done in isolation. It's done in the context of the municipalities and in the context of the economic environment of the region of the communities that are putting forth the land claim—so as Doug said, leave it better than we found it.

The Acting Chair (Mr. Paul Miller): Thank you, Minister. We'll now move on to the official opposition. Mr. Ouellette.

Mr. Jerry J. Ouellette: Thank you, Mr. Chair, and thank you, Minister, for coming forward. A couple of things: Essentially the Canada Act of 1982 recognizes three specific groups, which would be the Inuit, the First Nations and the Métis. It also establishes that predominantly, treaty rights supersede provincial law.

Hon. Kathleen O. Wynne: Yes, I heard you say that on a radio show, actually.

Mr. Jerry J. Ouellette: Imagine that.

Hon. Kathleen O. Wynne: You said that treaty rights supersede all provincial law, which I think is questionable. But anyway, go ahead.

Mr. Jerry J. Ouellette: Some of the questions are that when you're dealing with this, as mentioned earlier on, it's dealing with the negotiation—the third party impact is considered when this negotiation takes place and how complex the process is. When you're dealing with the Algonquin land claim, what is the impact going to be regarding the establishment of Métis communities in that area?

Hon. Kathleen O. Wynne: Again, I'm going to ask Doug to come forward, because he has been very close to that negotiation. Doug, you're working hard this afternoon.

What I will say, Mr. Ouellette, is that the process whereby we're attempting to reach an agreement in principle has been a very long and extended one, which has included a lot of consultation. We can speak to those specifics, but I'll ask Doug to speak to the Métis issue at this point.

Mr. Doug Carr: Thank you, Minister. Mr. Ouellette, the outcome of the Algonquin land claim process will be

a new treaty. A major objective in the new treaty is to try to achieve a level of certainty so that we can understand the rights that are at issue here. The whole reason we have to do a treaty is because one wasn't done in the past, so we're trying to kind of fill in the blanks, get certainty and set out the respective rights of the Algonquins as First Nations people in eastern Ontario.

The treaty will define the rights of Algonquins through all the issues under discussion, which will include land, resources, harvesting and so on and so forth. It will mean that individuals in eastern Ontario who have aboriginal ancestry—some of them may choose to identify as Algonquins if that ancestry can be traced through historical lineage to Algonquin families, or they might choose to self-identify as Métis people for their own personal reasons. Our treaty will clarify what the rights are of people who identify as Algonquins. It will not identify what the rights are of Métis people, but it will help sort out right now a class of people who maybe it's not clear whether they were going to be self-identifying over time as Algonquins or Métis. That treaty at least will straighten out that much. Then, any Métis issues that are left would have to be addressed at that point.

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Mr. Jerry J. Ouellette: When you were talking about this, you mentioned about, “for own personal reasons, may want to self-identify.” Can you give the ministry's breakdown of what a classification of—how much First Nation inclusivity would you require in order to be classified as a Métis?

Mr. Doug Carr: The government of Ontario hasn't adopted a formal approach as to who is a Métis person and who isn't. The Métis Nation of Ontario is a major Métis group representing many Métis people across the province; they have developed a registry and criteria and so on. They have been a benchmark, I guess, for the government of Ontario, looking at who is a Métis person. But we haven't taken a formal position, and the courts have not been very clear exactly on who is a Métis person. There has been one court decision, which is called the Powley decision—

Mr. Jerry J. Ouellette: In Sault Ste. Marie.

Mr. Doug Carr: Yes. It set out a number of things in there, but it didn't boil down to blood quantum. You don't have to identify that you're 1/128th-or-something aboriginal blood; that wasn't the way the court went.

Mr. Jerry J. Ouellette: Yes. The Powley case in Sault Ste. Marie that you mentioned established quite an impact on a lot of the outdoors with the hunting community, particularly with the allocation of tags. There is some strong concern on what's taking place in the Algonquin claim in regard to the potential for moose tag allocations and/or trap line transfers in a number of areas like that, not only with the original claim but what may effectively come forward at a later date in regard to the Métis impacts.

Can you give us any breakdown on what has taken place in those particular areas, mostly in regard to tag allocation? Game management is one of the key con-

cerns, because there is a concern that the province may turn over a lot of the management to a lot of the First Nation individuals; however, the Ministry of Natural Resources will still be managing those on behalf of the First Nations. It's very unclear as to what's taking place there.

Hon. Kathleen O. Wynne: I'm just going to weigh in on a high level, a general level, and then Doug will speak to the specifics of that. I think that the level of detail that you are at at this point is not a level of detail that will be included in the agreement in principle, I think that's fair to say—the level of specificity. One of the reasons that we have advisory and committees of experts in place is that we've had some of those conversations; those concerns have been raised and will continue to be raised. I think that one of the issues that has surrounded this is: When are there going to be more opportunities for consultation? I've been pretty clear that the agreement in principle coming out is exactly the time when some of those very specific issues need to be raised, because the agreement in principle will be broader strokes than the level of detail that you're talking about. I'll just ask Doug to add to that.

Mr. Doug Carr: I'm not sure that I can all that much more to what the minister said at this point, Mr. Ouellette. I think it's fair to say that the negotiators are very aware that they're negotiating within a context. By creating a certain harvesting regime within the treaty for the Algonquins, that doesn't happen in a vacuum; that in fact there are other aboriginal people that have been making harvesting assertions and that they're saying that they have certain rights that need to be respected and factored in; and there are only so many moose in eastern Ontario that can go around. The negotiating team is very, very aware of the context in which they're negotiating this. I think, as the minister said, that the agreement in principle is intended to establish some principles that then we can have out there in the public and some proposals for a regime that's going to be fair but flexible enough so that we can see how the impacts are going to be, including those of other people making assertions that they have aboriginal or treaty rights to hunt and fish.

Mr. Jerry J. Ouellette: We're hearing from a lot of groups. I took the ministry's consultation list and wrote each one of those, and I heard, as mentioned by the third party, about how the lack of consultation was a concern. Some groups felt they'd never been in the process in any way, shape or form. As the minister mentioned, this is going to be ongoing and you're going to hear this on a regular basis, but there's a lot of concern out there.

I would suggest that probably a more proactive approach would be to deal with one issue, whether it would be the hunting issue to start, and then release that, as opposed to releasing the entire gambit and then everybody's in a bit of a panic. That way, the groups have an opportunity to deal with those issues. I'm hearing the same about the forestry and the crown timber allocations that are going there.

Hon. Kathleen O. Wynne: Sorry, can I just respond to that? Because I hear what you're saying, that you

could go issue by issue. I get that. But there has been a long process already. There are 31 groups on the committee of external advisers. I'd be pleased to meet with the committee of external advisers, and I have said that to staff, if they want to meet with me to discuss the negotiations or the consultation process.

There's a wide range of groups on that external advisory panel: the Algonquin Eco Watch, Canadian Sport-fishing Industry, federation of anglers and hunters, federation of snowmobile clubs, Ontario Trails Council, the Ottawa Valley Tourist Association—various sport clubs, the sport fishing industry. They have had input into this conversation already and will have more.

I think that the tack that we've taken is to get a full picture of what the concerns are from the outset and then begin to hone down the agreement and get at the details.

The other group that has been place, which I'm sure you know, is the municipal advisory committee. Again, there are 31 different municipalities that sit on that group, and they will have an opportunity to weigh in on the agreement in principle.

The Acting Chair (Mr. Paul Miller): One minute.

Mr. Jerry J. Ouellette: The municipalities felt that there was some good consultation there; however, the other external user groups—I've heard from those organizations that they had not been consulted with. Some were quite surprised that their names were listed. One was the archdiocese in the Ottawa area; they didn't even know. They had no idea there was any process in any way, shape or form—that they were included.

All I did was write the list of names that you provided or the ministry provided and asked them how they felt things were going.

Hon. Kathleen O. Wynne: The archdiocese is not on this list that I've got, so I don't know where that came from. But I certainly have been very clear publicly that there will be more consultation opportunity, and, as I say, I'd be happy to meet with the committee of external advisers if that's what they'd like.

The Acting Chair (Mr. Paul Miller): Thank you, Minister. We'll now move on to the third party. You have 10 minutes. MPP Campbell.

Ms. Sarah Campbell: Thank you. Is this our last rotation?

The Acting Chair (Mr. Paul Miller): Yes.

Ms. Sarah Campbell: Okay, thank you.

I'd first like to just start off very briefly with addressing the comment that was made by Minister Wynne that my role as an MPP, regardless of my political stripe, is to work with all the parties and with the ministries. I want to be very clear that that is what I'm here to do.

Just to set the record straight, I did write you a letter asking you to meet personally with the community because they did—I'm talking about Shoal Lake 39. At that point they did say to me that they were frustrated with having people who were able to speak to the technical aspects but who weren't able to make decisions. That's what I was referring to. I wasn't trying to say anything that was disrespectful to anybody at any job working in

the ministry. It's just that when people have the expectation that they should be able to enter into agreements and have decisions made and that they're going forward and that there is clear progress being made, and then to have the next meeting and find out, "We're sorry. These decisions actually weren't really made and we aren't able to go ahead," is frustrating.

Hon. Kathleen O. Wynne: I have no information that would suggest that there was that two-steps-forward-one-step-back process. My understanding is that the conversation has been on a trajectory towards an action plan. Once that action plan is in place, if there are decision points, obviously I'd be happy to sit down with the community. I'd meet with the chief—whatever. I offered that to him. I said that I would meet with him. But unless there are decisions to be made, if it's still in the stage of trying to sort out what the way forward will be, then there isn't as much of a role. I'm happy to be part of a decision-making process; absolutely.

Ms. Sarah Campbell: Okay. I think that's maybe where we differ with our interpretations of the treaty. My interpretation is that the crown should be meeting directly.

Hon. Kathleen O. Wynne: But the government is—sorry, I just have to be clear. To suggest that the crown is not meeting, that the government is not meeting, when bureaucrats, when employees of the government are meeting on my behalf because they have the expertise and they have the capacity to take those meetings and move the process forward—to suggest that that is not the crown meeting with the community, I think that's a difficult contention, because what that means is that the only meetings that would be relevant would be when the Premier is in the room meeting with all the communities.

You know, as a politician, that that's not practical, and what that would do is, that would stall every process that we're engaged in. And that's not what I would like to see. What I want to see is these processes go forward. I want the people with the expertise in the room, meeting with the community. When there are decision points, then we get the people who can make the decisions in the room.

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Ms. Sarah Campbell: I can say that I strongly encourage you to meet with the community. I appreciate that you've offered that. I know they would very much like that. I want to leave that point—

Hon. Kathleen O. Wynne: To meet with them again, because I have met with them. I'd be happy—

Ms. Sarah Campbell: In the community, or was that—

Hon. Kathleen O. Wynne: In the community. I travelled to Shoal Lake and I met in the community.

Ms. Sarah Campbell: Okay. The question that I have for you next is: In your opinion as the Minister of Aboriginal Affairs, are First Nations people citizens of Ontario?

Hon. Kathleen O. Wynne: That sounds like a legal question. Are First Nations people citizens of Ontario?

Ms. Sarah Campbell: I don't want you to overthink it. In your opinion, as you're carrying out your duties—

Hon. Kathleen O. Wynne: Should they have the same opportunities as anyone else? Absolutely.

Ms. Sarah Campbell: Okay. My question then is: Why are they not afforded the same quality-of-life opportunities and even, at the very basic, mortality rates as the rest of Ontarians? Why is the provincial ministry okay with the fact that there seems to be this jurisdictional fight? The ministry really isn't stepping in. They seem to be all right with the fact that there is this conflict and that they don't have to step up.

Hon. Kathleen O. Wynne: I'm sorry; I just have to say that there are layers of assumptions in that question that are just not accurate. Accusing us—accusing me—of being fine with there being a discrepancy between the quality of life in First Nations communities or aboriginal communities and in non-aboriginal is just not accurate, because I'm not okay with that.

Asserting that somehow I'm fine with the notion that aboriginal kids don't do as well at school and are not succeeding at the same rates as non-aboriginal kids—I mean—

Ms. Sarah Campbell: Can I interrupt—

Hon. Kathleen O. Wynne: I have to say—I'm just going to tell you a quick story. I really started—

Ms. Sarah Campbell: Minister, I'm sorry; this is the last 10 minutes. I appreciate that. The reason why I'm saying that—

Hon. Kathleen O. Wynne: But you're—

Mr. David Zimmer: But wait a second—

The Acting Chair (Mr. Paul Miller): Mr. Zimmer, you're out of order.

Minister, would you allow her to finish her question, and then you can respond? But don't interrupt her during her question, please.

Hon. Kathleen O. Wynne: I was in the middle of my answer.

The Acting Chair (Mr. Paul Miller): I would suggest that you allow her to answer, but we don't need statistics. She wants a direct answer.

Hon. Kathleen O. Wynne: My answer is, I'm not okay, and our government is not okay, with the outcomes—the health outcomes, the education outcomes, the economic outcomes—in the aboriginal communities, which is why we have done all the work that we've done, that I've been talking about for the last seven hours, that our ministry has been doing and our government has been doing.

Ms. Sarah Campbell: I appreciate that. The reason why I ask that is because when I have raised a number of issues with you, in whatever form I've raised them, I've been told, "We care about this. We want to do something. But that's the federal government; that's their responsibility." Even if I look through all the Hansard, that's what's being said.

When I talked to you earlier today, and in fact before the session rose in June, about the changes made to the discretionary benefits—the fact is that this is costing

Ontario very little; it is very much within Ontario's control, because Ontario sets the rates. The feds kick in the 92%, so Ontario's only on the hook for the 8%.

I'm just saying that when I read this material—I would be okay with the fact that it's a work in progress—I understand that—except for the fact that everything that I have read, that you've stated before estimates—and when I read Ontario's New Approach to Aboriginal Affairs, it tells a different story. In it, you're talking about the accolades that the ministry is getting for doing such a great job, but I contend that there is so much that needs to be done, that's not being done, and that when the issues are raised time and time again, whether it's OxyContin, whether it's consultation, which is very much within the purview and the control of the ministry—this stuff is, time and time again, not being done.

Even as recently as what has happened with Shoal Lake 40—it has been made public that there's another municipality in Manitoba that is going to be using the water that is exported to Manitoba, and rather than the province putting its foot down and saying, "No, this is not going to happen, for a number of reasons," the province seems simply content with allowing that to happen.

The minister does have an obligation to Shoal Lake's economy, which has been shut down because of the exportation of this water; the well-being of the First Nations communities; their rights and interests, including consultation; and the legislation that already exists, even if it's outside of the Ministry of Aboriginal Affairs, that states that water cannot be directed outside of its watershed.

We're still seeing decisions that are being made, on an ongoing basis, that are not living up to this promise.

I'll quote Ontario's New Approach to Aboriginal Affairs, that was released in the spring of 2005: "The McGuinty government is committed to creating a new and positive era in the province's relationship with aboriginal peoples...." Yet we are still hearing communities—whether it's Chief Peter Moonias of Neskantaga First Nation around the Ring of Fire saying that he's willing to lay down his life because consultation has not occurred.

I'm simply saying that I don't think that this is a proud moment in our history, and I recognize that maybe steps are being made, but it is not a time to talk about accolades.

Hon. Kathleen O. Wynne: I appreciate your point of view, and I understand that it is the point of view that for your own political reasons you have to take. My reasons—

Ms. Sarah Campbell: It's not my political reasons. I care about these communities—

Hon. Kathleen O. Wynne: Can I answer now?

The Acting Chair (Mr. Paul Miller): Minister, I think you're insinuating that there is a political motive on her part to—

Mr. David Zimmer: Chair, that's not appropriate—

The Acting Chair (Mr. Paul Miller): Mr. Zimmer, you're out of order.

Interjections.

The Acting Chair (Mr. Paul Miller): You're out of order, Mr. Zimmer.

Mr. David Zimmer: No, I'm not. She is—

The Chair (Mr. Paul Miller): That's the last time I'm going to warn you.

Mr. David Zimmer: —entitled to answer—

The Acting Chair (Mr. Paul Miller): Mr. Zimmer, you're out of order. I did not recognize you. I'm now getting back to the minister.

I'd appreciate it, Minister, if you would not go after the MPP for partisan reasons; if you would just stick to the issues. Okay? Thank you.

Hon. Kathleen O. Wynne: Yes, fair enough.

Interjection.

The Acting Chair (Mr. Paul Miller): Once more, and that's it.

Mr. David Zimmer: And what, Chair?

The Acting Chair (Mr. Paul Miller): And then you'll be removed.

Mr. David Zimmer: You have no authority to do that. You're blowing smoke again.

Hon. Kathleen O. Wynne: Here's what I need to say about this. On every one of the issues that has been raised, Ms. Campbell—whether it's on health issues, whether it's education, when you talk about OxyContin and you talk about the addiction strategies, whether it's on water and jurisdictional issues, whether it's on the roads—on all of those issues, there are complexities. There is progress that is being made. There are efforts being made. There is money that's being invested. There's expertise being afforded those processes.

Are we moving as quickly as you would like to or as I would like to? No. I would like all of those issues resolved. When I talk about—

The Acting Chair (Mr. Paul Miller): Thank you, Minister. Time's up. We'll now move for the last 10 minutes to Mr. Zimmer. You have the floor this time.

Mr. David Zimmer: Thank you. Two questions: On the Ipperwash report, recommendations generally from 2 through to 16 or 17 dealt with the justice's ideas and thoughts and recommendations on how the aboriginal community and, in this case, the OPP, the policing authority, could have a better relationship, because there was a sense that antagonisms had developed between those two communities, the policing community and the aboriginal community, and those antagonisms in and of themselves exacerbated the situation and perhaps may have led to consequences that might not have happened had there been a better relationship, and so on. There were a number of quite specific recommendations and then some general observations about how the justice would have liked to see that. What are your thoughts on that? What progress are we making on that front?

Hon. Kathleen O. Wynne: You're talking about the policing recommendations that the Ministry of Community Safety and Correctional Services—

Mr. David Zimmer: Yes. There were some quite detailed ones and then some more general ones. Just a general observation.

Hon. Kathleen O. Wynne: Yes. And you're talking about recommendations 2 through which, Mr. Zimmer?

Mr. David Zimmer: About 16 or 17. They all have a theme about working together.

Hon. Kathleen O. Wynne: Yes. I'm just going to give you, again, the beginning of this answer, and then I'll ask staff to fill in any details that I miss.

As you say, there is a theme. There are some protocols and some guidelines that the inquiry suggested should be put in place. For example, if we look at, "Police planning for responding to an aboriginal occupation or protest should include ... a communication strategy for important messages ... technical aspects of how the police would communicate with the occupiers ... specified people outside the police service who could effectively communicate with the occupiers," the progress is that these things have been addressed through OPP standard operating procedures. They are also addressed through a new Ministry of Community Safety and Correctional Services policing guideline, which is Policing Aboriginal Occupations and Protests, and that guideline was approved and distributed to police services in February 2012.

If I take another one here, "The Ontario Secretariat for Aboriginal Affairs, in consultation with aboriginal organizations, should compile a list of available negotiators and facilitators who could assist the government to quickly and peacefully resolve aboriginal issues that emerge," what has happened there is that that list has been compiled and is maintained by our ministry, and the vendor-of-record process is being considered at this point.

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I'll pick another one: "The province of Ontario should enact a regulation pursuant to the Police Services Act requiring officers to file a use-of-force report when they point a long gun or rifle, regardless of whether a shot is fired." The way that's being addressed is that the equipment and use-of-force regulation under the Police Services Act was amended in 2008.

So we've really gone chapter and verse of the recommendations to put in place a different regime, I would suggest, and I think that's the point. You've asked a question specifically about Ipperwash, but I think that's actually where I was trying to go in my previous answer, which is that there aren't simple answers, because even if you look at these recommendations, there are still issues in terms of those relationships, those aboriginal/non-aboriginal policing relationships. There are still issues if we talk about clean water or health outcomes or education outcomes. Those issues are going to prevail for some time to come.

But I think in this ministry and on this file what we have to do is we have to be able to gauge how we're moving forward, and be able to say, "These are the strategies that we've put in place, these are the projects that have gone forward," and then evaluate those projects—"This is the money that's been invested, and these are the

outcomes we can see for that money.” There’s no easy solution to any of these issues, and I think personally that we do a disservice to the public if we suggest that there are easy solutions. If we as politicians dumb down the rhetoric to the point where we say that if we just point our finger at a party—and I mean small-p party, not capital P, so not in a partisan way—if we point at this party or this party, this stakeholder, and say, “If they had just done X, then the whole problem would be solved”—if you take policing or take education, there are many, many players. There are different orders of government; there are different governments within the aboriginal community who need to weigh in and need to have opinions on these things.

So, to go back to your question about these particular recommendations, we’ve been very strategic about looking at every recommendation, implementing and moving on them. Are they all complete? No. But on all of those recommendations that you reference there has been progress.

I’ll just end with another one, and this is number 15: “Crisis counselling services should be made available and accessible to individuals who are involved in violent or traumatic events involving police action. The responsibility for provision of the crisis counselling should rest with the provincial government in relation to police conduct that occurs off reserve land and with the federal government concerning police conduct which occurs on reserve land. The type of services offered should be responsive to the type of treatment required, and informed by the cultural and traditional practices and beliefs of the aboriginal persons requiring the counselling and support.”

I use that recommendation because it really shows the layered complexity. It shows that different orders of government are involved. In our response, it’s the Ministry of the Attorney General, the Ministry of Aboriginal Affairs and the Ministry of Health that are all involved in the response, so there are a number of programs that have been put in place in response to that recommendation.

The Attorney General sponsors the victim crisis assistance and referral service, and that is a service that provides immediate on-site service to victims of crime, 24 hours a day, seven days a week. The Attorney General also provided one-time funding through the aboriginal Victim Support Grant Program in 2010 and 2011.

Programs and services funded under the joint aboriginal healing and wellness strategy—that’s where the Ministry of Health comes in—include a network of culturally appropriate and community-based health and healing services; and those include some of the crisis intervention teams and counselling services that were referenced in the recommendation, as well as healing lodges, which I think speaks to the traditional and cultural imperatives. The Ministry of Health also administers the mental health help line, which is a database of programs, services and resources related to mental health and addictions.

So the response is complex because the problem is complex, and the recommendation reflects that complexity.

Mr. David Zimmer: We’re getting to the end of the day, Minister, and here’s kind of a thought experiment. If years down the road, many years down the road, you’re sitting in your favourite reading chair reflecting on your careers in past years, and you specifically think of your time as the Minister of Aboriginal Affairs, how would you like to be remembered?

Hon. Kathleen O. Wynne: I would like to be remembered as someone who was able to bring people to the table and who was able to come to resolution of at least some of the complex and thorny issues that confront the aboriginal community. I’d also like to be remembered as someone who was able to move the bar a little bit, particularly on aboriginal education, because I believe that if we can figure out how to improve the outcomes for aboriginal youth—and, to be fair, for aboriginal adults who come back into the system, because I think adult education is a big part of how we’re going to be successful—if we can move the bar somewhat, if we can get to the point where there are more communities who feel that they have more control over the education of their children, on the one hand, and that the publicly funded provincial system actually tells a better history of the relationship between—

The Acting Chair (Mr. Paul Miller): One minute.

Hon. Kathleen O. Wynne: —aboriginal and non-aboriginal people, then I think that we can say that we have been successful. Certainly that’s something that I will be proud of.

Related to that is that I would like us to be remembered as a government that was able to move the bar on economic development and have some success, particularly on initiatives like the Ring of Fire, because I think that is a huge opportunity for the north—not just for the aboriginal community, but particularly for the aboriginal community.

Mr. David Zimmer: Well, I must compliment you, because I know last week—you’re not only the Minister of Aboriginal Affairs but the Minister of Municipal Affairs and Housing—you were in Ottawa taking meeting after meeting after meeting with large municipalities, small municipalities and townships, dealing with all of those issues with the same understanding and the same detail that you do in aboriginal affairs. I don’t know how you manage two ministries, but thank you—

The Acting Chair (Mr. Paul Miller): Thank you. Time is up.

Hon. Kathleen O. Wynne: Thank you very much. I’ve got great staff.

The Acting Chair (Mr. Paul Miller): Now I would just like to make a comment. Mr. Zimmer was correct when he said that—and I’m one to admit when I’m wrong. The Chairman does not have the ability to throw someone out of the committee, but what he does have the ability to do is call a 20-minute recess until decorum has recovered. So that’s the tool that Mr. Miller will use in the future. And I want to be remembered as Mr. Congeniality, okay?

Hon. Kathleen O. Wynne: Good luck with that, Chair.

The Acting Chair (Mr. Paul Miller): And now—

Mr. Rob Leone: Are you guys all retiring, here?

The Acting Chair (Mr. Paul Miller): Yes, sounds good.

We're now required to vote on the 2012-13 estimates of the Ministry of Aboriginal Affairs.

Shall vote 2001 carry? All those in favour? Opposed? Carried.

Shall the 2012-13 estimates of the Ministry of Aboriginal Affairs carry? All in favour? Opposed? Carried.

Shall I report the 2012-13 estimates of the Ministry of Aboriginal Affairs to the House? All in favour? Agreed. Carried.

That completes our consideration of the estimates of the Ministry of Aboriginal Affairs. I'd like to close by thanking the minister and her staff for being very patient and well behaved, unlike some others.

The committee is now adjourned until—

Hon. Kathleen O. Wynne: Mr. Chair, could I just say one thing?

The Acting Chair (Mr. Paul Miller): Yes, you may.

Hon. Kathleen O. Wynne: I don't think it got on the record. I want to thank everyone for affording me this opportunity, but I particularly want to thank the staff of the Ministry of Aboriginal Affairs, all the people sitting behind who are the brains of the operation. They really do a fantastic job, so thank you very much.

The Acting Chair (Mr. Paul Miller): And they were very nice and quiet, too.

Hon. Kathleen O. Wynne: They were fantastic.

The Acting Chair (Mr. Paul Miller): The committee is now adjourned until tomorrow, September 5, at 3:45 or after routine proceedings, when we will begin to consider the estimates of the Ministry of Training, Colleges and Universities. This committee stands adjourned. Thank you, folks.

The committee adjourned at 1649.

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