



ISSN 1181-6465

**Legislative Assembly
of Ontario**

First Session, 39th Parliament

**Assemblée législative
de l'Ontario**

Première session, 39^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 28 May 2008

**Journal
des débats
(Hansard)**

Mercredi 28 mai 2008

**Standing Committee on
Estimates**

Ministry of Aboriginal Affairs

**Comité permanent des
budgets des dépenses**

Ministère des Affaires autochtones

Chair: Tim Hudak
Clerk: Sylwia Przedziecki

Président : Tim Hudak
Greffière : Sylwia Przedziecki

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Wednesday 28 May 2008

Mercredi 28 mai 2008

The committee met at 1608 in room 151.

MINISTRY OF ABORIGINAL AFFAIRS

The Chair (Mr. Tim Hudak): Good afternoon. I'm now calling the Standing Committee on Estimates on the Ministry of Aboriginal Affairs back into session. Folks, we have four hours and 39 minutes remaining in our time, which will get us through today and into the following Tuesday as well. At the pace we're going there will be a morning and an afternoon session, although not in total.

When we were last adjourned, the official opposition had just finished their 20-minute rotation. It is now the turn of the third party. Again, a reminder to the members that it's 20 minutes per cycle—third party, government, official opposition. Again, we're joined by Deputy Minister Sterling, CAO Lynch, and Minister Bryant.

Mr. Hampton, the floor is yours for 20 minutes.

Mr. Howard Hampton: I think when I last had a chance to ask a question, I asked about the \$25-million new relationship fund. That's over two years. Is that essentially \$12.5 million each year, or is it front-end loaded, back-end loaded?

Ms. Lori Sterling: That's the total amount of money we have over the two years. Our intention is to go out and consult with First Nations and the Metis, and work with them on an appropriate distribution. We don't have a determined amount at this point in time.

Mr. Howard Hampton: So you don't know if it's \$12.5 million this year, \$12.5 million next year?

Ms. Lori Sterling: No, it's something we're consulting on—what would be the appropriate distribution.

Mr. Howard Hampton: And you don't know yet whether it will be divided 50-50 between Metis and status First Nations?

Ms. Lori Sterling: No, that's one of the specific things we're going to consult on.

Mr. Howard Hampton: Okay. So I understand it, this new relationship fund is modelled after the new relationship fund in British Columbia; is that correct?

Hon. Michael Bryant: Yes and no. The focus is to level the playing field, provide first an emphasis on community capacity building and some individual capacity building. Then, over time, as in-house capacity would be built up for First Nations and Metis, there'd be a greater emphasis on the individual.

Mr. Howard Hampton: What budget line does this \$25 million over two years come from?

Ms. Lori Sterling: The relationship fund was not actually in the budget line in the estimates. It was a subsequent decision of the government.

Mr. Howard Hampton: So it's not in the estimates?

Ms. Lori Sterling: No, it's not.

Mr. Howard Hampton: Why wouldn't we see it in estimates now? It was made subsequent, but I assume that when announcements are made subsequent to budget decisions, they must be built in somewhere. Why wouldn't we see it in the estimates now?

Hon. Michael Bryant: We're happy to provide any information you want on it. I'm not saying I can't help you with it because it's not in estimates, I'm just saying it's not in that.

Mr. Howard Hampton: So this will be part of the Ministry of Aboriginal Affairs' operating budget for this year? This is an addition to the Ministry of Aboriginal Affairs' operating budget for this year and next year?

Ms. Lori Sterling: Yes.

Mr. Howard Hampton: This fiscal year and next fiscal year. Okay.

I'm told that part of the government's response to the Linden Ipperwash Inquiry Report was the creation of the Ipperwash Inquiry Priorities and Action Committee; is that right?

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: Was this announcement and this fund part of the work of the Ipperwash Inquiry Priorities and Action Committee?

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: So they were completely aware and had been consulted on this issue before the announcement on May 15?

Hon. Michael Bryant: Yes. Certainly Grand Chief Toulouse and President Lipinski, who were present at the announcement—they wouldn't have been there if they hadn't been consulted. Let's put it that way.

Mr. Howard Hampton: My question is very specific.

Hon. Michael Bryant: And I gave the answer.

Mr. Howard Hampton: Who sits on the action committee?

Hon. Michael Bryant: We'll get you the exact list. Confederacy?

Ms. Lori Sterling: Yes; the PTOs. There are two committees. There's a Metis committee, and the Metis

choose who they want on that committee. At the last committee hearing, we had the president and several of his staff. The second one is a First Nations committee. In attendance were the PTOs and the regional chief.

Hon. Michael Bryant: I should also say the creation of the committee was asked for by Grand Chief Beaucage and Grand Chief Toulouse. The composition of the committee was also at their request. In addition, there are elders present as well—in addition to the PTO members.

Mr. Howard Hampton: Let's be clear here. I'm not asking about the announcement, I'm asking about the Ipperwash Inquiry Priorities and Action Committee.

Hon. Michael Bryant: Yes, that's what I'm talking about.

Mr. Howard Hampton: You're telling me there are two committees.

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: One is a Metis committee, one is a status First Nation committee.

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: So who is on the Ipperwash Inquiry Priorities and Action First Nation Committee?

Hon. Michael Bryant: Sure. We'll get you the list of names, but it's the confederacy.

Mr. Howard Hampton: Okay. We'd also like to know who is on the Metis committee.

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: It is your contention that people on the committee were all consulted and made aware of the announcement before May 15?

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: Okay. What role did this committee have in this announcement—or first of all, in deciding this amount of funding?

Hon. Michael Bryant: The number that it ends up at in years three, four, five, six and seven obviously has yet to be determined. For the next two years it's \$25 million, and one of the reasons for that is to see how money is spent on a quarter-by-quarter basis and assess that before moving to perhaps a more regular allocation.

Mr. Howard Hampton: So the committee decided on \$25 million over two years?

Hon. Michael Bryant: The government decided, in consultation with the committee.

Mr. Howard Hampton: I'm told that in fact there were people on the committee who were calling for \$200 million for this fund over two years.

Hon. Michael Bryant: Perhaps, but again, the idea was not to say, "Here's what it's going to be every year forever more," but rather to say, "In the next two years the government will be spending \$25 million." Again, it was not only accepted, but it was done with the support of Grand Chief Toulouse, and he indicated as much in the announcement.

Mr. Howard Hampton: Just to be clear, there were people on the committee who were calling for \$200 million over two years?

Hon. Michael Bryant: No, over 10 years. To be clear, there had been no written proposal. There had been no

submission provided by the chiefs with respect to the dollar figure. It was proposed either viva voce or in a letter, the \$200 million over 10 years. It was raised in the committee meeting as well. Two hundred million dollars over two years isn't my recollection at all. It was \$200 million over 10 years.

The Chair (Mr. Tim Hudak): For the sake of the members of the committee, this is the participation fund that you're asking questions about?

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: Yes, it's the new relationship fund.

The Chair (Mr. Tim Hudak): Sorry, the new relationship fund. Okay, thanks.

Mr. Howard Hampton: New relationship fund. That's what it's called.

The Chair (Mr. Tim Hudak): Thank you.

Mr. Howard Hampton: And no one indicated on the committee that the \$25 million over two years falls far short of what is necessary to be effective?

Hon. Michael Bryant: Directly to me, no, but I'd say obviously we'll be assessing what the needs are over the course of the next two years. Certainly we want to make the appropriate investment. We want to make sure that we achieve the goals of the committee. Whether or not that number is adequate, we'll have a better sense of it over the next two years.

Mr. Howard Hampton: But it was the government's decision, \$25 million over two years?

Hon. Michael Bryant: Obviously, yes. An expenditure of the government is going to be made by the government. As Grand Chief Toulouse said, "We want to be part of these decisions. We want to have input on these decisions." To the extent to which we can collaborate literally on the decisions, we'll do that, but ultimately they do require orders in council or minutes of the cabinet or, in some cases, perhaps down the line, legislation that has to be initiated by the government and passed by the Legislature.

Mr. Howard Hampton: This won't have to be passed by the Legislature.

Hon. Michael Bryant: No, this one would be the order in—

Mr. Howard Hampton: This is simply a cabinet decision: \$25 million over two years.

Hon. Michael Bryant: That's the way governments spend money, yes.

Mr. Howard Hampton: What role will the Ipperwash Inquiry Priorities and Action Committee have in consultations as to how this funding is divided up?

Hon. Michael Bryant: Entirely.

Mr. Howard Hampton: They'll make the decision?

Hon. Michael Bryant: We'll make it together. Hopefully, there'll be agreement and we'll find an agreement as between the Metis committee and the First Nations committee and the government.

Mr. Howard Hampton: At the end of the day, will the committees decide how this funding is divided up and where it will go?

Hon. Michael Bryant: The goal is to do it by consensus and have an agreement on it.

Mr. Howard Hampton: And it's your contention there was a consensus on the figure of \$25 million over two years?

1620

Hon. Michael Bryant: Again, the discussions were had about the two years, and Grand Chief Toulouse certainly had supportive words for it and said as much.

Mr. Howard Hampton: I don't think Grand Chief Toulouse constitutes the whole committee, does he?

Hon. Michael Bryant: Look, I don't speak for the confederacy, Mr. Hampton, but Chief Toulouse does. He is the regional chief for Ontario and the head of Chiefs of Ontario.

Mr. Howard Hampton: Is it your intention to implement all of the recommendations made by Justice Linden in the Ipperwash report?

Hon. Michael Bryant: Yes.

Mr. Howard Hampton: How many Ipperwash recommendations have been implemented to date, and which ones are they?

Hon. Michael Bryant: You might need to help me out here. The return of the park would be one; the new relationship, again, while not fully implemented, would be another; the creation of a Ministry of Aboriginal Affairs—that it be a stand-alone ministry—would be another.

Ms. Lori Sterling: The creation of the priorities committee.

Hon. Michael Bryant: The creation of the priorities committee, being a reflection of the consultative implementation of the public inquiry recommendations.

Ms. Lori Sterling: And a commitment to work with the federal government on new land claim processes.

Mr. Howard Hampton: A key recommendation of the Ipperwash report was the creation of a stand-alone treaty commission, which Mr. Justice Linden called the Treaty Commission of Ontario. He makes a number of recommendations on the commission, stating among other things that it should be established by statute with a permanent staff and a treaty commissioner. When will the treaty commission, so strongly recommended by Mr. Justice Linden, be put in place?

Hon. Michael Bryant: I certainly take my lead from the committee on these things. I should say that the meeting that we had dealt with a number of issues, and that was certainly one of them. Was it the number one priority raised? It wasn't, I guess, as quantitative as that. It's clearly a major commitment and it's clearly a major priority for First Nations and Metis. Therefore, it is for us as well.

Mr. Howard Hampton: So when will the treaty commission recommended by Mr. Justice Linden be put in place?

Hon. Michael Bryant: After our consultations continue. I would anticipate that at our next meeting, we'll begin discussions on exactly that.

Mr. Howard Hampton: What is the consultation about? As I read Mr. Justice Linden's report, this is up there at the top of the list in terms of priorities. He's very clear in terms of setting out what the commission must deal with and the issues that have to be addressed. What are the consultations about?

Hon. Michael Bryant: Are you suggesting that we not consult on the commission?

Mr. Howard Hampton: No, I'm just asking: What are the consultations about?

Hon. Michael Bryant: How it would operate—and, of course, there's a major federal component to it, so we would have to work with the federal government to determine exactly how the new process would unfold.

I don't agree with you if you're suggesting that Justice Linden set out an exact, cookie-cutter, specific outline as to what the commission would look like. Yes, there were recommendations as to what needed to be addressed and how the commission would be different from the current system. But clearly, there are a lot of details that would need to be worked out, and that's exactly what we would consult on.

Mr. Howard Hampton: You mentioned the federal government. How long has the McGuinty government been in discussion with the federal government on the treaty commission?

Hon. Michael Bryant: Well, I wish I could say that the federal government was as committed to a new treaty reform process as the provincial government. I've had some discussions with the federal minister about federal-provincial reform and the treaty commission itself, and that's as far as we've gone.

Mr. Howard Hampton: Mr. Justice Linden also stated that if an agreement to establish the commission cannot be reached with the federal government, then the province should establish it unilaterally. Will the province move to establish a much-needed treaty commission of Ontario if an agreement cannot be reached with the federal government by, say, year's end?

Hon. Michael Bryant: I don't think I can say yes or no to that, simply because—firstly, Justice Linden was pretty clear that having a federal-provincial commission is and ought to be the goal, and that is our goal. Certainly, in my discussions with the federal government, I wouldn't want to suggest, "Well, it's really easy for you to back out here, and you should, because then we'll set it up ourselves."

Besides that, a point which I think is a public interest one: I'm sure you'd agree that because the land component of claims and the cash component of claims are entirely interconnected, and because of the research considered on a provincial claim and the research considered on a federal claim—and that the quantifying and the provision of evidence ought not to be repeated and have the wheel reinvented—I think that the goal has to be to have a federal-provincial approach, because otherwise we'll continue to have a disconnected approach.

Mr. Howard Hampton: But Mr. Justice Linden was also very clear that if an agreement to establish the com-

mission cannot be reached with the federal government, the province should establish it unilaterally, because there are significant areas where the province could move unilaterally or where the province could then spur the federal government to move. My question is fairly plain: If an agreement cannot be reached with the federal government by year's end, is Ontario prepared to move unilaterally to set up—as I read the report, I thought it was *numero uno* in terms of importance?

Hon. Michael Bryant: Yeah, and I believe that the commission recommendations say that the *numero uno* reformed treaty process would be a federal-provincial treaty process, and not a provincial treaty process alone. I understand that that's what Justice Linden found, and I'm certainly not ruling that out. I'm just saying that I don't know why on earth any province which is determined to establish a new federal-provincial process would immediately abandon at estimates committee the idea that it would be something other than a federal-provincial approach. It's mostly federal government decision-making, and therefore I believe that it should be combined. I'm aware that Justice Linden made that recommendation, but we're pretty focused on the first right now.

Mr. Howard Hampton: So I'll ask this question again: Will the province move to establish a Treaty Commission of Ontario if an agreement cannot be reached with the federal government by year's end?

Hon. Michael Bryant: I keep on repeating myself in different ways, which I suppose is to my advantage, because I use up the time, I say to the Chair.

The Chair (Mr. Tim Hudak): I think the minister has answered that question a couple of times.

Mr. Howard Hampton: I want to ask you about Matawa First Nations. In a press release dated April 28, 2008, Matawa First Nations states that they learned of Platinox staking mining claims on the traditional territories of Webequie First Nation, Eabametoong First Nation, Marten Falls First Nation and Neskantaga First Nation through the media. My question is, do you think it is right in Ontario today that First Nations in Ontario learn that their traditional lands have been staked by a mineral exploration company through the media?

Hon. Michael Bryant: This ain't in the estimates, but it doesn't matter; I'm happy to do my best to co-operate. This is not within the Ministry of Aboriginal Affairs estimates, is what I mean. There's no question that consultation has got to be a part of any staking exploration and projects. That, in fact, is the general practice. That did not happen in that case, and that was certainly wrong. That's exactly why we need to change the Mining Act.

The Chair (Mr. Tim Hudak): That concludes the time for Mr. Hampton's 20 minutes. Thank you, Minister.

I appreciate that there are, from time to time, questions that may not be specific to spending in the Ministry of Aboriginal Affairs, as members have seen. I try to give some scope to members. This ministry does have a different role than most ministries in terms of its advocacy

role and its corporate management across ministries. If the minister is not aware of another ministry's activities, that's fine; it's an understandable answer. But I think Mr. Hampton's last question was in order in a general sense on the ministry's advocacy and corporate management role.

I'm going to go to the government members. They have 20 minutes. Mr. Craitor.

1630

Mr. Kim Craitor: I have a couple of questions of the minister I'd like to ask that are certainly relevant to me, and they deal with the gaming and revenue-sharing model. Just before I ask them, just to share with you and the committee as the member from Niagara Falls, Niagara-on-the-Lake and Fort Erie, in Niagara Falls we have two casinos. I was on city council and I was there when we tried to negotiate a revenue-sharing model deal with the government of the day because we had two casinos—at that time we had one, but because we had a casino coming to Niagara Falls. I've been fortunate to also become the member for Fort Erie—

The Chair (Mr. Tim Hudak): I miss it. The Chair misses that.

Mr. Kim Craitor: In Fort Erie, we have the slots. I have to say, with the greatest respect, that it was a good revenue-sharing model that your government, Tim Hudak, came up with to benefit the town and the race-track. I'm sharing that with you because I know the importance of revenue-sharing models and how they can impact the community.

I had three questions that I wanted to just run by you. First of all, on the gaming and revenue-sharing agreement, how much have the First Nations received to date? How much have they received?

Hon. Michael Bryant: The commitment is a projected \$3 billion over 25 years. There was a lump sum payment made in February of—it was either \$200 million or \$201 million—

Interjection.

Hon. Michael Bryant: It's \$201 million, right. That's it. Thank you.

First Nations will also collect their Casino Rama net revenue through to April 2011. But, specifically under this agreement, the February \$200-million payment was made and the distribution of it was part of a formula set out by the First Nations company that was established to distribute and manage the funds.

Mr. Kim Craitor: I wish you had been there when we were negotiating our agreement.

The next one is: What will the funds for the gaming and revenue-sharing agreement be used for? What are some of the benefits that will come out of this?

Hon. Michael Bryant: By and large, the approach is to recognize the self-determination of First Nations. The experience south of the border is that where there was undue prescriptive government management of First Nations' funds, it didn't work. It wasn't effective. For example, the annual average income didn't move that much. To what degree that was caused by the failure to

get the funds flowing or not, I don't know. But the overly prescriptive approach, besides the fact that it violates the general approach of First Nations being able to be more than capable of determining their own economic fate, also the long-term historical and comparative experience is that it wasn't acceptable.

The goal was to find an agreement that, firstly, would achieve the consensus of First Nations and, secondly, was overall in the public interest. What was worked out was that the funds would be spent on five purposes outlined in the agreement: health and education, and community, cultural and economic development. They're the same purposes that were set out under the Casino Rama agreement as well and that are still currently in force.

The agreement also allows the Ontario First Nations Limited Partnership—the company I referred to before—to pool up to 15% of the total funds, prior to the distribution, for collective uses and investments for all First Nations in Ontario. That's it in a nutshell.

Mr. Kim Craiton: The final question, and you may have already touched on this, is the differences between the Casino Rama agreement and the new agreement we have with First Nations.

Hon. Michael Bryant: The biggest difference is that it's not about one casino. It's not all about one casino. The Casino Rama agreement was about sharing revenues from Casino Rama. From the First Nations' perspective, in order to see long-term, reliable distribution of funds, it wouldn't all be tied to a single casino, it would be tied to gaming across Ontario. Depending on the economy, depending on demographic reasons, other factors, one individual casino may render a little bit more revenue or a little bit less revenue over the years. The idea was that if this is about sharing in revenue, it should be about sharing in revenue, not sharing in revenue of a single casino. That would be the biggest difference.

The concern from the First Nations' perspective was that there could be significant fluctuations from month to month resulting from changes in a particular casino's revenues from month to month. So the new agreement draws on revenues from all Ontario Lottery and Gaming Corp. revenues and it ends up providing more stable monthly payments to First Nations from 2011 forward. But it's not just about revenue distribution across the province. The other reason was to ensure a co-management approach with respect to First Nations. Instead of a potential violation of the agreement or statute that took place being only the responsibility of the government to address, it meant that because there was sharing in all of the gaming revenues, it was in everybody's interests that together we address any potential—I guess, for that matter, potential negatives but also potential positives. So if the revenue increased significantly over the years in a particular casino or if in fact the gaming policy of the province evolved over the years such that it saw an expansion of gaming, it meant that they would be a part of that expansion.

Mr. Kim Craiton: Thank you.

Mr. Lou Rinaldi: How much time do we have, Mr. Chair?

The Chair (Mr. Tim Hudak): You have quite a bit of time. It's 4:37, so you have 12 minutes left. So Mrs. Mangat, the floor is yours.

Mrs. Amrit Mangat: Minister, I commend the work your ministry is doing and the honest efforts your ministry is making to improve the living conditions of aboriginal people. I would like to ask a couple of questions. My first question is, what is our government doing to promote the development of an aboriginal middle class?

Hon. Michael Bryant: You know, the reference to an aboriginal middle class is as much a reference—personally, I take that phraseology from national Chief Phil Fontaine, as well as the Right Honourable Paul Martin, I will say in a very non-partisan way. It's meant to really suggest that we ought to see to it that one of our goals is to assist First Nations and Metis people in joining in mainstream prosperity, but joining in mainstream prosperity sounds a little jargonesque and bureaucratic. The truth is that expanding the middle class of aboriginal peoples means expanding choices and opportunities, the idea being that with that standard of living increased, with the income increased in particular, other things would follow and the opportunity to pursue the things that I get to pursue and my family gets to pursue and many people in Ontario get to pursue is something that they pursue. So the idea is not just about the economics, but it's about what comes with that as well. It's a strategy about education, it's a strategy about housing, a strategy about health care, and the wide variety of issues where First Nations, Metis and Inuit people lag far, far, far behind the non-aboriginal population.

1640

So, how do we do that? As I said before, it's promoting partnerships, removing obstacles, creating business opportunities where we can, to the benefit of all. Where you have partnerships between First Nations—for example, within the energy sector or within the mining sector and the forestry sector—you, amongst other things, create a certainty and a climate within that particular region or within that particular sector such that, internationally, it's understood that this is a good place to do business.

I grew up in British Columbia, and in more than 90% of the province, there were no treaties that were signed. It was the only province, obviously, in that situation. As a result of that, there were comprehensive land claims and then eventually blockades and injunctions, to the point where there was a lot of economic uncertainty in the province of British Columbia throughout the 1980s and peaking in the 1990s. So that province had to, amongst other things, address the land claims, and the federal and provincial governments are doing that. In turn, what's happened is there are economic partnerships taking place all over British Columbia. Instead of the climate being one of significant uncertainty—for example, for resource business investments—it's a far more welcoming cli-

mate, which, again, is not only consistent with our goals with respect to aboriginal affairs and expanding the aboriginal middle class but also is good for the overall Ontario economy.

In addition to the specific economic development initiatives—the sharing of revenues of gaming—really, the purpose, the goal, the focus of the new relationship fund is to provide the individual and the community capacity, the education, if you like, to allow for aboriginal peoples to participate in these economic partnerships, because if a community or an individual doesn't have the skill set to do that, then those partnerships won't happen. That's the goal and those are some of the ways in which we're trying to address it.

None of that can happen, again, in a climate where there's significant uncertainty or lack of progress with respect to the resolution of claims, so that's another significant part of that. That's why the action taken in December to return Ipperwash Provincial Park was not only addressing an historic grievance, but it was also to enable that community to get on with the economic development that it wants, and that's exactly what's happening.

Mrs. Amrit Mangat: What do you see as essential to promoting long-term economic development in First Nations communities?

Hon. Michael Bryant: Far be it for me to pronounce upon exactly the way that should be done. That has to be done in partnership with aboriginal peoples, because the government-knows-best approach has not worked in the past.

The idea is to work with First Nations leadership on what they say are the means by which we do promote economic development. We addressed that through the Ipperwash Inquiry Priorities and Action Committee, and we address that in the regular discussions that we have with aboriginal leadership. From a pragmatic perspective, when a First Nation approaches us with something where we can do something, we do it.

Mrs. Amrit Mangat: My next, and last, question is: What do you see as some of the more important issues affecting First Nations, Inuit and Metis people today, and what do you feel is the best approach to help resolve those outstanding issues?

Hon. Michael Bryant: The idea that a province is going to be able address the host of issues I think is misguided. I think most people understand very well that the federal government does have the constitutional responsibility and historically has been the service provider, certainly on-reserve. The approach that was entrenched in the Kelowna accord said, in fact, that the provinces would play functionally a greater role because the federal government was actually going to provide the financing necessary to address health care needs and housing and education, because the gaps that exist on-reserve and off-reserve are intolerable. It's obviously extremely unfortunate that the federal government of the day, in fact, throughout that accord—again, I would say that the priorities ought to be set by First Nations and are

being set by First Nations, and we're working with First Nations to address those very issues.

Also—and I don't know if that is what Mr. Bisson was referring to, but I know he would agree with this—there are 140 First Nations in Ontario, and each one is different. There's certainly an understanding by this government that one-size-fits-all doesn't work. You can generalize somewhat and say that the needs in the north are different than the needs in the south, but each one is different, and each nation, not surprisingly, has its different heritage and history and culture and approach. In some cases, for instance, they may have urgent housing needs, they may have urgent water needs, or they may have urgent health care needs. For others, that's not the challenge; it's urgent education needs. Also, the approaches are different. So I think it's important that the government acknowledge that generalizing can actually backfire, so it's not a cookie-cutter approach.

The Chair (Mr. Tim Hudak): We have about two minutes left. Mr. Rinaldi.

Mr. Lou Rinaldi: Maybe if I could just make a comment; we really don't have time for a question. Just to let you know, Minister last night I had the privilege of being at the AGM of the Northumberland CAS, and, in co-operation with Alderville First Nation, they put on quite a display. I was very, very impressed by Chief Jim Bob Marsden and how, together with CAS, they have a joint annual meeting. For the very first time, I thought you'd like to know that I did my powwow. Together, the communities really united, both from Cobourg and Alderville, which is about 20 minutes north of Cobourg. So it was an excellent evening, and I wish we could replicate that across Ontario.

Hon. Michael Bryant: It's hard to believe that 100 years ago, the powwow that you participated in was literally criminalized. Potlatches and powwows were contrary to the assimilation approach of the governments of the day, and those cultural activities were banned. It's obviously a tribute to their leadership and their elders and First Nations people with respect to powwows that in fact they were retained and continued and that a member of provincial Parliament, no matter what party they're in and what part of the province they're in, is participating in that, amongst other things. It's great food and everybody needs the exercise, right?

Mr. Lou Rinaldi: Absolutely.

The Chair (Mr. Tim Hudak): There'll be time now for one more set of rotations in this afternoon's session; 20 minutes to the official opposition. Mr. Barrett.

1650

Mr. Toby Barrett: In our estimates binder, the results-based plan for 2008-09 is quite a readable plan, but I would wish to follow some of the priorities and the results set out in the results-based planning for the ministry.

There's a section on page 6 with respect to enhanced land claims settlements, with one goal to promote social harmony and economic development. Just to follow from that, there are a number—it's confusing—of incidents

across the province. Some people refer to them as claims and some people refer to them as disputes. The federal government is unclear on some of these issues as well.

I think of the Hagersville subdivision. I was there when people came in wearing masks and took over, and Dan Valentini, a homebuilder, and Almas construction had to pull their equipment out that morning. This was a \$20-million project, much of it for retirees. Is the ministry involved at all in talking about that?

Hon. Michael Bryant: About?

Mr. Toby Barrett: About that Hagersville occupation.

Hon. Michael Bryant: Look, I and the ministry work with the mayor, council, developers, local citizens to try and find resolutions where there's a conflict, and that's the role we ought to play. Then, to the extent that it's something that falls within keeping the peace, that's within the jurisdiction of the police.

Mr. Toby Barrett: Yes. I know the proposed home-building project in Deseronto—I think it's called the Cuthbertson tract—is something like a \$280-million project. I was down there a few weeks ago. I don't know the area that well. What is the status of that? Is that an actual land claim or is it a dispute—this Cuthbertson tract, adjacent to Tyendinaga and Deseronto?

Hon. Michael Bryant: My understanding is that it's a federal land claim.

Mr. Toby Barrett: Okay. One other—and this has come up as well—is the Ancaster site. There was a proposal there for building homes in the Ancaster area. I don't know whether Mattamy Homes was involved with that and they swapped land with the Ancaster fairgrounds. We know it's not part of the Haldimand tract. There was discussion that the Mohawk people swung by there because of the Nanfan Treaty of 1701, I think. I understand that relates to hunting and fishing rights on crown land. Any thoughts on that one?

Hon. Michael Bryant: Again, to the extent that they become subject to the negotiations over claims, that's exactly what I'm saying, that we need a lot more action from the federal government. I'm not the only one saying it; the national chief said that quite explicitly yesterday. It's not just the claims, but, as I said yesterday, it's what comes out of the claims, the conflicts that come out of the claims. I know the member tends to focus on that particular conflict, and there's a role for the province and there's a role for the police to basically address the outflow of the failure to resolve the claim. But the lynchpin is the claim itself, and that's why we want to get more attention from the federal government on those claims.

Mr. Toby Barrett: I was up at Sharbot Lake not too long ago—the uranium mining proposal and Frontenac Ventures. This is perhaps not necessarily a native or non-native issue. There seems to be a mixture of people who were concerned about a uranium mine. There's beautiful tourism country up that way as well. But there's something like \$1 billion resting on that project, or the potential to inject \$1 billion into that broader economy.

That side of it is a benefit for all, whether there are other views on uranium. I just see signs on Highway 7. Is that one going anywhere? Is the mining company able to go forward on that? Do we know?

Hon. Michael Bryant: The goal is to find some way to forge an agreement that's agreeable to the First Nation and agreeable to the company. That happens in more than 95% of the cases in the province of Ontario. This is an instance where that has not happened yet. The short-term work to deal with it is being done, but the long-term work is changing the Mining Act.

Mr. Toby Barrett: Did you say changing the Mining Act?

Hon. Michael Bryant: Yes.

Mr. Toby Barrett: We have heard about that perhaps coming forward in the fall. Is it Platinex—

Interjection.

Mr. Toby Barrett: My colleague to the left may know more about this. Thunder Bay—Platinex—is that a \$500-million project that perhaps can be resolved through changes to the Mining Act?

Hon. Michael Bryant: The changes to the Mining Act that would take place would deal with the statutory requirements going forward in the event that the Legislature passes the changes. But with the ongoing projects, where there's a disagreement—which again is the exception as opposed to the rule, where in fact agreements are made and are a success to all—an effort has to be made to try and negotiate an agreement. Sending it off to the courts has not in fact generally had much success.

Mr. Toby Barrett: I understand this Aaron Detlor, lawyer, is involved with—according to the media, it's a \$550-billion claim up in the Sudbury area.

Mr. Gilles Bisson: It's \$550 billion.

Mr. Toby Barrett: Yes, \$550 billion. That's strictly through the courts. Would the ministry have to be involved in that as well?

Hon. Michael Bryant: Once it's before the courts, it's before the courts. And it's one where counsel engages in advocacy and independent decisions are made by the Attorney General as to what positions ought to be made. It's within a legalized context, which doesn't allow for the flexibility that you get out of negotiations, which is why negotiations are always vastly preferable, in my view.

Mr. Toby Barrett: Just looking at your budget, we know it's doubled in the past year, but compared to the provincial revenues and expenditures, it's still relatively small. I don't know how this ministry can cover off on all of this activity across the province—and I've just touched on a few. On a court case like the \$550-billion one—

Interjection.

Mr. Toby Barrett: Sorry, Chair?

Hon. Michael Bryant: I'm going to cut and paste that comment and send it to the finance minister, but—

The Chair (Mr. Tim Hudak): He wants an increase in his budget—

Mr. Toby Barrett: I guess that's our job, to determine the resources and how they're allocated—it's your job, but we appreciate having you before the committee to listen to us.

With court cases, it would be the Attorney General who would provide legal counsel to—or the OPP lawyers, perhaps?

Hon. Michael Bryant: No. Once it's before the courts—I mean, if you're talking about a claim—

Mr. Toby Barrett: Yes, an actual claim.

Hon. Michael Bryant: —the Attorney General makes judgments and agents of the Attorney General—counsel—make judgments. There's an important, very experienced and really probably Commonwealth-leading division within the Ministry of the Attorney General that deals with aboriginal rights issues and aboriginal claims. But they operate within the confines—I underline “confines”—of jurisprudence and an advocacy, one might say, in some cases an all-or-nothing approach, which takes a significant amount of time, which involves a certain amount of legal costs, although the Ministry of the Attorney General, unlike the federal government, which to a certain extent outsources that to legal counsel—it's almost all in-house for the Ministry of the Attorney General.

1700

It ends up being decisions made in a legal context. It can't be political decisions, it has to be legal decisions. The way in which we think we resolve this is through endeavouring to establish some trust through relationships and discussions, and that cannot be done through advocacy in the courts, but if that's the only venue that it ends up in, that's the only venue that it ends up in. We can hardly say that it's been a successful approach, given where we're at right now and given the state of the standard of living and the health and education challenges of First Nations and Metis and Inuit people.

Mr. Toby Barrett: There's another one. This is close to home in my riding, in the village of Cayuga. Mike Corrado is a home builder in partnership with Eccles construction, and they are working on 100 homes. It's sat for a year, a year and a half. I think it was last summer that they started building homes. There's quite a bit of activity there. It's about a \$40-million project. It's in the Haldimand tract. It has been shut down by HDI a number of times—I assume HDI. Ms. Ruby Montour and husband Floyd have been there. I think the home builders have received or have asked for a court injunction. Is that a route to go? Does that help resolve issues?

Hon. Michael Bryant: Look, it's up to individuals and individual companies to decide what they're going to do.

Just firstly, you said you assume it's HDI that shut it down. Let me not get into that particular instance.

Mr. Toby Barrett: It's up to you if you want to discuss that.

Hon. Michael Bryant: Just generally speaking, the member may know that in some cases the activity that

takes place that prevents, say, construction from taking place is non-aboriginal community members who object to the development for other reasons, for the reasons that we're often familiar with as members of provincial Parliament—disagreements about the size or the location. I don't think it's right to assume that in every single case it's 100% involvement. So you're right to say you assume; it's not necessarily the case. Again, I'm not getting into that particular one.

Ideally, what you get is an agreement so that the activity can continue and there's an understanding between all parties as to who does what and who goes where and how it takes place. That is ideally resolved through negotiations.

Again, why is that happening? It's happening because of an outstanding land claim. If we're talking about Haudenosaunee, we're talking about a 200-year-old dispute between the federal government and Haudenosaunee Six Nations.

Mr. Toby Barrett: Yes. Cayuga is in the Haldimand tract; downstream, Dunnville is in the Haldimand tract. I understand Mattamy construction had—I don't know whether they have or had plans in the works for 500 homes. I've been given figures of a \$340-million contribution to the Ontario economy. We haven't heard much about this one.

Dunnville now, like Brantford, seems to be getting hit hard. We lost the TSC store, the Tractor Supply Company store that was coming to Dunnville. A Wal-Mart was to be built in Dunnville. Our Chair is a former MPP for Dunnville; I'm presently MPP. There are a number of other businesses, and I have them listed here.

The Mudcat Festival is coming up in a week. They have lost their community donations, their funding, for this festival. I don't think this ministry can budget to help out. I know I've written a cheque and my staff have written a cheque. I just draw your attention to the problems in the town of Dunnville, a town, like Brantford, whose time has come for a bit of economic activity. I just draw your attention to that.

Of course, Caledonia, at one time the fastest-growing town in the province of Ontario—projections of 4,000 additional homes to be built in Caledonia, as you may know. That was estimated at about a \$740-million contribution. I know it's probably a big draw on your budget. We should be cognizant that there were other planned homes to be built beyond the Douglas Creek subdivision. We've talked about this. I won't go further on Caledonia.

In Brantford, the industrial park to be constructed by First Gulf, and also a shopping mall in Brantford planned for construction by First Gulf: The industrial park projections that I've been given are of \$500 million into the Ontario economy, and for the shopping mall, a \$50-million impact on the local economy. Again, these are very serious figures.

How many minutes do I have?

The Chair (Mr. Tim Hudak): Just under five.

Mr. Toby Barrett: Okay. I may not get through the list. The figures that I have been given total something like \$4 billion in lost economic activity.

We go on: Brantford Losani construction, 300 homes sitting on hold; an estimate of a \$280-million economic impact.

I certainly have received questions and e-mails about all of these developments. There is an expectation—we have government for a reason. People do look to the new Ministry of Aboriginal Affairs. Again, going back to the deliberations before this committee and any advice that we provide on the allocation of resources from this ministry with your budget plans, I can't stress enough how serious this is.

I mentioned the Wal-Mart in Dunnville; TSC—Fortinos was another company that didn't show up. I was in a manufacturing operation there Friday night. They've gone from 500 employees down to seven. I don't know whether that's related or not. I've got figures, when you have Wal-Mart and these things coming in, of a potential \$600-million contribution to the Ontario economy, just from that projected development in Dunnville. Whether it's your ministry, and all ministries beyond the Solicitor General, I feel there's probably an awful lot more the government could do with respect to some of these issues.

I have a total that was given to me, \$4.1 billion, that could be injected into the Ontario economy if these projects had gone forward. There are other occupations or protests or uncertainties across the province that I haven't mentioned. I've been given figures of a \$7.5-billion hit. I know the mandate of your ministry, as with, really, all ministries, is to continue to promote social harmony and, just reading the document, economic development in communities affected. I know the co-ordination role that your ministry plays with respect to these issues. I just encourage you to fight to get additional resources to continue to deal with this.

The Chair (Mr. Tim Hudak): You have two minutes, Mr. Barrett, if you want to use it.

Mr. Toby Barrett: More specifically too in Mount Pleasant, outside of Brantford, there has been a move there as well. Brookfield construction have a 300-home proposal there, and I think they had a visit from somebody, which was a little chilling for that community. There are 10 or 11 or 12 Ontario Realty Corp. properties, some in the Haldimand tract, like the Cayuga Courthouse, Rock Point Provincial Park, Selkirk Provincial Park. A number of these properties are owned by the Ontario government, and through ministry negotiations, development has been frozen. Why would that be?

Hon. Michael Bryant: I don't for a second want to suggest that this is the case for all of the developments, but in some cases, and this happens sometimes, incidents that actually have nothing to do with aboriginal government relations end up being lumped in. There are some cases—I'm not saying any of the specific projects you mentioned, but maybe a couple of them—where in

fact the developments didn't go forward because the Ontario Municipal Board ruled that they ought not to go forward.

1710

But to your more general point: What we do is we work with mayor and council. For instance, \$3.5 million invested for municipal roads and bridges in Haldimand county; \$400,000 for affordable housing; and particular investments such as \$1.3 million for 150 businesses impacted in 2006, and there's a list. We have a role to play, yes, to deal with specific events, some of which you refer to, but again, what is the cause of all this and what is the long-term solution? It's the resolution of claims.

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

Mr. Toby Barrett: On a point of order, if my time has run out: I'll just provide the list to the committee and to the minister—

The Chair (Mr. Tim Hudak): The particular projects that you mentioned earlier on?

Mr. Toby Barrett: Yes, the ones I've mentioned, and there are a couple I missed.

The Chair (Mr. Tim Hudak): Okay.

Mr. Toby Barrett: I'd like to distribute that list—

The Chair (Mr. Tim Hudak): Just for the benefit of the members of the committee, to see the different projects that are—

Mr. Toby Barrett: I'll put my questions in writing to the minister, because I'd like a more fulsome answer on some of them.

The Chair (Mr. Tim Hudak): We are back on Tuesday, so you'd have a chance there to do so if you'd like. Questions are to be answered later by the minister, just like they would be entered orally into the record.

Mr. Toby Barrett: I went through that very quickly. I just thought to better enable members of the committee to know what I'm talking about, because there are a number of them that I missed.

The Chair (Mr. Tim Hudak): Okay.

M. Bisson, you have 20 minutes.

Mr. Gilles Bisson: I was going to go in one direction, but I just want to say up front, as the representative of a riding that has many aboriginal communities and as a member of a party, the New Democratic Party, that believes we need to find ways of incorporating, engaging and involving First Nations in economic development, I don't buy for a second that they're a hindrance to development. This whole diatribe that we just got previously from the Conservative member, that somehow or other the development is all being held up in Ontario because First Nations are getting in the way, I just find, quite frankly, somewhat offensive.

We have been very fortunate in Canada and we've been very fortunate in Ontario that First Nations wanted to share territory with us. It's still their territory; they never ceded the territory of Canada or Ontario to the federal or provincial governments. We're supposed to be sharing. The problem is, we're not doing a very good job on the sharing part.

In the past, we got away with it as Europeans, as they see us, for a whole raft of reasons: (a) we're pretty aggressive as Europeans; and (b) they're pretty passive people, and they were trying to figure us out. So what we're seeing today is, in the case of where I come from in my constituency and across the north—and I would imagine it's the same in Caledonia—people are saying, "Listen; we're not going to repeat what we've had for the last 100 or 200 years on this continent or in this country. We need to find a way to coexist so that we all can benefit from the benefits of Canada, the benefits of Ontario and the resources that we have and the businesses that we operate in our jurisdictions. We just need to figure out how to do that."

I'll tell you, we are very lucky as people that aboriginal people are very peaceful, and the minister knows that. They are probably the most peaceful people on planet Earth, and they're very patient. They've put up with us for a long time. What we hear now today is more and more communities across Ontario, from the south to the north, from the east to the west, that are saying, "Enough. We need to figure out how we change the errors of the past and how we share."

I just want to put that up front. I don't see First Nations as a hindrance to economic development in northern Ontario or in southern Ontario. In fact, we can do quite well, and we can do better if we work together.

I've got a series of questions. I've got probably about 18 minutes left, because I've used two minutes for that. I guess the first question I want to ask—and I just want to confirm, because I imagine the answer to this question is yes. The creation of the Ministry of Aboriginal Affairs was to create a one-window approach for First Nations—tribal councils, individual native organizations or First Nations communities—to access the provincial government. I'm correct in assuming that; right?

Hon. Michael Bryant: Yes, and you'll know that in the past, I think primarily inadvertently, what happened is that one ministry would say, "Sorry; don't talk to me; go talk to that ministry." This way, yes, it's always multi-ministerial. Instead of making First Nations go from ministry to ministry, that's our ministry's job. That's absolutely one of the purposes behind having a stand-alone ministry.

Mr. Gilles Bisson: Your ministry has been given a budget of 50-some-odd-million dollars to deal with some of the issues that you're responsible for, but you also have a say in lobbying other ministers in trying to deal with other issues—education, whatever it might be—right?

Hon. Michael Bryant: Yes.

Mr. Gilles Bisson: Can you explain that role just a little more clearly?

Hon. Michael Bryant: Sure. A lot of the specific expertise for the various issues that are particular priorities and challenges for aboriginal communities—education, health care, housing—lies in other ministries. So our job in the Ministry of Aboriginal Affairs is to assist

those ministries and also to be accountable and responsible for moving the issues through.

Part of the increased budget gives us more policy capacity. Just as an example, I had an opportunity to speak with hundreds of civil servants a couple of months ago, all from different ministries, all of whom work in the area of aboriginal affairs in one way or the other. I was there to talk about how we would better work together and coordinate. I'm supposed to orchestrate; you're right.

Mr. Gilles Bisson: So I'm correct in understanding that if I'm in Attawapiskat or whatever community I come from and I have a problem with the provincial government, one of the purposes of the new Ministry of Aboriginal Affairs is—that's the window you come to.

Hon. Michael Bryant: I'm certainly encouraging First Nations to do that. If they choose to go to a particular other ministry—

Mr. Gilles Bisson: I understand that, but you're the main spokesperson at cabinet. You're the main advocate for First Nations issues within the government. That's what your ministry does.

Hon. Michael Bryant: Yes. I don't want you to think that I'm alone and the executive—

Mr. Gilles Bisson: No, no, that's not my point.

Hon. Michael Bryant: Certainly, that's one of the purposes of—

Mr. Gilles Bisson: Other ministries have a role to play.

Hon. Michael Bryant: —having a stand-alone ministry, yes.

Mr. Gilles Bisson: No, no, but—

The Chair (Mr. Tim Hudak): Mr. Bisson, let the minister finish the question.

Mr. Gilles Bisson: He answered the question, so I was moving on.

The Chair (Mr. Tim Hudak): But you asked him for his role in cabinet and such, and give him some time to finish his answer.

Hon. Michael Bryant: The only thing I wanted to say, Mr. Bisson, is that—I guess we're six or seven months into this new ministry—inevitably, there will be circumstances where some First Nations and Metis leaders imagine that the approach is the way it used to be. So they will go to a specific ministry, and I often encourage them to come here so that we can do the coordination part.

Mr. Gilles Bisson: Exactly. So my understanding is correct, along with others, that you are the one-window approach. You can still deal with the other ministries straight off, but if you're looking for an ally to work with you in order to move your issue forward, you're the guy to go to.

Hon. Michael Bryant: I absolutely encourage First Nations—

Mr. Gilles Bisson: Okay. With that in mind, it sets up a whole bunch of other questions. I asked the other day, when I did my opening statement, about the issue of the 1965 agreement. Now, I'm sure that you have a response

because I see your ADM had a note as soon as I walked in the room—if you can give me a response to the question.

We have the 1965 agreement that was signed between Ontario and Canada when it comes to social services. If you can give me a bit of an explanation—either you or the ADM—if the province was to decide that it was going to increase services on-reserve, can they do that on their own or do they have to do that in consultation with the federal government?

Hon. Michael Bryant: I'll let the deputy answer this.

Ms. Lori Sterling: In particular, with respect to Ontario Works? That is what I gathered you were talking about.

Mr. Gilles Bisson: Yes, Ontario Works, or CAS, for example, because they're under that agreement as well.

Ms. Lori Sterling: You know there's a cost-sharing formula and there's a defined program that is found to be acceptable by the federal government.

Mr. Gilles Bisson: Can I just ask a question? For the committee, can you just say what the cost sharing is? I know what it is, but the committee should know.

Ms. Lori Sterling: The way it works is there are different formulas for different kinds of programs, but the main program is the Ontario Works program. The way it works with Ontario Works is that there's cost sharing. Eighty per cent is supposed to be provincial and then 20% is supposed to be federal, and the federal portion goes directly to First Nations. Of the 80%—that's the so-called provincial portion—93% of that is actually paid for by the federal government.

Mr. Gilles Bisson: We submit them a bill at the end of the year.

1720

Ms. Lori Sterling: That's right. So that is on the financial assistance and the employment assistance piece. In addition, there's a cost of administering Ontario Works, and that is on a so-called 50-50 formula, which means that 50% is paid for directly by the federal government to the First Nations, and then the other 50% is the so-called Ontario portion. Once again, of that, 93% is paid for by the federal government. Recently there was some discussion by the federal government that they wanted to change the funding formula, such that Ontario would not be able to recuperate—

Mr. Gilles Bisson: I say no to that.

Ms. Lori Sterling: You're asking whether Ontario could get more money from the feds, and I'm telling you that unilaterally they decided to actually reduce the amount of money that we would get on the administrative portion, and there are currently ongoing discussions to try to get them back up to the 50%.

Mr. Gilles Bisson: Just before you go to the next part, specifically on Ontario Works, there was a reduction under the Conservative government of 24% to benefits under Ontario Works. If the province of Ontario were to say, "We want to re-increase that 24% back," would the feds be obligated to pay their share?

Ms. Lori Sterling: I think the reality is that the feds would have the ability to decide whether they would want to consider that change an eligible change for funding or not.

Mr. Gilles Bisson: Because I've been told by bureaucrats in INAC that in fact they would have to pay. That's why I'm a little bit intrigued by this.

Hon. Michael Bryant: They wouldn't have to. Just to give another analogy quickly, because I know you want to get to this agreement, and I want to get to the answer: The investments made by the government of Ontario over the years into legal aid, increased significantly, were not matched by those increases federally, to the point where now it's 80% provincial, 20% federal. But it used to be 50-50, the point being that there's certainly no obligation, when the province makes a particular investment, for there to be a reciprocal increase, as much as I wish there might be.

Mr. Gilles Bisson: Carry on, Deputy.

Ms. Lori Sterling: Just to carry on with the question, you referred to the Indian welfare agreement of 1965, and you also asked, in addition to Ontario Works, what other kinds of programs would be covered by that. I thought I would give you the list of programs that we're aware of, although I must admit that, being the Ministry of Aboriginal Affairs and not the ministries that actually deliver these programs, I don't have any details beyond the names.

So in addition to Ontario Works, under the Indian welfare agreement, there's an allowance under the Blind Persons' Allowances Act. There's an allowance under the Disabled Persons' Allowances Act; there's an Old Age Assistance Act provision which has an allowance as well. There's a dependent father allowance. There's also assistance payable to widows and unmarried women. It's all archaic, as you can imagine, because the names are still dating from—

Mr. Gilles Bisson: 1965.

Ms. Lori Sterling: —1965. Yes. There's assistance payable under the Mothers' Allowances Act; rehabilitation services—we must have come a long way because it wouldn't be called the Mothers' Allowances Act if we passed it today.

Mr. Gilles Bisson: Exactly.

Ms. Lori Sterling: Rehabilitation services: There's residential shelter specialized in group care provisions made. There are particular kinds of allowances paid for children, some protection in care, boarding homes, day nurseries. There are grants in aid to housing corporations for aboriginal people. There are grants for approved corporations for infrastructures like social and recreational centres, especially for elderly persons. There are also homes for the aged, and there are provisions that allow for federal payments for the establishment and maintenance of those homes. Finally, there are homemakers' and nurses' services that also fall under that agreement.

That may not be 100% of the list, but that gives you a flavour of the extent.

Mr. Gilles Bisson: Could you please table that list with the committee for members?

The Chair (Mr. Tim Hudak): I'm sorry. This is a list of the different—

Mr. Gilles Bisson: Yes, what's covered under the 1965 agreement.

Hon. Michael Bryant: I mean, look—

Mr. Gilles Bisson: Of what you know. I recognize it may be missing some of it.

Hon. Michael Bryant: I think we're right, everything that we got, but if we get anything additional, I'm happy to supplement as we go on. We just read what we were able to obtain.

Mr. Gilles Bisson: Yes. Is there also a possibility of getting a copy of the 1965 agreement?

Hon. Michael Bryant: Regardless of whether it makes sense under the estimates committee, I'm happy to look into that.

Mr. Gilles Bisson: I would like to make the request that the committee be provided with a copy of the 1965 agreement.

The Chair (Mr. Tim Hudak): It's nice of the minister to produce that. I just want to remind members that these are the estimates for 2008-09.

Mr. Gilles Bisson: Chair, just to be clear, monies that we expend today are based on the 1965 agreement, and that's why I want a copy of it.

There we go: delivered. Excellent. Thank you very much.

Hon. Michael Bryant: Why can't we do this at question period?

The Chair (Mr. Tim Hudak): It might just help us from time to time, to make sure that the questions are in order, if you tie it to the estimates that are before the committee now.

Mr. Gilles Bisson: Yes, it's all tied.

Just another question to the deputy: Are CAS, children's services, covered under the 1965 agreement? I thought they were, and you said that they weren't on the list.

Ms. Lori Sterling: No. They were on the list that I mentioned. I said, "services to children, including protection and care."

Mr. Gilles Bisson: Okay. I'll come back to that once I've read the agreement. I'll do that next week.

Being the minister responsible for the one-window approach, obviously there's a raft of issues that are going to come through your door. One that we're dealing with right now, that your government is dealing with as well, is the issue of policing. We know what the agreement is. It's 48-52: 48% provincial dollars and 52% federal dollars vis-à-vis policing. There is a request right now by Nishnawbe-Aski policing to increase capital—and we're not just talking operational budgets at this time but capital budgets—to bring the facilities within NAN communities up to standard. Can you give me a sense of where that's at and what you're prepared to do in order to assist in these estimates to find that money?

Hon. Michael Bryant: Obviously, anything that a provincial territorial organization submits to the government is taken seriously. Typically—and this would be the example of the single portal—we then work with the particular provincial ministry, and I know that while it's not within our budget, the Minister of Community Safety has said that there are ongoing discussions with the federal government about this. I've also spoken to Grand Chief Beardy about it, and I've obviously reviewed the report as well. The appropriate ministries to engage in the discussions are the Ministry of Community Safety and the federal equivalent, the Solicitor General, and those are ongoing. I don't have any update beyond that.

Mr. Gilles Bisson: But the problem we get into is, who's going to blink first, right? It's always the issue between First Nations communities and how they relate to the provincial and federal governments. In some cases you have issues that are solely under the control of the federal government; in other cases, like policing, they're joint; in other cases, we do them entirely. So where you'd have these particular joint agreements, such as in policing—I guess my question to you is: The current government under Mr. Bartolucci has taken the position that when the feds are ready to put in their money, ours is there; are you prepared to work with us to, say, have the province put the money forward this year in our overall expenditures in order to meet the capital requirements of NAPS and force the federal government to do the same, rather than waiting for them? Are you willing to be the ally on that side?

Hon. Michael Bryant: Yes. Certainly, on the accountability front, the government is the government provincially. I can't speak for the federal government, obviously. Will I do everything I can to force increases from the federal government? Yes.

Mr. Gilles Bisson: No. That's not my question. We put up our dollars and say to the feds, "You do the same." Are you prepared to take that position?

Hon. Michael Bryant: I guess I'd have to consider it and speak with Minister Bartolucci about it, but I'll just say this as I slide away from your question. Here's one of my concerns, to be quite honest: The Kelowna accord would have seen the federal government provide federal dollars. The provincial government would have had more of a role, if not an exclusive role, in delivering the services. What I'm seeing to some extent is—and we saw this with FNTI—that it's almost as if the federal government has decided, "Yes, sure. We're going to down-load those programs to the provincial government but we're just not going to pay for them." You can see the public policy problem with in fact allowing the federal government to vacate their territory.

1730

I agree with you that the strategic approach is of no interest to First Nations. They just want the improvements; I understand that. At the same time, the provincial budget is what it is, and where the federal government needs to provide those funds, they need to provide the funds. There are circumstances where the province, again

rightly or wrongly, does in fact—and we did this with FNNTI—engage in an intervention. It's not about politically letting people off the hook. It's about making sure that in the medium and long term, services are provided, because if the funding that is currently federal is in fact devolved to the provincial government, then it just means that everybody suffers. So that's part of the reason I responded to you in the way I did.

Mr. Gilles Bisson: But part of the problem, and I said this in my opening statement, is that the federal government is delinquent, pure and simple, when it comes to their responsibility to First Nations. They do minimally what they are charged to do by way of our Constitution and by way of treaty, and the rest of it is left up to First Nations to do the best they can. My view is that if we wait on the feds to take their responsibilities, we'll probably be waiting another 100 years. At one point, the province has to make a decision: Are First Nations people citizens of the province of Ontario? I think you agree with me that they are.

Hon. Michael Bryant: Yes.

Mr. Gilles Bisson: If that's the case, then we have a responsibility. That's why I'm impatient. I look at the youth in our communities, and the youth are not going to have the kind of patience that our generation or the generation before had. If we want to stem this before it becomes a big problem as far as what could come out of it, I think we need to be seen as trying to move the yardsticks forward on a number of these. That's why I'm saying that in the case of NAPS there is an agreement. It's 48-52. All we would be saying is that we're prepared to do our part; feds, do yours. Then we go fight with the feds after and figure out how the hell we're going to get the rest of it. We would have to pay the 48% anyways if the feds paid it up, but at least the \$12.5 million would go towards part of the solution, and we can hold our heads up high and say to First Nations, "The feds may be absentee landlords, but we're not."

The Chair (Mr. Tim Hudak): Thank you, Monsieur Bisson. I appreciate that. I don't think you were expecting an answer; those were—

Mr. Gilles Bisson: No.

The Chair (Mr. Tim Hudak):—personal comments. Thank you very much.

The government members have 20 minutes.

Mr. Lou Rinaldi: Thank you, Chair. Minister, just as an opening, I think we are making some headway, although I would agree that we still have some huge challenges in front of us. I know that just last night, as I mentioned before, I had the opportunity to speak with Chief Jim Bob Marsden from Alderville First Nation, and we talked a little bit about this week. What's really, really interesting—and I think there's a real sense of wanting to accomplish something. I just thought I'd relay this as sort of an opening statement: On Tuesday in the local Cobourg Star, there was a fair-sized ad, probably a quarter of a page or better, that the First Nations of Alderville had in the paper inviting other folks to come and celebrate with them their Day of Action—they were

having a barbecue at noon; they were having coffee and doughnuts in the morning—and just to share with them. So I think there is some real sense of wanting to move forward. I can only speak for this First Nations community that's in my riding and that's had an excellent working relationship. It's unfortunate that I'm tied down here tomorrow and I cannot take part. I feel kind of bad, because I really think it would be good for us to be there, but I did commit that on July 26 and 27, at their annual powwow, now that I got the taste last night, I'm going to be there to celebrate with them.

Having said that, I wonder what you see as some of the more important issues of First Nations, the Inuit, and Metis people of today, and what you feel is the best approach in helping to resolve these outstanding issues, because I really see, I guess, the light at the end of the tunnel. That's just me saying that from a layman's perspective. But in the just six or seven months that you've been engaged as minister, what do you see?

Hon. Michael Bryant: I believe that it's all about the economic self-determination. I do. I know I emphasize this and have repeated it a number of times, but it bears emphasis. Why? Because in the past, the approach has been, "Oh, my. What do we do? How do we resolve this? Is it all about this? Is it all about that?" Instead what it is, in my view, is that if you approach the economic challenge, then everything will follow. Okay, but that's to improve equality. That's to improve social conditions. In some ways it's simple and in some ways it's complicated, but the long-term resolution is just simply self-government. These funding questions come up again and again, quite rightly: "Is it federal? Is it provincial? Who should pay for what?" That doesn't happen when you have self-government amongst First Nations.

So in a nutshell, I would say self-government should be the goal. We're talking federal-provincial, where there's a role to play for the province, and there will be. The province needs to play that role. The federal government needs to take the lead.

The Chair (Mr. Tim Hudak): The minister, the deputy and the CAO have been here for 90 minutes straight. Why don't we recess for five minutes? We're 10 minutes ahead of schedule anyway. So recess for five minutes?

Hon. Michael Bryant: I promise to be back in four, Chair. I won't dally.

The Chair (Mr. Tim Hudak): Okay. We'll recess for five minutes.

The committee recessed from 1738 to 1742.

The Chair (Mr. Tim Hudak): Folks, we are back in session. When we recessed, Mr. Rinaldi had the floor.

Mr. Lou Rinaldi: Thank you, Chair. A well-deserved break, I must say.

Minister, just to carry on, changing not the subject but the scope a little bit—

Mr. Gilles Bisson: You guys could decide not to do your time, could you not?

Mr. Lou Rinaldi: I think we want it. I think we want to make sure that the people of Ontario get their just time. That's what we're here for.

Interjection.

Mr. Lou Rinaldi: Well, we all have things, but this is a good thing to do.

The Chair (Mr. Tim Hudak): Mr. Rinaldi has the floor.

Interjection.

Mr. Lou Rinaldi: Well, the minister has agreed to be here. Anyway, let's carry on.

Minister, to get back to estimates, now that we have the agreement on how to deal with Ipperwash Provincial Park, as a sort of co-management, can you give us some sense if that could be a model as we move down the road with other land claims in the province? I respect the statement you made earlier on, that there is no cookie-cutter approach to First Nation issues, but what is your sense?

Hon. Michael Bryant: Well, I hope so, and where it's appropriate and it makes sense, yes. In that particular instance, you had a First Nations community and a non-aboriginal community where there were significant tensions over a number of years. So this wasn't a matter of the claim taking place in a remote region where there was a non-aboriginal population that was unaffected—not at all. So besides the priority, which was addressing the historic grievance and the claim itself, this was seen by Chief Bressette and Sam George as an opportunity to bring the communities together. Where you have tension between communities, that's certainly, I hope, a possibility and a potential model for other communities, but you have to have two willing partners. In some circumstances, it might not be feasible, by which I don't mean dollar-wise. So it's my hope that maybe Chief Bressette's model is one that's copied down the line, and certainly the government is very open to that.

Mr. Lou Rinaldi: While we're talking about Ipperwash—that was the co-management of the park. But more in general, can you talk a little bit about the outcome of the Ipperwash priorities, the action committee meetings and so forth and how that's evolving?

Hon. Michael Bryant: Any meeting with the political Confederacy, the leadership of First Nations, any meeting with the Metis president and Metis leadership—we are going to discuss a host of issues. They don't necessarily fall four-square within the recommendations.

The discussions that we had in fact involved not just priorities and recommendations and the commission recommendations, but it was also an opportunity for the leadership, as a collective. I attend assemblies as much as I can on a regular basis, so I'll attend the annual assembly of a particular provincial territorial organization and have done so, whether it's the annual or the quarterly meeting, to have an opportunity to talk with chiefs from across the province.

With respect to the Confederacy, it's an opportunity to talk about whatever they want to talk about. The priorities, as you can imagine, are the priorities coming out of

the Ipperwash commission recommendations. A very significant portion of the recommendations involve changes or, really, legal affirmation of current practices with respect to policing. When we get to that, the Solicitor General will be particularly involved in those discussions. Again, the expertise lies within that ministry; and secondly, and maybe more importantly, because of the independence of the police. There are recommendations involving legislative changes, so inevitably that ministry will become particularly involved at that point.

Some of the other recommendations touch on other ministries. Where we require a minister or a parliamentary assistant or ministry officials to attend those meetings, we do that.

Certainly there was, in the last meeting, a resounding signal and agreement that participation of the federal government in their part of the Ipperwash recommendations was critical. Yes, it's a provincial public inquiry, but there are many, many examples of royal commissions, the federal public inquiries, having provincial recommendations that provinces have addressed. Regardless of whether it came out of a provincial public inquiry or not, who could say for a moment that the land claims process right now, for example, is working well?

That's why we need participation by the federal government in that and in a number of other recommendations. This wasn't a government submission or a government idea or a government argument; it was one being made by First Nations themselves. So, too, with respect to the meeting with the president of the Metis Nation of Ontario and their leadership—different issues, but specific recommendations within the commission about involving Metis people.

That's dealt with separately, acknowledging the enormous and significant differences between Metis people and First Nations people. I talked about the diversity within First Nations themselves. It was the framers of the Constitution who used the word "aboriginal," and the Constitution defines aboriginal as First Nations, Metis and Inuit people.

In the case of the Ipperwash commission report, it didn't make much sense to lump it all together, and, also because the vast majority of the recommendations involve recommendations involving First Nations, it was the request of both First Nations and Metis that they be done separately. The government was certainly more than willing to accommodate that.

Mr. Lou Rinaldi: Chair, my good friend, the member from Peterborough, has a question that he would like to ask at this time.

The Chair (Mr. Tim Hudak): Mr. Leal, you still have quite a bit of time. You've got about seven minutes left.

Mr. Lou Rinaldi: If we have time, then I have more questions, but I certainly want to turn it over to my good friend.

The Chair (Mr. Tim Hudak): Well, you two can work it out.

Mr. Jeff Leal: Thanks very much. One of the things that I'm particularly proud of that I share with my friend Mr. Rinaldi is the Kawartha Pine Ridge regional school board. In that school board, the daughter of Chief Knott, who's the chief from Curve Lake, Shelley Fife, has brought forward a really unique education program for non-aboriginal teachers, for the rest of them in that board. I've had the opportunity over the last little while to see Ms. Fife in action having the workshops with non-aboriginal teachers, particularly with the residential schools and the loss over four generations of parenthood within First Nations communities. That has been a tremendous success story and something I know through the Ministry of Aboriginal Affairs that we want to be at the forefront of in terms of sharing that historical experience so that we understand, build trust and build relationships which are so important within the Ministry of Aboriginal Affairs and our First Nations people.

1750

Part of that, Minister, is the whole issue of the duty to consult, to bring First Nations communities to the table and have them a key part. As we move together, and you've talked about creating the middle class and economic opportunities, I wonder for, the sake of committee today, if you could just give us an update on the legal status of the leaders with regard to KI and the legal issues regarding Frontenac mining, and how the leaders of those communities—the legal situation they were facing and how that's evolved within the last little while.

Hon. Michael Bryant: The appeal was scheduled to be heard today, and it was heard today by a panel of three from the Ontario Court of Appeal. Chief Morris and council were released on Friday—what day was it?

Interjection.

Hon. Michael Bryant: The 23rd of May—pending appeal, and amongst other things required a concession and agreement by the respondent in the appeal, Platinex. They did that, and I think there's no question that was in the public interest and the right thing to do. The court, as I understand it, has handed down their decision from the bench with reasons to follow.

Chief Lovelace has been released and the appeal has been allowed. The appeal on KI was also allowed. The outstanding fines that were in the sentence were basically stayed, and the court released Chief Lovelace immediately. The crown's position before the court was in fact to appeal the decision, and so they were successful, although with respect to the KI appeal it should be said, to the credit of the respondent, Platinex, that they consented to the appeal. There was a real effort by Platinex to try and make up for their start, and that was certainly reflected in that decision quite significantly. Obviously that's absolutely what ought to have happened. I'm very pleased that that's what happened. Obviously the challenge continues and the chapter itself is not going to be easily lost.

National Chief Fontaine said to me and Grand Chief Toulouse and a number of others, and he's repeated this to many people and in public, that the effect of jailing

chief and council under circumstances like this not only is, in this case, wrong in the particular circumstances, but the effect that it has on everything else involving aboriginal affairs and aboriginal federal, provincial and non-aboriginal relations—the impact, I think, cannot be underestimated.

In a number of other projects that were in fact taking place with partnerships with aboriginal peoples, with First Nations in particular and other companies, there became a question as to whether or not, in a moment of solidarity, that ought to slow down or stop in some cases. As National Chief Fontaine said, regardless of the best approach, which he certainly agrees is negotiation and partnership, the impact of jailing chief and council in these circumstances was one that—I'm very pleased that part of it is over.

When I saw Chief Morris and Councillor McKay yesterday, whom I've spent a fair chunk of time with over the last six months—

Mr. Gilles Bisson: They spent more time with each other.

Hon. Michael Bryant: They definitely did; yes. What do you say to people whom you've been working with for the last six months who just got out of jail? He and Councillor McKay, quite rightly, want to move on with trying to work with the government. Chief Morris said, "Can we work government to government, KI to the government of Ontario?" Yes. That's something that we had already committed to.

Can we look at ways in which we can explore what happened and how this happened, and lessons learned, and have a panel, if you like, to address that? Absolutely. Again, that's something that I had responded to in the affirmative in January, when I first went up there, that we should do that.

Ought we to consider Mining Act reforms, resource benefit sharing reforms, land use planning and far north planning together, and consult with KI? Yes.

So I look forward to getting on with that.

Mr. Jeff Leal: I probably had no further questions, Minister, but I'm out of time.

The Chair (Mr. Tim Hudak): We will have to tune in next week, Mr. Leal, for the rest of your questions.

Folks, that does conclude our estimates session for today. We do have a total of two hours and 57 minutes left in the estimates for Aboriginal Affairs—two hours, 57 minutes—

Interjection: Give or take a minute.

The Chair (Mr. Tim Hudak): Give or take a minute, to check our math; roughly, just short of three hours left. This means that we will meet Tuesday morning from 9 a.m. until 10:45 a.m., and we will be required to go into the afternoon session—not the whole session, but an hour and some minutes into the afternoon session beginning at 4 o'clock on Tuesday.

Okay, folks, thank you very much. We are now adjourned.

The committee adjourned at 1757.

CONTENTS

Wednesday 28 May 2008

| | |
|---|-------|
| Ministry of Aboriginal Affairs | E-107 |
| Hon. Michael Bryant, minister | |
| Ms. Lori Sterling, deputy minister | |

STANDING COMMITTEE ON ESTIMATES

Chair / Président

Mr. Tim Hudak (Niagara West–Glanbrook / Niagara-Ouest–Glanbrook PC)

Vice-Chair / Vice-Président

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Mr. Kim Craitor (Niagara Falls L)

Mr. Bob Delaney (Mississauga–Streetsville L)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Tim Hudak (Niagara West–Glanbrook / Niagara-Ouest–Glanbrook PC)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton-Sud L)

Mr. Phil McNeely (Ottawa–Orléans L)

Mr. John O'Toole (Durham PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Substitutions / Membres remplaçants

Mr. Jeff Leal (Peterborough L)

Also taking part / Autres participants et participantes

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Howard Hampton (Kenora–Rainy River ND)

Clerk / Greffière

Ms. Sylwia Przewdziecki

Staff / Personnel

Mr. James Charlton, research officer,
Research and Information Services