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ISSN 1181-6465

Legislative Assembly  
of Ontario  
Second Session, 41<sup>st</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 41<sup>e</sup> législature

## **Official Report of Debates (Hansard)**

Tuesday 4 October 2016

## **Journal des débats (Hansard)**

Mardi 4 octobre 2016

**Standing Committee on  
Estimates**

Ministry of Aboriginal Affairs

**Comité permanent des  
budgets des dépenses**

Ministère des Affaires autochtones

Chair: Cheri DiNovo  
Clerk: Eric Rennie

Présidente : Cheri DiNovo  
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Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
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Publié par l'Assemblée législative de l'Ontario

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
ESTIMATESCOMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES

Tuesday 4 October 2016

Mardi 4 octobre 2016

*The committee met at 0900 in room 151.*

## MINISTRY OF ABORIGINAL AFFAIRS

**The Chair (Ms. Cheri DiNovo):** Hello. Good morning, everyone.

*Interjections.*

**The Chair (Ms. Cheri DiNovo):** Members, listen up.

As you may be aware from the order paper, tomorrow's opposition day motion is related to energy policy. Pursuant to standing order 60(e), "No estimates shall be considered in the committee while any matter, including a procedural motion, relating to the same policy field is being considered in the House." As the Minister of Energy is scheduled to appear before us tomorrow afternoon, I will instruct the Clerk to cancel the ministry's appearance. Please note that we will still meet tomorrow afternoon at 3:45 to finish consideration of the estimates for the Ministry of Aboriginal Affairs. Is that clear to everybody? Okay.

We are now going to resume consideration of vote 2001 of the estimates of the Ministry of Aboriginal Affairs. There is a total of three hours and 55 minutes remaining. If there are any inquiries from the previous meeting that the minister or ministry has responses to, perhaps the information can be distributed by the Clerk.

Were there any items, Minister?

**Hon. David Zimmer:** Yes. At the last appearance there was a question about how much the name change from "Aboriginal Affairs" to "Indigenous Relations and Reconciliation" cost. The answer was under \$25,000. The exact amount, I think, was four thousand and a couple of hundred or something.

**The Chair (Ms. Cheri DiNovo):** Thank you. Duly noted.

When the committee last adjourned, the government had five minutes left in their round of questions. Mr. Potts, the floor is yours.

**Mr. Arthur Potts:** Thank you, Chair. I'm delighted to be here with the ministry today. I would like to direct my question to the Federal, Provincial, Territorial and Indigenous Forum. Of course, under the previous federal administration, participation at the federal level was less than enthusiastic. Now we have a new change in the federal government, and it's my understanding that the minister of indigenous relations, Minister Carolyn Bennett, is taking a far more active role from the federal perspective.

I was hoping, Minister, that you might shed some light, as you are wont to do, on the meeting that you had recently. June 10, I believe, there was a meeting of the forum. We know of the complexities of the provincial and federal jurisdictions. When it comes to many of these issues that we face, it's important that we have participation at all levels in a meaningful way. I think we do have this opportunity now with the feds participating at the table and other provinces and territories.

Will the minister maybe tell this committee how Ontario's participation in the Federal, Provincial, Territorial and Indigenous Forum has been benefiting, or could benefit, indigenous peoples across Ontario?

**Hon. David Zimmer:** The Federal, Provincial, Territorial and Indigenous Forum exists, and it has existed in the past. It was an organization of the provinces, the territories and, nominally, the federal government, but they, in fact, didn't participate. The forum has always been chaired by one of the ministers of indigenous affairs from one of the provinces or territories. The most recent chair was Premier McLeod from Northwest Territories. I believe he chaired it for the past two years.

Ontario has been asked to chair it for the next two years but, in addition to that, because the new federal government wants to be involved in these issues in a way that the previous federal government was not, it's been arranged that the federal minister, in this case Minister Bennett, will co-chair the Federal, Provincial, Territorial and Indigenous Forum. So Minister Bennett and I are the co-chairs.

What arises from that is that work is being done now on arranging the next meetings and so forth and so on as we speak. But the point here for Ontario and for indigenous relations and the reconciliation piece is that Ontario and the federal government are co-chairs of this very important forum, so it gives Ontario a chance, as one of the co-chairs of the forum, to, if you will, shape the agenda, perhaps; to have very close and direct communications with the federal minister and, indeed, with the other provincial and territorial ministers responsible for indigenous relations.

The bottom line is there is a mechanism now in which Ontario, if you will, sits at the top, along with the federal minister, and we have a whole new way of influencing things—in the best sense of the word.

**The Chair (Ms. Cheri DiNovo):** Minister, you have just about a minute to wrap up.

**Mr. Arthur Potts:** Of course, the federal minister is a Toronto resident and a member from a Toronto riding, so I'm sure you have opportunities to probably meet in local Starbucks and forge a very personal relationship with the federal minister, which must be very helpful in forging partnerships. We can have a more direct influence on the kinds of outcomes that we want to see for the indigenous people of Ontario because of that strong working relationship you have with the federal minister.

**Hon. David Zimmer:** Yes, it all circles back to how there is substance in changing the name of the ministry from aboriginal affairs to indigenous relations. There's a big emphasis—I've said it before—on relations, and certainly this forum, of which Ontario is the co-chair with the federal government, and it's a forum for all of the other provincial and territorial ministers, is important in shaping and advancing the relationship piece and the reconciliation piece.

**The Chair (Ms. Cheri DiNovo):** That's about it. There's 10 seconds, if you want a final word.

**Hon. David Zimmer:** I want to thank Mr. Potts for that very objective question.

**The Chair (Ms. Cheri DiNovo):** Thank you, Minister. We now move to the official opposition. Mr. Miller.

**Mr. Norm Miller:** Thank you, Madam Chair. I wanted to ask some specific questions with regard to The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples. We've reached out to the Chiefs of Ontario and asked them if they had questions that they might like to see posed. Regional Chief Isadore Day was just in the room and then he departed somehow, but there were some specific questions that they suggested I ask.

Specifically, they want to know about commitments made and where the progress is to date. In this piece of information, there is new funding of up to \$150 million over three years—

**Hon. David Zimmer:** What page are you at?

**Mr. Norm Miller:** Sorry?

**Hon. David Zimmer:** What page are you at?

**Mr. Norm Miller:** I'm not sure what page it is.

**Hon. David Zimmer:** Oh, sorry.

**Mr. Norm Miller:** So there's new funding of up to \$150 million over three years, including \$3.5 million in 2016-17 in life promotion support and \$2.3 million in 2016-17 in new mental health and addiction support. The question is: Minister, can you please explain the exact breakdown of how and where the \$150 million in funding will be specifically allocated?

**Hon. David Zimmer:** Just give me a moment, Mr. Miller, because I think this is a very technical budgeting question, if you will.

We have the finance guru from the ministry.

**Ms. Esther Laquer:** Good morning. Esther Laquer, corporate management director.

At this point, we can't provide a breakdown of the exact allocation for those programs because the ministries are still in the process of developing their program design and implementation planning processes. Once

those are finalized, the government will finalize the allocations specifically per program. At this point in time, that information is not available, but as soon as it is—

**0910**

**Mr. Norm Miller:** So it's up to \$150 million over three years. That is three years starting when?

**Ms. Esther Laquer:** Starting this current fiscal year, 2016-17.

**Mr. Norm Miller:** With all of the money to be spent in three years?

**Ms. Esther Laquer:** That's what was announced, yes.

**Mr. Norm Miller:** What is the timetable, then, for having these specific allocations figured out?

**Ms. Esther Laquer:** We expect it to be done shortly.

**Mr. Norm Miller:** Okay. Is that something that can be provided to the committee after it's figured out, or is it—

**Ms. Esther Laquer:** Absolutely. I expect that there will be announcements in that regard as well.

**Mr. Norm Miller:** Okay. Any other details with regard to the \$3.5 million in 2016-17 in life promotion support and the \$2.3 million in 2016-17 in new mental health and addictions support—how that money is going to be spent, or if there are any specific programs?

**Ms. Esther Laquer:** At this point, the details are not available yet, as ministries are finalizing their program design and their implementation planning.

**Mr. Norm Miller:** Because it's 2016-17; we're part-way through the year, at this stage. The fiscal year of the province starts on April 1. I guess we're halfway through the year, so I would expect that it should be coming very shortly.

I'll move on to the—

**Hon. David Zimmer:** I might add, Mr. Miller, that the Ministry of Indigenous Relations—I've said in the past that one of our mandates is that when funding programs, such as you just referenced, are presented, we work as a ministry with the other ministries—be it health, justice, education and so forth and so on—in helping design the programs and giving our best advice on how to allocate the monies and so on. That's what was just referenced now. That exercise is underway now. The program that you just referenced was announced in the spring—

**Mr. Norm Miller:** For example, the \$2.3 million in new mental health and addictions support: Obviously, your ministry is not an expert on that sort of thing, so I assume that's health that would be—

**Hon. David Zimmer:** Yes. But having said that, we would offer our advice and help to facilitate how health works through those decisions.

**Mr. Norm Miller:** And would you also be then announcing if there are specific new programs, or whether it's going into existing programs that are already in place?

**Hon. David Zimmer:** That would be worked out with the relevant ministries, who would announce it.

**Mr. Norm Miller:** Would you commonly do a joint announcement for something like that, then, or would they be the lead on it? How does that work?

**Hon. David Zimmer:** Sometimes yes and sometimes no. That detail is worked out, if you will, between the deputy ministers, and they're meeting regularly on the design and implementation and timetable of those programs. But we facilitate and help out and offer our best advice.

Perhaps the deputy has an insight into just how our—

**Mr. Norm Miller:** Yes, it would be nice to get some idea of what the \$150 million, in particular—if it's in the planning stages, what the plans are or what generally it's going to be used for.

**Hon. David Zimmer:** Deputy?

**Ms. Deborah Richardson:** Sure. There are a number of pieces of planning that need to happen before some of that money can roll out. For example, we spoke at the last session around the Gladue summit. There will be a meeting with a number of practitioners in the justice area to talk about additional Gladue writers, after-supports for people who go through the criminal justice system and those pieces.

The language secretariat: There is going to be a session planned with indigenous language experts and the Ministry of Education to talk about what an indigenous language secretariat would look like. So that's another piece.

The summit on social emergencies: I've been working with Grand Chief Solomon and Grand Chief Fiddler, and I had a conversation with Ogichidaa Kavanaugh's staff about organizing that probably in February. We're hoping that the federal government will also participate in that. We hope to have tabletop exercises to figure out how we—and I mean the collective we, the three levels of government, indigenous, federal and Ontario—can do better when there are social emergencies.

Another piece is around the new health and addiction centres. There are a number of proposals that a number of indigenous groups have submitted that the Ministry of Health is working on with them. There were up to six new treatment centres, I think.

The other piece was the children's mental health workers in schools in communities. With that piece, MCYS is working with the all the communities. We budgeted for every community to have a worker. So there are a number of pieces.

Most of the money is going to be spent in year two and year three. Year one, a lot of the time is just staging and gauging. For example, in the Family Well-Being Program, under the Walking Together program, there was capacity provided to a number of indigenous organizations to figure out what the performance measures of this program are, what it looks like, how we are going to deliver it and how we are going to support the workers to better support the families. I hope that explains it.

**Mr. Norm Miller:** That certainly helps a lot. It's a three-year program. If, at the end of the three years—we're slowly getting started, being halfway through the

first year at this point—things are just getting rolling or the money isn't spent, does it carry on beyond that? Or is unspent money then lost to those programs?

**Ms. Deborah Richardson:** No money is going to be unspent this year. We've already done that assessment. We have to get internal approvals about what the plan is for the money going forward.

That's what all of the ministries are working on right now: (a) the money for this fiscal year, what will be spent, and then (b) how we will get the money for next year and the year after. That's the plan.

**Mr. Norm Miller:** Can there be carry-over beyond year three? If, for argument's sake, there is \$50 million not spent in year three, can it be carried forward so the program can be finished off, or not?

**Hon. David Zimmer:** The money will be spent.

**Mr. Norm Miller:** Okay. I guess from my perspective it's more important not just that the money be spent, but that it be spent effectively and actually achieve something with the spending of the money, as well. I'm asking just so that if it is slow getting going, it continues and is used as—

**Hon. David Zimmer:** I can assure you, Mr. Miller, that the allocations will be spent over the period of time referenced, and the money will be spent wisely, usefully and effectively. That's the mandate that I have on this issue.

**Mr. Norm Miller:** I see that Regional Chief Isadore Day is in the room now. I want to welcome you, Chief, to the meeting.

Another question was with regard to the development action plan—I think you partially hit on it a bit in your response, Deputy—for responding to social emergencies in northern First Nation communities. Specifically, the question is: Minister, what are the details of your action plan for responding to social emergencies in northern First Nation communities?

**Hon. David Zimmer:** Again, that commitment has been made. The Ministry of Indigenous Relations and Reconciliation is working with other relevant ministries to devise the details of how that money will be spent. We do sit down with, as I said, the other relevant ministries and work out the matrix of how that's all going to happen—the time frames and so on. But I am going to ask Assistant Deputy Minister Hillary Thatcher to speak to the further details of that rollout, if you will. She's the assistant deputy responsible.

**Mr. Norm Miller:** I know there has been a lot reported, of course, on the various social emergencies, but maybe you could talk a bit about what they are. I assume it's like the flooding that happens in so many of the James Bay lowland communities, the suicide situation—

**Ms. Hillary Thatcher:** I'm Hillary Thatcher, assistant deputy minister for indigenous relations and reconciliation.

**0920**

We have two different types of emergencies that we tend to respond to in Ontario. There are the natural disaster types of emergencies, which include flooding,

fires, the types that you've referred to in the lowlands of James Bay. A number of years we've had evacuations at Kashechewan First Nation. With those types of emergencies, they're defined distinctly and differently than social emergencies.

We actually don't have a firm definition on social emergencies, because we're working with First Nation partners and with the federal government to more clearly define what social emergencies are so as not to exclude situations that may arise that we may not be anticipating. Currently, when we're talking about social emergencies, we're often referring to when there are epidemics of suicides in communities and where there is suicide ideation. But other social emergencies can arise. A community may declare a social emergency where there's a lack of clean drinking water. They may rise out of a lack of access to food and goods and provisions. Right now, social emergencies don't have a very strict definition.

In any case, we do have, through the Truth and Reconciliation Commission, our report, *The Journey Together*, which you've referenced. We have committed to hosting a summit with the chiefs of northern First Nations, including Nishnawbe Aski and the Mushkegowuk tribal council, as well as Grand Council Treaty 3, to work with the federal government to look at how to better respond in situations where there are social emergencies. Currently, we take the approach that we would take in a natural disaster emergency, where we work across line ministries with the federal government and with the impacted community to talk about what types of supports the community needs, who has got access to those supports and what type of funding is going to be required so that we can address the immediate needs of the community.

Where we have some gaps is thinking about the mid- and longer-term solutions, so often—and we saw this in the case of Attawapiskat, where supports were deployed almost instantaneously. The community had a lot of officials coming up, a lot of crisis workers coming to work with the youth, and the timelines are about a month after the emergency is declared.

Our goal with our summit, through *The Journey Together*, is to look at what are those mid- and longer-term solutions so we can think about the needs of the communities beyond the immediacy of a declaration. So that's why we're bringing together these organizations, the First Nations and some of their experts in the communities who are crisis workers who can work with us and work with the federal government so that we can come to an arrangement where our roles and responsibilities are clearly defined, because right now there just isn't a clear definition as to who is responsible to act when a situation arises.

**The Chair (Ms. Cheri DiNovo):** Mr. Miller, you have just over four minutes.

**Mr. Norm Miller:** Thank you.

Have you got a date for this summit?

**Ms. Hillary Thatcher:** The date hasn't been set yet, but we're looking at the new year, so likely sometime in

February or March. We're working right now, as the deputy minister mentioned, with the Grand Chief of Mushkegowuk tribal council, of Grand Council Treaty 3 and of Nishnawbe Aski Nation to set a date with us and with the federal government and multiple ministries on both sides so that we can move this forward early in the new year. Likely February is what we're looking at right now.

**Mr. Norm Miller:** Have you got a location for this summit?

**Ms. Hillary Thatcher:** The location hasn't been defined, but it will likely be in the north.

**Mr. Norm Miller:** Minister, were you about to say something?

**Hon. David Zimmer:** Just because you're coming to the end of your time, I just want to reiterate that the questions that you've posed have arisen out of the document *The Journey Together*: what are we doing, how are we spending the money, and the time frames. But I just ask you to keep in mind that the Truth and Reconciliation report was issued last summer. There were 94 recommendations. Six months later, in that short period of time, Ontario had analyzed and thought through the 94 recommendations, number one. Number two, we decided that there was going to be a substantive response to those 94 recommendations and designed the response around the five themes that I referenced earlier in these hearings. The third piece was, we put real money behind how we were going to implement the responses to the Truth and Reconciliation Commission.

I can tell you that since this report, *The Journey Together*, came out, I've been to meetings with my provincial colleagues from other provinces and territories, and I've been in discussions with the federal minister. Ontario is looked to as a model for how quickly we responded to the recommendations and how substantively we responded to the recommendations.

Now we're into the second phase of responding to the recommendations, and that is getting the money out the door, so to speak, and getting the money into effective programs. This has really put Ontario in a leadership role on this truth and reconciliation piece. I rather expect that's why Ontario was asked to co-chair the Federal, Provincial, Territorial and Indigenous Forum, because of the leadership reflected in this document.

**Mr. Norm Miller:** Understandably, the Chiefs of Ontario are looking for the details on the real money, as you mentioned.

**Hon. David Zimmer:** Absolutely.

**Mr. Norm Miller:** That's why I'm asking these specific questions.

**Hon. David Zimmer:** I can tell you, you've hit the nail right on the head, Mr. Miller. When I meet with the chiefs—and I've had lots of conversations with Regional Chief Day, sitting here, and one of the first questions from the chief, or the first issue, is: "All right. We've got the plan and the program and the commitments. When is the rubber going to hit the pavement?"

**Mr. Norm Miller:** We'll be looking forward to seeing those details.



**The Chair (Ms. Cheri DiNovo):** You've got one minute.

**Mr. Norm Miller:** Oh, I do. Okay.

**Hon. David Zimmer:** Just say we're doing a good job, Norm.

**Mr. Norm Miller:** I'll go to the third question, but I don't think you'll have time to answer it. In the document, it says you will work with the federal government to address the United Nations Declaration on the Rights of Indigenous Peoples. The specific question, Minister: I'm wondering how your commitment to work with the federal government to address the United Nations Declaration on the Rights of Indigenous Peoples will actually unfold when Minister Raybould has said Canada cannot simply incorporate the declaration "word for word" into law. You can start on that, but you'll have to come back to it in the next round.

**Hon. David Zimmer:** Yes, we'll have to come back. Suffice it to say that I was invited a few months ago to attend the United Nations forum on indigenous peoples along with Minister Bennett. We sat in the lobby of the UN, and Minister Bennett made her statement with respect to the United Nations Declaration on the Rights of Indigenous Peoples. Subsequent to that, we are in discussions with our federal counterparts and indeed other provinces on how to proceed with that issue—

**The Chair (Ms. Cheri DiNovo):** I'm afraid you are out of time, Minister. We now move to the third party. Mr. Natyshak.

**Mr. Taras Natyshak:** Good morning, Minister. Good morning to your colleagues. Mr. Zimmer, how long have you held the post in your current ministry?

**Hon. David Zimmer:** February 13, and prior to that, for about a year—

**Mr. Taras Natyshak:** February 13 of this year?

**Hon. David Zimmer:** February 2013. Prior to that, the Minister of Aboriginal Affairs was Kathleen Wynne, and I was her parliamentary assistant.

**Mr. Taras Natyshak:** So you're going on four years as the minister?

**Hon. David Zimmer:** Yes.

**Mr. Taras Natyshak:** And a couple of years as the—

**Hon. David Zimmer:** Yes. A year and a half as the parliamentary assistant and three and a half and a bit as the minister.

**Mr. Taras Natyshak:** I woke up this morning, as I typically do, in a happy, jovial way.

**Hon. David Zimmer:** Well, I'm glad that you woke up this morning.

**Mr. Taras Natyshak:** I am too. I'm glad we all did.

**Hon. David Zimmer:** It would be a sad day if you had not.

**Mr. Taras Natyshak:** It would, indeed. I took my vitamins, jumped in the shower—I had a nice warm shower—got out, and turned on CBC, as I typically do. As I was listening to CBC, I heard that over 80 First Nation communities in this province are under a boil-water advisory. There are over 120 across the country, somewhere around 28 in the province of British Colum-

bia, but glaringly the province of Ontario has 80 communities. Some of these communities have been under boil-water advisories for over 20 years.

**0930**

Minister, you can imagine that my mood quickly changed. I became angry, disgusted, sick at the fact that this province could allow our first peoples to live under such conditions, to have no plan whatsoever for something that's just a perpetual problem for First Nations. I'm here; I have this wonderful honour to serve in a place where I see absolutely no effort to resolve this issue. Serendipitously, I'm in this committee today. This is not my normal committee—you would know that—but I couldn't help but think that it's beholden to me, incumbent on me, to ask you this question: What the hell is going on? What are you doing? What have you done in the last three years to resolve this problem?

At the end of your tenure, if there are still 80 communities under boil-water advisories, will you walk away from here proud? Could you? How could you? How could anyone in this country, in a developed nation, know that that exists and know that you had the ability, the power, the responsibility to do something about it—what are you doing? Are you using the full power of your office to compel the federal government to get off their hands and commit to resolving this issue?

It's Canada, Minister. This is Canada. It's not a Third World country. It's embarrassing. It's embarrassing to go back to my community in southwestern Ontario, in Essex, and tell them that there are communities in this province that can't drink the water. It's sickening. Tell me you're doing something and tell me it has some positive effect, because I don't see it on the news in the morning.

**Hon. David Zimmer:** Thank you for that question, because I did want to speak to this issue—

**Mr. Taras Natyshak:** Minister, I don't see the word "water" in The Journey Together. The word "water" is not in this thing.

**Hon. David Zimmer:** Do you want me to answer the question, or do you just want to—

**Mr. Taras Natyshak:** I do. I just wanted to make that point: The word "water" is not in here.

**Hon. David Zimmer:** The reference to water was not in the TRC. That was a report issued by Mr. Justice Sinclair and the other three commissioners, so that's a matter that you'd have to take up with Mr. Justice Sinclair. There were 94 other recommendations.

But having said that, independently of the Truth and Reconciliation report, water is, for the reasons that you have powerfully, eloquently and emotionally stated—I think it's quite proper to be emotional about this. The province has a powerful interest in the drinking water issue. I say that notwithstanding that the on-reserve water issues are—we are not hiding behind the federal government on this, but the fact of the matter is that on-reserve drinking water issues are federal issues. The province has a role to play, and we try very hard to work on this.

One of the problems was that in the preceding 10 years, that is, preceding the new federal government in Ottawa—let me put it this way—there was not much engagement by the previous federal government on these water issues. So we fast-forward and there's a new federal government. I can tell you that prior to the new federal government coming in, even with the previous federal government, the province was pounding away on these water issues.

You haven't been here for these hearings yet, but a couple of times in the hearings I have referenced my, to date, 83 visits to First Nations. I've said this to the rest of the committee members, but it's helpful to answer your question: Those visits are not just a quick drive around and then away we go. The meetings are planned out. We arrive, there are the ceremonies and so on, but there is an agenda that's worked on beforehand. Then we get down to the meeting, we sit with the chiefs, band councils and other people who accompany me: deputy ministers, assistant deputy ministers and so on. I can tell you that at every one of those meetings, in addition to other agenda items, there is usually a water issue, if it's one of the First Nations on a boiled-water—

**Mr. Taras Natyshak:** Okay, thanks, Minister.

**Hon. David Zimmer:** Just let me—

**Mr. Taras Natyshak:** No, I don't think you're going to be able, I don't think you're going to answer the question—

**Hon. David Zimmer:** Do you want to hear an answer? It's a serious—

**Mr. Taras Natyshak:** No, you're not going to get there. I know you're not going to get there, Minister.

**Hon. David Zimmer:** Well, I take exception. It's a serious issue—

**Mr. Taras Natyshak:** You can take exception all you want. You're not going to get there. I can already tell in the tone and the—

**Hon. David Zimmer:** It's a serious issue, and you should have an open mind and hear—

**Mr. Taras Natyshak:** No, I know it's a serious issue. When you go and visit those communities, I bet you bring bottled water because I bet you wouldn't even take the chance—

**Hon. David Zimmer:** Well, you are the one with the closed mind on this issue.

**Mr. Taras Natyshak:** I bet you wouldn't even take the chance to drink the water on-reserve.

**The Chair (Ms. Cheri DiNovo):** If I might interject, one at a time, please.

**Mr. Taras Natyshak:** I'm passing it over to my colleague anyhow.

**Hon. David Zimmer:** Well, that was not a helpful exchange on your part.

**The Chair (Ms. Cheri DiNovo):** Mr. Mantha.

**Mr. Michael Mantha:** Minister, on several occasions, you've said you've gone out to First Nations communities, 83 visits—

**Hon. David Zimmer:** That was not a helpful exchange on your part.

**Mr. Michael Mantha:** The exchange is done. Now it's my turn.

**Hon. David Zimmer:** Okay.

**Mr. Michael Mantha:** You've done several visits to communities, and I'm sure when you've been out to these communities, you've heard the heartbeat of the community. You've heard what communities are all about in celebration, particularly when the drum is played. It's quite an exciting time. It's quite an overwhelming feeling, feeling that heartbeat. If you've ever been close to it, which I'm positive you have, you indulge in it. You give yourself to that drum and you recognize that that drum is part of the DNA, it's part of who that community is. It not only sings and plays songs, it also tells stories, and it's important for you to listen to those stories.

While you're on these tours—I'm sure you've experienced this, right, Minister?

**Hon. David Zimmer:** Yes.

**Mr. Michael Mantha:** All right. There are two versions of this drum. There are many versions of this drum, but there is also another version of the drum, which is going to be played very shortly on October 10. It's going to be played on Highway 144. It's going to be played in Gogama, where the community of Gogama and the Mattagami First Nation are going to be gathering together in order to raise awareness of the huge issue which the province certainly has played a role in. You can't deflect it to the federal government; you have an interest to play in this.

You can go to that community, if you haven't already gone to the community, speak to the individuals who are there, meet with the chief—Chief Leonard Naveau, out of the Mattagami First Nation—and actually listen to the concerns the elders have voiced extremely, which they are frustrated that this government is not acting on.

You as the minister: What are you going to do in order to prevent the possible chaos that will happen because the communities have had no choice but to do some civil disobedience and have a protest on that highway in order to raise awareness?

These are some of the leaflets. I want you to have this, Minister. These are some of the leaflets that they're going to be issuing to people. It says: "CN: Clean your mess. No more oil in our waterways. Water is life." I'm going to repeat that: Water is life. "Water is life. Our lives matter. Future generations matter. Take your filthy oils elsewhere. CN needs to be held accountable. Get your oil out of our river now."

You have an opportunity as a minister to do something. I want to know what you're going to do, Minister, in order to help these communities make sure that Gogama and that area do not become another monitored Grassy Narrows. I want to know what you're going to do.

**Hon. David Zimmer:** First of all, it's Chief Naveau, not Chief Leonard, who is the chief at Gogama.

**Mr. Michael Mantha:** Walter—sorry, you're right. You're right, it's Walter Naveau. I used to stay in his basement when I was a young lad. I used to play baseball

in his yard. Leonard is his friend, and I used to—anyway, you don't need to know that. But I want to know what you're doing.

**Hon. David Zimmer:** This question came up previously when you weren't on the committee. I was up at the site within a day or two or a couple of days, and I went up with a team. We met with Chief Naveau. We had a tour of the site first. We did a walk-around of the site. We did a helicopter tour of the site. We then went back to the band office and met with the chief, his band leaders and advisers and we got into the details of it. CN was invited to that meeting, and we got into the details—

0940

**Mr. Michael Mantha:** Minister, I don't want to cut you off, but I need to know what you're going to do. I know what you've done. That's why these people are having a protest: because there's no action that is happening from that. They have had no choice but to take this—

**Hon. David Zimmer:** Well, do you want the answer, or do you just want to—

**Mr. Michael Mantha:** Yes, I do want an answer, but I don't want a history. People know what you've done, and they're frustrated that nothing has been done. Tell me what you're going to do in order to answer to their questions. That's what I'm waiting for. And that's what these people are waiting for. The clock is ticking.

**The Chair (Ms. Cheri DiNovo):** The floor is the minister's.

**Hon. David Zimmer:** Thank you, Chair. The first thing to figuring out the solution is to sit down with the band and hear what they have to say about the issue; sit down and listen to what CN's response is; we throw down markers on what we want to do, and then we start to tackle the issue.

At that meeting was Assistant Deputy Minister Shawn Batise and he has been working on this issue. He's the assistant deputy minister of negotiations. He has been in detailed discussions with CN and with the chiefs, and I will now ask him to give you the specific detail of exactly what we're doing on a going-forward basis. Would you like to hear it? If you would, just stay quiet, wind yourself down and listen to what the assistant deputy minister has—if you are really interested in an answer to your question.

**Mr. Taras Natyshak:** You're a professional puck dragger, Minister. Go ahead. Thank you.

**Ms. Sophie Kiwala:** Point of order.

**Hon. David Zimmer:** Well, you are a caliginous questioner.

**The Chair (Ms. Cheri DiNovo):** Ms. Kiwala, point of order.

**Ms. Sophie Kiwala:** I think that we need to make a decision to have this be a constructive conversation. I understand that the member from Essex is frustrated and angry, as he has said—we all are, to a certain extent—but I think that it needs to be constructive.

*Interjection.*

**The Chair (Ms. Cheri DiNovo):** That's not a point of order. And I'll call Mr. Mantha to order.

We'll hear now from the deputy.

**Mr. Shawn Batise:** Shawn Batise, Assistant Deputy Minister of Indigenous Relations and Reconciliation, negotiations and reconciliation division.

As the minister has stated, I was present during the initial spill and involved throughout, right to the end of my tenure as the tribal council chairman and executive director of Wabun Tribal Council. Mattagami is one of my communities; I worked directly for Chief Naveau for 25 years.

In speaking with my colleagues from the Ministry of the Environment in the last few days since this issue has arisen, it is my understanding that they are continuing to monitor, and in no way, shape or form is cleanup complete. CN has in fact removed their heavy equipment, which has triggered some concerns by the community, thinking that they're not going to be back, that there is no need for them to come back. But MOECC is continuing to monitor and sample and there is no end in sight to that continued monitoring, as far as they're concerned. If there is more cleanup to do, CN will be brought to bear to do it.

In terms of the chief and council themselves, I've had a couple of conversations with Chief Naveau and, more importantly, I've had a conversation with his lead councillor on the file, Chad Boissoneau. In fact, I will be meeting the chief and council of Mattagami First Nation tomorrow. They're at an AGM in Rama First Nation and I'll be attending that and sitting down with the three of them—sorry, not the three of them; I think there are five or six on the council there—either tomorrow afternoon or sometime on Thursday to discuss this issue and to see how we can continue to be of assistance on it. I am aware of the protest next Monday on Highway 144, and I will be discussing that with them as well.

But I can assure you that, according to my colleagues at MOECC, this matter is not finished or through. They are continuing to monitor. They're aware of the situation, they're aware of the fish and the oil sheen that Ms. Gélinas brought up last week, and there is further testing on those issues that has yet to be completed by CN.

**Hon. David Zimmer:** Let me just add to that that as late as yesterday—so that's Monday, October 3—we've been in discussions with the Minister of Transportation, the rail safety that is on the federal side. Rail safety is a matter that we are working very closely on with the federal transportation authorities, who have oversight of rail safety. So there are a series of discussions under way, and planning and so forth and so on, on the broader issue of rail safety in Ontario and then also on the Gogama piece, as Assistant Deputy Minister Batise has referenced.

**Mr. Michael Mantha:** Thank you, Minister.

**Hon. David Zimmer:** The assistant deputy minister has a further comment.

**Mr. Shawn Batise:** Just as a follow-up as well, MOECC did in fact have an open house on this issue, on

September 14, I believe. There is a newsletter that is publicly available, which was printed on August 30. It fully details this issue and, I think, responds to the concerns that you've raised around where they are with testing. In fact, it states that it's not complete, that monitoring is continuing.

So I understand the community's concerns and fears around the issues that they're dealing with, but the fact is that the MOECC has stated on a few occasions, to my knowledge, in particular on September 14, that they are continuing to monitor.

**Mr. Michael Mantha:** As a ministry and, in particular, the ministry responsible for the interests of First Nations, I would expect you to push extremely hard in order to work with MOECC. There is equipment there, readily available. There is a service to start the cleanup. All the testing and all the monitoring have shown that the levels of oil are still elevated. You could start that cleanup immediately, is what you can do.

Monitoring has been going on for an extensive period of time. Monitoring is what has been done since CN has been gone. Only with the community uprising has the CN monitoring been returned. They want to see action. They want to see you, because if it wasn't for that, we wouldn't be having the protest that is going to be happening. They are tired of seeing the monitoring. They want to see a cleanup. They want to see action.

I'm going to move on to something else, Minister. There are three parts to this question. Unfortunately, we didn't get time—the Ontario Native Welfare Administrators Association is meeting today as we speak here in this city. They are gathering to speak about a very important program to First Nations in Ontario: social assistance. A paramount concern of the ONWAA and the First Nations is dealing with the issue of grinding poverty in First Nations throughout Ontario.

Minister, as your ministry and other ministries are integral to advocacy for First Nations, I have three questions that have focused on Ontario's social assistance changes and respect for both the needs and jurisdiction of First Nations:

- (1) How is Ontario engaging with First Nations on the poverty reduction strategy in Ontario?
- (2) How is Ontario engaging First Nations in the province's current social assistance reform?
- (3) What is your ministry's position on the promotion of First Nations jurisdiction in the context of social assistance reform and strategy in Ontario's poverty reduction policy?

**The Chair (Ms. Cheri DiNovo):** I'm afraid it's going to have to stop there.

**Mr. Michael Mantha:** I know you won't be able to answer it, but I expect a written response.

**The Chair (Ms. Cheri DiNovo):** We now move to the government side—

**Hon. David Zimmer:** I just missed the part of the third question there. Can you—

**Mr. Michael Mantha:** What is your ministry's position on the promotion of First Nations jurisdiction in

the context of social assistance reform and strategy in Ontario's poverty reduction policy?

**Hon. David Zimmer:** Thank you. And thank you for that leeway, Chair.

**The Chair (Ms. Cheri DiNovo):** No problem. Ms. Kiwala.

**Ms. Sophie Kiwala:** I would also like to acknowledge Regional Chief Isadore Day for being here today. I'm sure you can feel by the intensity of the atmosphere in this room that we are all committed to ameliorating the situation with our indigenous people. Every single person who is here in this room is concerned and has a considerable stake in ameliorating the situation. I can tell you that from the bottom of my heart. So, thank you for being here.

The MPP for Essex is angry and it's understandable. Many of us are angry and we are doing the best that we can to—

**Hon. David Zimmer:** And he's not interested in any real answers, or the two of them would not have left. I just want to note that they both left, for the record.

**Ms. Sophie Kiwala:** Well, anyway, we're going to move on.

**Hon. David Zimmer:** I'm sorry, you're back? I take that back. MPP Mantha has returned.

**0950**

**Mr. Michael Mantha:** I've lost a little bit of weight, but I'm still here.

**Ms. Sophie Kiwala:** We're going to move on. I do want to continue with my time, since it is limited. I would like to focus on some of the positive things that we have been engaged in in the province. I think it's extremely important that we have this opportunity to highlight some of the progress that has been made.

In the short time that I have been the PA to this ministry, one thing that I have been very impressed with is the percentage of indigenous people you have working in your ministry. I've been very impressed with the integrity, the level of staff and the level of commitment and experience that you have behind you in the ministry, so I do want to give your staff a bit of a shout-out in that regard.

In June 2015, you and the then Minister of Training, Colleges and Universities, Minister Moridi, were at Six Nations Polytechnic in Ohsweken to announce stable funding for indigenous post-secondary education totalling \$97 million over the next three years. I have to say that that was a great announcement. I'm very pleased that we are making those investments to improve educational success and opportunities for indigenous peoples. I think that it does exemplify the fact that we are very committed to closing some of those gaps.

I've seen evidence of this in my own community. St. Lawrence College has an excellent indigenous teachers program where we are teaching teachers how to teach the aboriginal curriculum, so we're making progress there. Within St. Lawrence College we've got indigenous student advisers, student bursaries and all kinds of programs related to cultural competencies.

Queen's University, in the Four Directions, also has some excellent cultural programming. They've got great academic services. They have cultural events, exam support, peer helper programs, and they even have an indigenous program for indigenous engineers. So we are very focused on making changes to close those gaps.

Indigenous institutes like Six Nations Polytechnic provide opportunities for students to start and complete post-secondary education credentials in a culturally appropriate and safe learning environment, and close to home. We've heard about the gap. It has been well discussed in the media, and I think the investments that we are making in indigenous institutes do prove that we are committed.

I see that in 2015, the Centre for the Study of Living Standards reported that if the educational attainment gap between aboriginal and non-aboriginal Canadians was closed by 2031, it would result in 90,000 more indigenous workers, increase indigenous employment income by \$11,236 per worker, and lead to a cumulative gain to the Canadian GDP of up to \$261 billion in 2010 dollars.

Only 53% of the aboriginal population ages 25 to 64 has achieved some form of post-secondary education, whether it's apprenticeships, trade certificates, diplomas, college or university degrees, compared to 65% of the non-aboriginal population. All Ontarians, including First Nation, Métis and Inuit learners, deserve equal access to high-quality post-secondary education and skills training programs that will help them get good jobs.

My question to you, Minister: Can you tell this committee how our government's investments in indigenous institutions can be used to provide more opportunities for indigenous learners?

**Hon. David Zimmer:** Thank you for that question. First, let me yet again reference *The Journey Together*, because one of the five themes in that report, which was our response to the TRC, is closing the gaps and removing the barriers, so closing the gaps in economic opportunities and removing the barriers to economic opportunities, and, similarly, closing the gaps and removing the barriers to education, training and skills development. That's front and centre of this report.

Secondly, just the other day—it's now posted online—I received my new mandate letter. As you know, we pro-rogued and came back, so there's a new series of mandate letters. Specifically, in my mandate letter, in bold print, it says, again in reference to the issue of closing the gaps and removing the barriers, which is the premise of your question—I'll just read what my mandate letter says on that point.

“—Improving socio-economic outcomes for indigenous peoples living in urban communities by continuing to co-develop an Urban Indigenous Action Plan with indigenous partners.

“—Supporting the Minister of Education's work to improve educational outcomes, closing the achievement gap for indigenous learners by 2020 and significantly increasing graduation rates for indigenous learners.

“—Supporting the Minister of Health and Long-Term Care in the northern First Nations Health Action Plan and investments to expand access to indigenous mental health and addictions treatment and healing centres and mental health and wellness programs.”

The additional mandate is entitled “Building Economic Opportunity,” which again is the premise of your question. My mandate from the Premier is to drive “cross-government work and collaboration with indigenous peoples to ensure that indigenous people share in the benefits of natural resources, including forestry and mining, and are engaged in resource-related economic development.”

In that regard, we've launched the Indigenous Economic Development Fund in October 2014; that's a \$95-million fund over 10 years to help create jobs and improve economic outcomes. We've worked with the Ontario's Women's Directorate to develop and launch *Walking Together*; that's the long-term strategy to end violence against indigenous women.

In a more general vein, the clear mandate, what the Ontario government is going to look for, is to work with our sector stakeholders and indigenous partners, because we really, really want to recognize the importance of education as a means of lifelong learning opportunities and as a means to better employment opportunities and outcomes for First Nations.

We are proud that the government continues to support indigenous institutions such as, as you've referenced, the Six Nations Polytechnic. For those of you who have not had an opportunity to visit the Six Nations Polytechnic at Six Nations, I would urge you to go over and see that institution. It is a model of what a learning polytechnic should look like. In addition to their own programs, they are partnering with McMaster University—and, I believe, the University of Waterloo? McMaster University for sure, and they are exploring other opportunities, I think—I stand to be corrected on this; I'll check it—also with the University of Waterloo.

The important thing here, when we're developing these educational programs and initiatives, is that they be culturally sensitive in the delivery of the models, that they be specifically tailored to the indigenous communities and—this is another very important aspect of it—that we figure out some way to blend face-to-face learning, online courses and independent study.

#### 1000

Face-to-face learning is very important because, of course, the two faces are the student, if you will—the learner—and the teacher. The teacher not only is imparting knowledge, direction and all of those things, but is also, in a kind of subliminal way, indirectly acting as a mentor for that student, and the student often is inspired by the teacher. How many of us here—I can speak for myself from a couple of personal experiences—have been inspired by a teacher, where someone has created the interest, created the ambition and created the confidence to pursue a particular course of study? I expect all

of you have had that experience. So that aspect of education, training and skills development is hugely important.

Indigenous institutes were specifically created by indigenous communities to meet the training and education demands of indigenous communities. They particularly want, and continue to do so, to develop those programs in collaboration with our community colleges and our universities. I've referenced that the Six Nations Polytechnic has relationships with the colleges in the area, in addition to McMaster University and, I think, the University of Waterloo.

These institutes provide opportunities for the students to start and complete—and I can't emphasize enough how important the completion of it is. As you know, one of the great challenges facing students across the spectrum, if you will, but particularly facing First Nation indigenous students, is the completion of the program. There are many challenges to working with students to complete whatever program they've been attracted to in the first place. Here again, the cultural sensitivity with which the programs are designed, the role of the teacher, the instructor, the mentoring and the counselling services that are available at the institutions are so important, and we have to pay great attention to the design of those.

As I've said, the institutes are also offering both college and university credentials through partnerships with the colleges and universities. I can tell you that has been a particularly successful program, because not only are the indigenous institutions and the indigenous students learning from the colleges and universities what they have to offer, but interestingly enough, the flip side of the coin is that the colleges and the universities that they're partnering with are also learning very, very important lessons about indigenous students, their particular challenges. So it's a two-way relationship. Both parties are benefiting, the institution and the partnering institution, the college or the university—and the beneficiary is the student. If the student is benefiting, the community is benefiting; and if the community is benefiting, indigenous communities as a whole are benefiting.

We are supporting a number of key initiatives that will help more First Nation, Métis and Inuit learners access high-quality post-secondary education and training. In March 2011, Ontario released—and this is very important—the Aboriginal Postsecondary Education and Training Policy Framework. That was to guide the development of these policies and programs that I've referenced, to close the education attainment gaps and labour market outcome gaps for indigenous learners, to enhance the indigenous student experience—and I've talked about that, the importance of teachers and mentors and counselling in a very sensitive way.

Since the introduction of that framework, I can tell you that very significant advances have been made for First Nation, Métis and Inuit learners across the post-secondary education, training and employment sectors. Those advances and achievements are reflected in various statistics that are available.

The funding of these programs is one of a number of actions that Ontario is taking. We do want to engage with

the post-secondary sector on the results of the aboriginal post-secondary education and training policy framework, because when we look at the results, there are lessons to be learned there: What's working? What can work better? What new ideas have germinated from this working through the framework?

The framework is not a static document. It is a living document, a living framework—

**The Chair (Ms. Cheri DiNovo):** Minister, you have about three minutes.

**Hon. David Zimmer:** I'm sorry?

**The Chair (Ms. Cheri DiNovo):** You have three minutes.

**Hon. David Zimmer:** Ah. This concept of investing in the talents and skills of First Nation, Métis and Inuit learners is part of the broader economic plan that Ontario has to both build up First Nations, build up the province and, broadly speaking, build up the country. If we close the gaps and we help indigenous students get on the right track, develop skills and obtain education qualifications and so on, that's hugely rewarding to the students personally. It's hugely rewarding to the communities.

I've been to some graduation ceremonies and you have no idea—you have to see it to see the sense of pride, achievement and confidence on the faces of the students as they're recognized for the work they've done. When you look around the room and see the family members there, the parents of the students, their siblings and relatives and, broadly speaking, other community members, there's a tremendous sense of pride in the community as a whole also in these achievements.

The net result of all of this is that not only are we technically closing economic gaps in the sense of better-paying jobs, qualifications that lead to professional skills and all of that sort of stuff, which translates into jobs, money in the pocket, payroll and all of that, but—I come back to this because I think it's very important—the emotion that's reflected in the sense of, “I can do it. I've done it. I've done this course. I've completed it. I'm proud. My ambition is fired up. I've got the confidence that I can take my qualification or my skill, and I can go out and tackle the world.”

That's really at the heart and the core of closing the gap, this sense of, “I can do it. My community can do it. We're going to do well in the world.” We're going to close the gap. It's going to be a level playing field.

**The Chair (Ms. Cheri DiNovo):** Thank you, Minister. Your time is up now. We now move to the official opposition. Mr. Miller.

**Mr. Norm Miller:** At the end of my last session I had posed a question, but we ran out of time, so I'll re-pose the question.

*Interjection.*

**Mr. Norm Miller:** Are you giving time signals?

**Hon. David Zimmer:** No. I'm just getting a sense of how much time we had left.

**Mr. Norm Miller:** I think there's seven minutes left.

**Hon. David Zimmer:** Oh. I didn't want to turn and distract my attention from—

**Mr. Norm Miller:** If the clock is accurate, we have till 10:15.

At the end of the last session, I was posing a question, and I'll restate it. It's about commitments made and where progress is to date. In the Journey Together document, it says that you will work with the federal government to address the United Nations Declaration on the Rights of Indigenous Peoples. Specifically, Minister, the question is, I'm wondering how your commitment to work with the federal government to address the United Nations Declaration on the Rights of Indigenous Peoples will actually unfold when Minister Wilson-Raybould has said, "Canada cannot simply incorporate the declaration 'word for word' into law."

1010

**Hon. David Zimmer:** Yes, this is an important question. Thank you for this, Mr. Miller.

The UNDRIP is directed toward states, and Canada is the lead for addressing UNDRIP. We are going to work, and we have been working, with the federal government as it moves forward with its plan that is being developed to implement UNDRIP. I was there at the start with Minister Bennett in New York at the United Nations when the announcement was made. However, the values reflected in UNDRIP are consistent with Ontario's approach to indigenous affairs. Our approach is rooted in a commitment to establish and maintain constructive and co-operative relationships based on mutual respect that will lead to improved opportunities for all indigenous peoples.

So, into the detail: There are a number of current provincial initiatives that address topics that are also found in the UNDRIP, so the province is not new to its response to the UNDRIP; in fact, we've been doing many things that are contemplated in UNDRIP. What are some of those things that we've been doing? I'll go through a number of things that we've been doing, but I should say that we've also been impressing upon the federal government: "Here's what we've been doing in Ontario." Ontario, in many ways, is ahead of the game, if you will, ahead of the initiative. We've been doing a lot of things over the last few years that the previous federal government had just sort of neglected. In some ways, they're correcting that and looking to Ontario for advice on these issues.

The first issue is the treaty strategy that we have here in Ontario. The treaty strategy commits the government to promote public awareness on treaties. I've talked about that at some length. It commits us to facilitating constructive engagement on treaties to revitalize treaty relationships that have, in many cases, been dormant or left behind or ignored. That idea of revitalizing the treaty relationships that have perhaps been dormant is inherent in the United Nations Declaration on the Rights of Indigenous Peoples; that is, the recognition of treaties. Ontario is well along that road. We are providing advice to the federal government on this issue.

We also have the Ontario Indigenous Children and Youth Strategy that's being managed through the

Ministry of Children and Youth Services. We also have the Anishinabek Nation-Ontario master education agreement, which is being run out of the Ministry of Education and the ministry of advanced learning. They both put a huge emphasis on the participation of indigenous communities in decision-making and supporting their own distinctive institutional structure and customs. When you read through the United Nations Declaration on the Rights of Indigenous Peoples, that sort of theme is woven throughout the document.

Mr. Miller and Mr. Mantha, if you don't have a copy of this little handbook, I can get you one. It is well worth keeping on your desk. I keep this on my desk and I know everybody else in the ministry does.

We also have the Aboriginal Economic Development Fund and the First Nations gaming revenue sharing agreement. These are examples of how Ontario is ahead of the exercise in addressing the themes in the UN declaration.

We've got Ontario's Walking Together strategy—I've referenced this one in previous sessions—which is our long-term strategy to end violence against indigenous women. We've backed that up with dollars.

Again, these themes I've referenced that Ontario has already got under way—the idea, the approach, is sort of woven throughout this declaration. We are providing our best advice and encouragement to the federal government as they develop their plan, and we will work closely with them.

**Mr. Norm Miller:** So I was—

**The Chair (Ms. Cheri DiNovo):** I'm afraid that's it. We now stand recessed until 3:45 this afternoon.

**Mr. Michael Mantha:** Just on a quick point of order, Chair.

**The Chair (Ms. Cheri DiNovo):** Mr. Mantha.

**Mr. Michael Mantha:** Just to help the minister understand something: I don't want him to confuse my passion for my anger. He needs to understand that Gogama is my hometown and there is a big difference. I won't speak for my colleague from Essex, but I want to make that point to you: Don't confuse my passion for some anger.

**Hon. David Zimmer:** I did not confuse your passion for your anger. Your passion is well-placed. The Premier has made it clear in mandate letters that everybody should have secure, potable water—period, end of story. Thank you for that, Mr. Mantha.

*The committee recessed from 1015 to 1605.*

**The Vice-Chair (Miss Monique Taylor):** Good afternoon. We are now going to resume consideration of vote 2001 of the estimates of the Ministry of Aboriginal Affairs. There is a total of two hours and 40 minutes remaining.

When the committee recessed this morning, the official opposition had 14 minutes left in their round of questioning. Mr. Miller, the floor is yours.

**Mr. Norm Miller:** Thank you, Madam Chair.

I'm going to continue and ask some questions for the Chiefs of Ontario. One of the questions that I asked this morning was about details on new commitments, specifically the \$150 million over three years to close gaps and

remove barriers, including the \$3.5 million in 2016-17 in life promotion supports and \$2.3 million in 2016-17 in new mental health and addictions supports. You're working on it, was kind of the answer that I got, and there weren't a lot of details on that.

But in answer to some of the other questions, you were talking about closing the gap and some of the challenges with economic opportunity, for example, and that you looked to forestry and mining as a part of the economic opportunity to help close the gap for indigenous communities. I would agree with that. Currently, mining is the biggest employer of indigenous people. I believe that 14% of the workforce is indigenous people. I think that's great and I think that's the hope, especially for the more remote First Nations communities, the best hope.

I think that preparing those communities to be able to take advantage of opportunity is something the province should be doing, whether it be through education and getting some of the basic levels of education up where there are big gaps currently; also, as you move up the education chain to better training. I know that the minister had highlighted some school that he was quite proud of. I think that is really important work that has to be done.

We also have in northwestern Ontario what the government has talked about quite a bit; that is, the prospect of the Ring of Fire, as it's called, the chromite discovery, which is supposed to be the biggest chromite discovery in the world. It does hold out some hope for economic development in the northwest, and jobs and benefits for indigenous communities. It has been going on for quite a long time, and we're not seeing a whole lot of progress. I would be the first to congratulate the government if we could see some progress on that project.

Just this month, Northern Ontario Business magazine has an article with the headline "Noront"—the biggest company in the Ring of Fire area, that has a lot of the claims and has a couple of camps there. The headline is, "Noront Expects Ring of Fire Road Funding Announcement Soon." It says:

"With a funding announcement for a permanent Ring of Fire road expected shortly, Toronto-based Noront Resources is enlarging its land package in the James Bay camp and is devising a multiple mine development plan."

Skipping ahead, it goes:

"In a news release, the company said it's now waiting on Ottawa, Queen's Park and area First Nations to jointly announce plans to fund a permanent west-to-east access road to connect the remote communities to the outside world by an all-season road, and also reach the exploration camp...."

"Noront expects to access the mine through the road corridor to be shared with local First Nations communities."

It goes on to say, "Furthermore, a ferrochrome smelter will be constructed at a yet to-be-determined brownfields site in Ontario."

**1610**

This project is, I think, one of the biggest hopes for the province for mining, for economic development, particu-

larly for indigenous communities. I'm wondering if there's an update on the status of that road and the various negotiations to make this become a reality?

**Hon. David Zimmer:** Thank you for that question, Mr. Miller. Of course, the mining development in the north and the impact it will have on indigenous communities is enormous. Having said that, the development of the mining sector in the north is something where we have to work very carefully and diligently in partnership with First Nations. The reference to the Ring of Fire—that would be the Matawa tribal council, which is composed of nine First Nations that are situated in the Ring of Fire area.

We also have to partner closely with the federal government, and of course Ontario has its role. As you know, Ontario made a commitment in the budget the previous year and, more recently, in the budget this past spring. We've got \$1 billion on the table, and we are working very carefully—I don't know if "carefully" is—we are working very forcefully with the federal government to ensure their participation.

Along with that, we're working very closely with the Matawa tribal council, the nine First Nations. With respect to the involvement of the Matawa tribal council, they are being advised by a former Premier of Ontario, Bob Rae, who acts for the Matawa tribal council; and the province of Ontario, in its negotiations and conversations with the Matawa tribal council, has engaged the services and advice of Mr. Frank Iacobucci, who's a retired Supreme Court of Canada judge. Also, interestingly, he was the author of the report that looked into the issues around jury selection in the Thunder Bay area principally. There was an issue of First Nations members not being adequately represented on jury panels and so on. So Justice Iacobucci has a deep interest and a very good and experienced skill set in these matters.

As I said, we remain committed to this project, working it through with First Nations, the Matawa tribal council, our federal partner and our own ministry. The lead minister on the negotiations and the transportation corridor issue, of course, is the Minister of Northern Development and Mines, Minister Gravelle.

I've had conversations with Justice Iacobucci, with former Premier Bob Rae and with the indigenous leadership on these issues, both with Regional Chief Day and others, and I've also had conversations with Noront through their president, Alan Coutts. I think I can say that everybody wants to see a way through on this project.

Just speaking for the Ministry of Northern Development and Mines, they recently approved—I think it was \$125 million over the next five years in funding for community benefit funds. The funding is to be used as a mechanism for funding key community priorities for the Matawa tribal council and First Nations. It's to be used for and is being used to support infrastructure and mineral development in the Ring of Fire, and—

**Mr. Norm Miller:** Sorry to interrupt you. That's \$125 million over five years announced by northern development and mines? Is that part of the \$1 billion that has been committed to in a few budgets by the government?



**Hon. David Zimmer:** No, the \$1 billion is set aside for the transportation corridor.

**Mr. Norm Miller:** So this \$125 million is not for the transportation corridor?

**Hon. David Zimmer:** It's to be used for communities, for, in effect, capacity building within the communities so that they can engage in the process and also other benefits—infrastructure pieces and so on—but not specifically for the to-be-decided-upon transportation corridor.

**Mr. Norm Miller:** Okay. Thank you.

**Hon. David Zimmer:** In 2013, the Ministry of Indigenous Relations and Reconciliation provided a one-time investment of \$3 million for projects focused on providing skills training and other social, community and economic development supports to help the First Nations in the area participate in potential Ring of Fire developments.

This issue of skills training: If the project is going forward, there are going to be a lot of employment opportunities. A lot of those, if not most of those, are going to be skilled trades. So we need to build up the capacity of the Matawa community so that they have the skill sets to take advantage of the economic opportunities—jobs and employment and so on—that will flow from the construction of the transportation corridor, the development of the mines and so on.

The Ministry of Indigenous Relations, in partnership with the Ministry of Northern Development and Mines, has also provided another \$225,000—we did that in 2013-14—so that the Matawa tribal council could establish their own independent resource—

**The Vice-Chair (Miss Monique Taylor):** Three minutes left, okay, Minister?

**Hon. David Zimmer:** Sorry?

**The Vice-Chair (Miss Monique Taylor):** Three minutes.

**Hon. David Zimmer:** Thank you, Chair—to establish their own resource development office. Again, that's a piece of capacity building, because when we potentially go into these projects, of course the federal government and the provincial government and the private sector have access to resources to conduct negotiations and take decisions and so on. We want to see that the First Nations there have the same capacities. We want to create a level playing field so that, sitting around the negotiation table, they have the resources to respond to issues that are brought to the table with respect to the Ring of Fire development.

First Nation communities in the Ring of Fire region are also receiving funding from something called the New Relationship Fund. That's designed to support their participation in consultations and engagement with the government and the private sector on these lands and resources matters. Again, that's a capacity-building issue.

I'm going to take the last couple of minutes and ask Assistant Deputy Minister Shawn Batise to offer his thoughts, because he is deeply involved in the negotiation process and I know he has a perspective.

**Mr. Shawn Batise:** Thank you.

**The Vice-Chair (Miss Monique Taylor):** Start by identifying yourself for Hansard, please. Thank you.

**Mr. Shawn Batise:** Shawn Batise, assistant deputy minister, negotiations. While I don't have any direct involvement in the Ring of Fire, in my previous position at the Wabun Tribal Council over the last number of years I've negotiated six IBAs with various mining companies for the six communities that I worked directly for.

Since that time, over the last 10 to 15 years, I know that we've seen in the communities that I worked for at the time that the increase in unemployment is, I would argue, at or near zero. The folks who want to work are working in the community. I can say unequivocally that a good deal with a mining company that is well negotiated can provide a lot of employment, and not just employment—spin-off opportunities. I think that the Matawa tribal council is aware of this and is working diligently toward it.

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The one thing that I can say is that, in order to be able to do these negotiations and the engagement successfully, we need capacity on the ground. I can say that the NRF through this ministry, for the consultation people who we had on the ground dealing with mining companies, forestry—really, they're overwhelmed. But nevertheless, they're there, and the funds are provided through this ministry, without which we would never be able to move forward.

**Mr. Norm Miller:** And the communities in the area of the Ring of Fire, the nine communities that were referenced—

**The Vice-Chair (Miss Monique Taylor):** I'm sorry, Mr. Miller, but that is all of your time.

**Mr. Norm Miller:** I'll come back to that in my next time, I guess.

**The Vice-Chair (Miss Monique Taylor):** We're going to go on with the NDP. Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** I would like to come back a bit to an event that MPP Kiwala attended on September 17, and that was the unveiling of the commemorative monument for Charles Henry Byce. I was contacted by the Ontario Native Education Counselling Association regarding this monument in Chapleau.

*Interjection.*

**M<sup>me</sup> France Gélinas:** Yes, absolutely.

The monument came to be because of the Ontario Native Education Counselling Association, the Chapleau Cree First Nation and the Royal Canadian Legion, as well as the town of Chapleau. They had put a proposal to the province to fund \$20,550 of this over \$150,000 project.

They had talked with Mr. Phil Donelson from the Premier's office, who had directed them to Mr. James Janeiro. Mr. James Janeiro, on August 18, told them that they would be receiving funding in the amount of \$20,550 for the Byce commemoration.

Then, on August 23, he called again and said that Ms. Maya Gorham, the chief of staff from the Ministry of

Tourism, Culture and Sport, was going to contact them so that they would know exactly what to sign. He informed them that the money would not be transferred in time, but they would have a written funding commitment by then.

This time frame came and went. The commitment was not kept. She left numerous messages on the voicemail. Then, on August 26, she received an apology from Mr. Janeiro, saying that he'll be in touch sometime in the next week.

You can imagine: We're talking about an unveiling going on on September 17, and we're now in the first week of September. Then he drops the bombshell that the money that they had been counting on was not to be forthcoming and that this commitment was also not kept.

I understand that Ms. Kelly Patrick from the Ontario Federation of Indigenous Friendship Centres has talked to you, Minister, about this very issue, trying to get it resolved—

**Hon. David Zimmer:** I'm sorry, who spoke to me? I missed that.

**M<sup>me</sup> France Gélinas:** Ms. Kelly Patrick from the Ontario Federation of Indigenous Friendship Centres.

They have reached out to me because they feel that this entire project really has reconciliation at heart. Mr. Charlie Byce himself spent time at the St. John's Indian Residential School in Chapleau. The entire ceremony was really about reconciliation. But now they find themselves with this \$20,550 shortfall because of having been strung along by your government, basically—that they were going to receive that funding, which they never did.

I was wondering if there's anything that you can do to help them.

**Hon. David Zimmer:** That's a very detailed question. I will endeavour to look into this and see what we can do.

I do remember the conversation with Ms. Patrick. I think that she was from the OFIFC, the centre in Timmins.

**M<sup>me</sup> France Gélinas:** Correct.

**Hon. David Zimmer:** Yes. We had a very good tour of the friendship centre in Timmins and a good meeting with Ms. Patrick and her staff at the friendship centre. We discussed a range of issues, and this did come up. I will see what we can do. We'll look into it.

**M<sup>me</sup> France Gélinas:** How will you get back either to them or to me, and what kind of time frame are we looking at?

**Hon. David Zimmer:** Let me go back to the office, and the deputy and I will look into this and provide you and Ms. Patrick with what we can provide.

**M<sup>me</sup> France Gélinas:** We're going into Thanksgiving next week. Is it reasonable to think that the week after that, in about two weeks from now, either they or I will hear back?

**Hon. David Zimmer:** Let me look into it and develop the facts, but I assure you that I will endeavour to do what I can as soon as I can.

**M<sup>me</sup> France Gélinas:** Okay. We'll let them know. Just to let you know, you may hear about this again from other sources. Just to put a little bit of context to this, this

was a beautiful ceremony—and I know that MPP Kiwala was there—and the spirit of reconciliation was there. He was honoured; everybody was proud of what this indigenous man had done.

They had started a fundraising campaign for those projects—it was actually two, one plaque and a statue in another part of the province, and then the one in Chapleau. They had started a fundraising campaign that was quite successful, but once they had reached their goal, they knew that the federal government was giving them \$111,000; they received it. They had reassurance in numerous phone calls from this man from the Premier's office telling them that they would receive \$20,000 from the province. The rest of it they had fundraised themselves. Case closed: They had enough money, the celebrations went on and everybody was happy.

But now to go back after the fact and say, "No, you're not going to get the money," and ask them to raise—they are in a very bad situation to ever be able to make up that \$20,000, which cast a really very poor shadow on something that should have been a huge step toward reconciliation. Now it's a huge step toward fighting the provincial government—not what we wanted to happen.

**Hon. David Zimmer:** I will look into this and we will get back to you and to Ms. Patrick. As I say, I do remember the conversation, or being told about this. And you're quite correct: It was something that the friendship centre and Chapleau were very proud of. But I or the deputy or somebody in the ministry will call and speak to Sylvia Maracle, the executive director of the Ontario friendship centres, who may know something about the details and will also—

**M<sup>me</sup> France Gélinas:** They were not the main lead. The lead was the Ontario Native Education Counselling Association. That was the main lead, and it's Debra Dupuis who is in charge of the Charles Henry Byce commemoration. She was the one in charge and she was the one who received all of those phone calls from the Premier's office. It's just that there are many people on the committee, and when Ms. Kelly Patrick had an opportunity to see you, because they worked together, she brought it forward. But the main lead for the project is Debra Dupuis.

**Hon. David Zimmer:** All right. The deputy has made some detailed notes on this contact person that you've just given us. We'll look into it.

**M<sup>me</sup> France Gélinas:** Okay. Thank you very much. My next questions—

**Hon. David Zimmer:** Is there anything you'd like to add, Deputy?

**M<sup>me</sup> France Gélinas:** It's a small amount of money and a small gesture that would buy a lot of goodwill.

I'm now on the completely different topic of land claims. This is a topic that I've talked about already during the estimates. But I wanted to find out, when we looked at the estimates, how much the government has spent on negotiating—not the settlement, but the actual negotiations—for land claim agreements. I would go for the last 12 years or 13 years, the years that the Liberal

government has been in power. I'm interested in finding out how much was spent on, basically, legal costs from outside the government to handle land claims.

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**Hon. David Zimmer:** Thank you for that question. That's probably only the second or third truly technically estimates-related question. Of course, estimates looks into the budgets of the ministry and so forth, so thank you for that opportunity to get into the actual numbers of what happens at the ministry. The financial guru will respond.

**Ms. Esther Laquer:** Hi. I'm Esther Laquer, director of corporate management at indigenous relations. We don't track expenditures for staff costs related to negotiations, but I believe that's not what you're looking for.

**M<sup>me</sup> France Gélinas:** No. I'm looking for outside legal help. I fully understand that within your office you would keep an eye as to the different land claim negotiations going on. It probably would not come from your budget, your budget being rather small. Whether it's from the Ministry of the Attorney General or another ministry, how much is spent on outside legal help, or any other kind of help, to help the provincial government be a part of those land claim settlements?

**Ms. Esther Laquer:** I would likely suspect that ADM Batise can respond better to this. I can tell you that there are some land claims where we would hire a chief negotiator on behalf of the province to coordinate the negotiation efforts where multiple ministries are involved. The Algonquin land claim is one of those files, but I'll let ADM Batise speak to the details.

**Mr. Shawn Batise:** I'm Shawn Batise, assistant deputy minister for negotiations. You are probably referring to the settlements, negotiations and claims funds, the SNCF, so how much money and resources we are providing to the First Nations to negotiate the claims?

**M<sup>me</sup> France Gélinas:** Certainly I'm interested in how much in resources the provincial government provided to First Nations for negotiating the land claims agreements, but also from the provincial government. Did we hire negotiators? Did we hire lawyers to help us be a part of those negotiations? If we did, how much did we spend?

**Hon. David Zimmer:** Just to zero in and make sure I understand your question: Essentially, what you're asking is the provincial costs to negotiate and settle land claims?

**M<sup>me</sup> France Gélinas:** Yes, by year for the last 12 years, or as far back as—

**Hon. David Zimmer:** I'll take you back to 2003. Since 2003, Ontario has settled 22 land claims with 23 First Nations. I must say, that's a substantial accomplishment, considering that in the previous two decades—that is, the 20 years before 2003—the province settled 18 claims over 20 years.

Of those 22 settlements that I've just referenced—I'm going to get into the costs in a second—15 were reached in nine years following the release of the Ipperwash report nine years ago. The Ipperwash report put a big emphasis on coming to grips with these land claims. That

included five settlements that were reached in 2015, one of which was with two First Nations, and a more recent settlement this year, 2016.

The 22 settlements since 2003 have involved the transfer of 68,488 acres of crown land to be added to the First Nation reserves, and financial compensation packages that amounted to \$120 million. The six settlements that were reached in 2015 and 2016 involve 13,838 acres, and \$12.2 million in financial compensation. So when you total up Ontario's contribution to all the 40 settlements, it amounts to approximately 357,000 acres and \$165 million in financial contribution.

So in 2015, the Ministry of Indigenous Relations and Reconciliation budgeted approximately \$13 million for the negation of land claims across the province. This amount includes funding to enable the indigenous communities to negotiate with Ontario; that is capacity funding. That amount does not include any amount paid out as a settlement. So those are the costs of getting to settlement.

I can give you some more details on money spent over the last years, if you would like.

**M<sup>me</sup> France Gélinas:** Yes. You're finally going to the right track. So the \$13 million—that's for last year. Did the full \$13 million go to capacity funding for the First Nations negotiating or did part of this also pay for the chief negotiator and the legal representation of the province that is not paid with existing staff but has to be hired outside?

**Hon. David Zimmer:** The director, negotiation branch: The cost of that over the years that I've referenced came to \$1,877,422.

**M<sup>me</sup> France Gélinas:** So the years that you referenced—you referenced many years. Are we talking 2015-16 here?

**Hon. David Zimmer:** No, no. That wouldn't be \$1.8 million for one year. That would go back to—

**Ms. Deborah Richardson:** These are all staff, the whole branch.

**Hon. David Zimmer:** Yes. This is all staff, the whole branch.

**M<sup>me</sup> France Gélinas:** It's not the staff from the branch I'm interested in. From the \$13 million, I understand that some of it goes to the First Nations. How much of it goes to lawyers who represent the province, not the First Nations? How is the \$13 million broken down?

**Hon. David Zimmer:** I will get back to you on that.

*Interjection.*

**M<sup>me</sup> France Gélinas:** I think Shawn has something to say.

**Hon. David Zimmer:** I'm sorry. Go ahead.

**Mr. Shawn Batise:** The lawyers that represent the province are internal to the ministry itself, through MAG at legal services branch. We have our own group of lawyers who work on this, so the costing would be included in the overall ministerial budget; there's not an outside cost.

As I think the minister was trying to say, in Algonquin, we do have a specific outside negotiator contracted to do that.

**M<sup>me</sup> France Gélinas:** All right. So who pays for the chief negotiators for the Algonquin claim?

**Mr. Shawn Batise:** Representing the province?

**M<sup>me</sup> France Gélinas:** Representing the province, yes.

**Mr. Shawn Batise:** We pay for that.

**M<sup>me</sup> France Gélinas:** Okay. And they are not employees of the ministry, they are an outside negotiator?

**Mr. Shawn Batise:** We have one outside negotiator and the rest are employees of the province.

**M<sup>me</sup> France Gélinas:** Okay. Can we find out how much the province is spending per year on this outside negotiator?

**Mr. Shawn Batise:** Yes, we can get back to you on that.

**M<sup>me</sup> France Gélinas:** Okay. We'd appreciate it.

And whatever amount of money you give me, is this part of the \$13 million that has been spent for negotiations in the last two years?

**Mr. Shawn Batise:** In 2015-16?

**M<sup>me</sup> France Gélinas:** In 2015-16. So of that \$13 million, did that all go to First Nations or did some of it go to the chief negotiator that we hired for the Algonquin—

**The Vice-Chair (Miss Monique Taylor):** Two minutes.

**M<sup>me</sup> France Gélinas:** We'll find that out and you'll let me know?

**Mr. Shawn Batise:** Portions of it were to the communities and, as I was saying earlier, under the SNCF, the negotiations funds for the communities under transfer payments, part of it was Algonquin. So about \$6 million.

**M<sup>me</sup> France Gélinas:** Okay. So \$6 million went which way?

**Mr. Shawn Batise:** To the First Nations.

**M<sup>me</sup> France Gélinas:** Some \$6 million to the First Nations and the other \$7 million—

**Mr. Shawn Batise:** Was internal to the ministry.

**M<sup>me</sup> France Gélinas:** That's the part I don't get. "Internal to the ministry": That means it's part of your budget?

**Mr. Shawn Batise:** Yes.

**M<sup>me</sup> France Gélinas:** Okay. Spent on staff or spent on outside consultants?

**Mr. Shawn Batise:** Staff.

**Hon. David Zimmer:** Staff. There's one outside negotiator.

**M<sup>me</sup> France Gélinas:** Okay. I'm trying to find out how much we paid.

**Hon. David Zimmer:** And he's been on the Algonquin file for a long time.

**M<sup>me</sup> France Gélinas:** So you will share with me how much we've paid year-by-year for this outside chief negotiator—that's what I call him—whatever you call him?

**Hon. David Zimmer:** Yes. It's a part of the estimates.

**M<sup>me</sup> France Gélinas:** I know, but I cannot find it. That's why I'm asking you guys to do the search.

**Hon. David Zimmer:** All right. We'll get that for you.

**M<sup>me</sup> France Gélinas:** All right. And except for those two, are there any other parts of estimates, is there any other money that is being spent for negotiations? That's land claim negotiations.

**Hon. David Zimmer:** The negotiations for the Algonquins of Golden Lake come to \$4.074 million; the office of the deputy director, \$1.387 million. There's an Algonquin transfer payment for \$2,875,000—

**The Vice-Chair (Miss Monique Taylor):** Thank you, Minister. We're now going to go on to the government. Sorry, Minister.

**Hon. David Zimmer:** Okay. I've got one more number for you, but I guess next time around.

**The Vice-Chair (Miss Monique Taylor):** We're going to move on to the government and to Ms. Kiwala.

**Ms. Sophie Kiwala:** You can certainly go ahead and deliver your last figure.

**Hon. David Zimmer:** Thank you. I'll wait.

**Ms. Sophie Kiwala:** Okay. All right.

*Interjections.*

**Hon. David Zimmer:** I'll keep the member on tenterhooks.

**Ms. Sophie Kiwala:** While we're on the subject of land claims, I want to talk a little bit about that. I know you've covered a lot of details with respect to the land claims, but I would also like to go a little bit more in depth. I know in your new mandate letter, you've been directed by the Premier to continue to resolve land claims in a timely manner. I know this has been something that is a priority for both you, the Premier, your ministry and staff.

We touched a little bit on Justice Linden's final report of the Ipperwash Inquiry. In that report there was discussion of a constructive, co-operative relationship with indigenous people of Ontario, something that we've been very focused on and discussed a lot with your ministry during your time here. But going back to the report, Justice Linden stated that "the single biggest source of frustration, distrust and ill-feeling" among indigenous people in Ontario was the government's "failure to deal in a just and expeditious way with the breaches of treaty and other legal obligations."

This is something that has been part of our history, regrettably, as a nation and something that I'm extremely pleased that we are actively rectifying.

I spoke previously about my time at the Chapleau Cree First Nation's land claim ceremony. I mentioned a little bit about the jubilant atmosphere that we experienced there because finally, after more than 100 years, we were successful in signing that treaty. It was something that I think was celebrated by all members of the community and all parties who were there. From the provincial side, we of course have MNRF on the ground there, which was very supportive and did a lot of work in the background. They continue to do a lot of work there—fantastic, dedicated staff. I was able to witness the same from your ministry as well. It was quite an honour to be present at that time.

I'm wondering if you could just walk us through a little bit of our approach to settling land claims—any details that you haven't already discussed.

**Hon. David Zimmer:** Well, thank you for that question. I want to take a moment and just give a little bit of background leading up to this government's approach to land claims and our commitment to dealing with land claims.

As you know, there was a tragic situation in Ipperwash during the previous government's tenure. The Liberal in opposition, Michael Bryant—the member who then went on to become the Attorney General in 2003—led this charge, if you will, in opposition, demanding that a public inquiry be launched into the Ipperwash tragedy.

We formed the government in 2003. Michael Bryant moved from the opposition to the government side and became the Attorney General. One of the very first things that he did, and our government did, back in 2003 was to set up the Ipperwash Inquiry. The report of the Ipperwash Inquiry was led by Mr. Justice Sidney Linden. He released the report, as you indicated, in May 2007.

That was the foundation piece for our approach to land claims, because in that report Mr. Justice Linden made it quite clear, as you quite properly pointed out—the report stated quite clearly, in quite graphic language, that “the single biggest source of frustration, distrust, and ill feeling” among indigenous people in Ontario was the previous government's “failure to deal in a just and expeditious way with breaches of treaty and other legal obligations to First Nations.”

That was the premise behind our policy on land claims and treaties and a whole range of reconciliation issues with Ontario's indigenous persons and First Nations. So we owe a great vote of thanks to former Attorney General Bryant for seizing that initiative in opposition and then executing the inquiry when he became the minister and had the opportunity and indeed the responsibility. And we owe a great vote of thanks to Justice Linden for the time that he took and the care and the frankness and the sensitivity—and the insight into one of the core issues surrounding land claims and treaty obligations and reconciliation.

It was Dudley George who tragically lost his life, but his brother, Sam George, took up the cause of the inquiry and worked closely with the government after 2003 and indeed in opposition before 2003. He was such a driver, along with Minister Bryant, as he then was, on this issue that we actually now have, in the Ministry of Indigenous Affairs—and I invite anyone who wants to come and visit—a gathering room, which is something quite apart from the boardroom. You've seen it. A boardroom, as you know, is a traditional long table with chairs on either side of it. This is a gathering room, with an oval table. The room is chock-full of First Nation, Métis and Inuit art; the floors are designed, and the artwork. We went through tremendous effort with, of all people, the city of Toronto, because there's a rule that you can't burn things or create smoke in buildings and we wanted to have a facility so you could smudge in the gathering room when

we were talking about these and other sensitive issues. Anyway, after some cost and a lot of effort with the city of Toronto we can now smudge—after we changed all the vents and so forth.

I wanted to say that by way of respect for the work that those persons that I've identified have done on this file.

Let me walk you through the actual approach to land claims. I'm going to ask Assistant Deputy Minister Shawn Batise also to speak to it, because he has been up to his chin in negotiation work over the years. He can give you a sense of what it's actually like to be in a negotiation.

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I've made the point that resolving land claims and land-related issues is one of the keys to the whole reconciliation process. Our approach to this is the recognition that resolving land claims through negotiations is far more preferable to litigation. Litigation causes people to—lawyers, and knocking back and forth and so on, often is not helpful to the reconciliation process, and it's also very expensive. It's expensive for the First Nation; it's expensive for government.

As you know, and I referenced it earlier, the Premier has directed me through my mandate letter, and I quote from the mandate letter, to “continue to resolve land claims in a timely manner.” Earlier in a question, I identified the claims that we've recently settled, and I hope you got the clear sense that the land claims took a long time to settle. We didn't settle many of them over that long time, but in the last couple of years, the process has been shortened and the number of land claims that have been settled has shot way up. That's because we're doing a lot through negotiation as opposed to litigation. We have various mechanisms in place and attitudinal changes, wanting to get through the negotiation, to finish the negotiation in a respectful way. That goes a long way to a good result. A good result is something that all parties have negotiated, have agreed to, rather than a trial and a judge imposing the decision, which leaves parties sometimes unsatisfied and leaves issues unresolved.

That's why we do see that the negotiation combined with the consultation process is the way to address these historical and legal claims. It's a practical approach to resolving claims. We recognize that resolving claims through negotiation not only helps the province meet its legal obligation; it also, just through the process of negotiation and the give and take, if you will, goes a long, long way to create a sounder and a more honest—just a better relationship.

That's why negotiated settlements are the preferred route. We want to clarify the rights of indigenous communities through negotiation. We want to reduce uncertainty. We want to facilitate the reconciliation process.

Just a word on the public consultation aspect of negotiation: Public consultation is integral to the settlement of land claims, especially when the settlement involves land. Ontario is engaged in extensive public consultation. We provide information to indigenous communities and

non-indigenous communities. We get the parties together to talk about their concerns, approaches and attitudes.

Ontario does have a duty to consult First Nation communities during any negotiation involving land claims, particularly one which has the likelihood and the ability to significantly impact the quality of life or the capacity of that First Nation to carry on after the land claim has been resolved.

These consultations are often referred to as “section 35” consultations. That’s the section of the Constitution that has set out the duty to assess potential impacts of land claims on other First Nation communities and to consult with them and so on.

That’s our approach to it. I’m going to ask Assistant Deputy Minister Shawn Batise to give you a—hopefully, he will give you a sense of the flavour of how the negotiation process works. I, myself, as a minister, don’t get involved in the negotiation itself; it’s the negotiators. But perhaps you could give a sense of the flavour of the negotiation.

**Mr. Shawn Batise:** Sure. Thank you. Shawn Batise, assistant deputy minister, negotiations. I, myself, don’t get involved in negotiations anymore either. As the assistant deputy minister—

**Hon. David Zimmer:** Anymore?

**Mr. Shawn Batise:** Yes. I have to say that I miss it, and there are a couple of files that we’ve got coming up that I would love to be involved in on behalf of the province.

For me, having worked for First Nations as the lead negotiator on two land entitlement claims as well as numerous IBAs or resource development agreements, as we used to call them or liked to call them, they’re two entirely different processes. You might think that they both should be interest-based, I think, to a point, but I have found, being on the other side, if you will, with the First Nations and negotiating with both the federal and provincial governments in a tripartite process, the land claims have seemed to be far more friendly, at least from my experience.

The process is a long one. It’s more involved than working on an IBA, but it seems to be a lot friendlier to a degree, and there is far more community engagement and consultation.

In going forward, the commitment by both levels of government in terms of funding the process—Ontario’s process, I have to say, is better. It’s grant funding for the communities, whereas Canada’s is a loan fund. Although the loan is just tacked on to the final settlement, it still causes some discomfort to the community having to actually be on the hook for a loan. Eventually they get it back, but it’s hard to convince or talk to community members, to say, “Well, we’re borrowing money from the federal government to do our negotiations whereas the province gives us a grant.” So there’s that aspect of it.

I think over the last number of years, as the minister has said, the claims in the province have—there has been an increase in the settlements. I know, speaking with some of the communities—and you were at the one in

Chapleau, the Chapleau Cree—there were certainly some hard feelings by First Nations, and rightly so. There are 100-plus years of wrong that takes seven or eight years of negotiations to fix, and even then it’s not fixed.

There’s implementation. There’s the federal government’s addition-to-reserve process, which is very long and arduous for a community. Even once they have the settlement, the land itself can’t be turned into reserve land for—it can be up to another five or six or seven years, which is very frustrating to the community. So we’re not just done once we settle the claim. Implementation is a big part of it.

Implementation of any negotiated settlement, in my experience, is one of the more difficult parts, whether that’s a land claim or an IBA negotiation. I can tell you that it causes a lot of strife amongst community members when we don’t implement what we’ve negotiated, whether, as I said, it’s a land claim agreement or it’s an IBA. We have to do better. I think we are doing better around those things, for sure, in moving them forward. The biggest issue is around getting the lands turned into reserve.

**The Vice-Chair (Miss Monique Taylor):** Two minutes.

**Mr. Shawn Batise:** I’ll just leave it at that.

**Hon. David Zimmer:** Perhaps we can come back to this, because what I’d like to do—if I can continue on this in the next round, I can walk you through what a typical claim looks like. I can do that very briefly. Then I can tell you how the claim is submitted. I can then tell you what the next step is, which revolves around research and assessment of the claim by the province.

Then there’s a process whereby the parties to the negotiation are established. Then the next process is the actual start of the negotiations. I can tell you something about what happens during the negotiation, actually at the table, if you will. The negotiation then leads to an agreement in principle.

**1700**

About the settlement agreement: That agreement in principle then goes out for ratification by the First Nation. If the agreement is ratified, then, as the deputy has mentioned, the next big thing is implementing the agreement that has been ratified.

You might find that very useful background. That’s the mechanics of how we get from the presentation of the claim to the end result: implementing the agreement around resolving the claim.

**The Vice-Chair (Miss Monique Taylor):** Mr. Miller.

**Mr. Norm Miller:** Let me go to the estimates briefing book, page 36, where there are operating expenses in some detail, various programs that are funded. The last time I had an opportunity to ask questions, you mentioned the \$125-million five-year plan to build capacity for Matawa communities. Where do I find that in the estimates?

**Ms. Esther Laquer:** Mr. Miller, you’re referencing the \$125 million through the Ring of Fire program—

**Mr. Norm Miller:** Yes. I was asking about the Ring of Fire, and the minister responded that there was \$125

million over five years for capacity-building for the Matawa communities. So I'm wondering where I find that in the estimates .

**Ms. Esther Laquer:** That funding is actually not flowing through the ministry's budget. That funding is in the Ministry of Northern Development and Mines allocation.

**Mr. Norm Miller:** Very good. On the next page, on page 37, if I'm reading this correctly, on the land claims settlements part, it's \$2 million: \$1 million negotiated settlements, \$1 million—total of \$2 million. Am I reading that correctly?

**Ms. Esther Laquer:** It's actually \$1,000.

**Mr. Norm Miller:** I just assumed it was multiplied—more zeros were added on.

**Ms. Esther Laquer:** No, there's a better story.

The ministry doesn't receive an allocation at the beginning of the fiscal year for land claims because, as ADM Batise and the minister have outlined, it's quite an unpredictable process. In order to appropriately manage the fiscal plan, that money needs to be requested through the year as negotiations get to a point where a settlement amount is agreed to. Once that settlement is achieved, then the ministry seeks that allocation from the Ministry of Finance. These \$1,000 placeholders are in the printed estimates so that the line associated with this funding can appear in our estimates.

**Mr. Norm Miller:** It never shows up in estimates, then. So how do you budget for it—

**Ms. Esther Laquer:** It shows up in the public accounts—

**Mr. Norm Miller:** But if it's not in estimates, how do you actually get the money?

**Ms. Esther Laquer:** We have to go through a process where, when the settlement is achieved and we have a sense of what the settlement amount will be, we go to the Treasury Board and Management Board of Cabinet—the treasurer for government—and we request the funding associated with that. If the members of the committee are satisfied that the deal is appropriate, then they would allocate that funding from the Consolidated Revenue Fund to the ministry.

**Mr. Norm Miller:** I assume that, in most cases, there is enough lead time that it would be next year, that you would start the process of requesting it now and it's probably in next year's fiscal year.

**Ms. Esther Laquer:** We don't normally forecast that far in advance, again, because the process for negotiations is unpredictable. We do try to do some planning on a forecast basis, but as far as allocations are concerned, we really do try to support the effective management of the fiscal plan by not requesting the funds until we know that we need them.

**Hon. David Zimmer:** The ultimate number is reflected in public accounts.

**Ms. Esther Laquer:** That's right.

**Hon. David Zimmer:** That's where you would find the numbers, this \$1,000 over here with the zeros. I asked about that myself when I first became the minister three

and a half years ago. The settlement number is in the public accounts. I can tell you, I've been to the Treasury Board several times to present the argument of why the settlement is a good settlement and so on. Treasury Board grills us and we get the money.

**Mr. Norm Miller:** The public accounts just came out yesterday, I guess it was, wasn't it? Do we know what that number is for this year, then, in public accounts? Would that be last year or next year?

**Hon. David Zimmer:** Last year.

**Ms. Esther Laquer:** Yes. The public accounts is a reconciliation of the prior fiscal years.

**Mr. Norm Miller:** Right.

**Ms. Esther Laquer:** So the unaudited financial statements that were tabled yesterday would likely show an expenditure of around \$5 million for land claims.

**Mr. Norm Miller:** Five million. Okay.

**Hon. David Zimmer:** For the past year.

**Mr. Norm Miller:** For the past year. Also, in The Journey Together—and I brought up the \$150 million over three years to close gaps and remove barriers. How much of that is reflected in the estimates here? Or is it pretty much all other ministries? Or would I find some connection to that number in the estimates?

**Ms. Esther Laquer:** It's mostly funding in other ministries. The proportion of funding that may be allocated to MIRR hasn't been determined yet. That's still going through the decision-making process.

**Mr. Norm Miller:** Okay. Thank you for that. I'd like to now return to the question I was asking ADM Batise. At the end of my last time, we were speaking about the Ring of Fire, and you had talked about the fact you've been involved negotiating IBAs in the past. There are nine communities in the Ring of Fire area. I've been an advocate for saying that's something that would be very positive for both the communities and the province and asking about progress with that. Are those nine communities generally supportive of seeing the Ring of Fire develop?

**Mr. Shawn Batise:** That's probably not a question that I should be answering. That's probably a political question.

**Mr. Norm Miller:** Should the minister answer that question? I'll ask it of the minister, then. To your knowledge, are the nine communities in the Ring of Fire area generally—because negotiations have been going on, I assume, for years now because it's been talked about and the billion dollars has been budgeted for years. Are they generally supportive of seeing the Ring of Fire developed? Do they see benefit for their communities in seeing it developed? Or maybe paint a picture of what you see the situation to be.

**Hon. David Zimmer:** Well, those negotiations, as I said earlier, have been ongoing. The Matawa tribal council's adviser, if you will, former Premier Bob Rae—and as I've said, the province has its adviser, Mr. Justice Frank Iacobucci. I can tell you that those negotiations are conducted in a frank and open manner. There are nine communities involved, plus of course the federal govern-

ment, but it would be presumptuous of me to answer that question on behalf of the First Nations, so I would direct you to the Matawa tribal council and the nine communities within it.

**Mr. Norm Miller:** You spend a lot of your time, as you've described, travelling around and visiting with all the communities.

**Hon. David Zimmer:** Yes.

**Mr. Norm Miller:** So I assume you've probably visited maybe all nine of the communities in that area. Are they raising concerns? Are they saying, "Move ahead, let's get this going," or are they saying, "We have concerns"? Or is it a bit of both?

**Hon. David Zimmer:** We are at the negotiating table. As I say, those negotiations are being conducted in a very frank, open and honest manner, and it would be presumptuous of me, at this stage of the negotiations, to offer to speak for the Matawa tribal council or any of the nine First Nations within that council.

I'm not trying to duck the question, but out of respect for the First Nations and the Matawa tribal council, that's a question that you should direct to them. But I can tell you that the negotiations are being conducted frankly and openly.

**Mr. Norm Miller:** And I'm just trying to get an idea of where the progress is on the project and some sense of whether it's next year, the year after or five years from now, especially based on the article in Northern Ontario Business that makes it sound like things are reasonably close to seeing one of the important steps in the project going ahead, which is a physical connection, being the road.

1710

Related to that, for the Ring of Fire project, is the plan also, on the corridor—the infrastructure corridor, I'll call it, the road—to run a permanent electricity connection along that same corridor to the actual mine site, and I assume possibly to the communities in the area as well. Is that part of the negotiations, then, to have power go to the communities, as well as the mine site, from the grid?

**Hon. David Zimmer:** I can tell you that the Matawa tribal council and the nine First Nations are at the table with their respective teams. The Ministry of Northern Development and Mines is at the table on behalf of the province. That negotiation on a wide range of issues is being conducted at that table.

I can tell you that the agreement—let me back up. I can tell you that Ontario and the nine First Nation members of the Matawa tribal council did sign a historic framework agreement in March 2014. That agreement was a framework agreement to move forward with the negotiation process, which everybody is into right now. That negotiation process was to be conducted on a community-based regional approach to the development of the Ring of Fire.

The framework agreement is a very historic milestone. It will support Matawa member communities in a number of ways: to assist in the discussion on environmental assessment processes and regional long-term monitoring;

social and economic supports and well-being issues; and regional infrastructure planning and resource-revenue sharing.

We at the Ministry of Indigenous Relations work with the Ministry of Northern Development and Mines and the First Nation communities. We're working with them on the next phase of the negotiations under that framework agreement that I've just referenced to move ahead from there. So those negotiations, for the third or fourth time—now I'm starting to sound like a broken record, but I want to tell you that those negotiations, pursuant to the framework agreement, are being conducted in an open and frank way and in good faith. I do want to emphasize the frankness of the discussions and the openness of the discussions and this desire of all the parties to move the negotiations forward in a good way.

**Mr. Norm Miller:** In this article, it says, "The company expects mine construction to begin in 2018"—so less than two years now—"at the same time road construction gets under way." That's not a long time. You said 2014 was the framework agreement, so there have been two and a half years of negotiations so far. I'm having a difficult time getting any idea about whether there's an endpoint that you can see on the horizon.

On the question of electricity, then, is it the plan to use the road corridor to also—

**Hon. David Zimmer:** Those matters are, in many ways, the subject of the negotiation, and of course, in the negotiation—it'll probably be a private sector player. Noront is in the news a lot. There were other private sector entities that were in the news—

**Mr. Norm Miller:** I would assume that the billion dollars is for infrastructure and primarily that road and other infrastructure.

**Hon. David Zimmer:** Yes, a transportation corridor.

**Mr. Norm Miller:** Whatever that may be.

**Hon. David Zimmer:** Precisely.

**Mr. Norm Miller:** There's talk—

**Hon. David Zimmer:** And then the billing would cover other regional infrastructure pieces that are necessary to the development of the mining.

**Mr. Norm Miller:** The provincial government and federal government last year, I believe, announced \$700,000 for a study on the corridor, which has now been tabled. What has been learned from that money and how has that aided in moving things along?

**Hon. David Zimmer:** The real detailed answer to your question would have to come from the Ministry of Northern Development and Mines. That's where the \$700,000 came from. The Ministry of Northern Development and Mines and Matawa tribal council are still in discussions about what the outcome of that study or the process is.

**Mr. Norm Miller:** The Ring of Fire Secretariat—that's Northern Development and Mines as well, I assume?

**Hon. David Zimmer:** That's right.

**Mr. Norm Miller:** And they're involved with negotiations, I would assume.



**Hon. David Zimmer:** Yes. They're the lead on this.

**Mr. Norm Miller:** So there must be some contact with your ministry or information from them on how negotiations are progressing?

**Hon. David Zimmer:** Well, I'm going to let the Ministry of Northern Development and Mines answer that question, either Minister Gravelle or the officials over at that ministry.

**Mr. Norm Miller:** Okay. That's it for the Ring of Fire, then.

Seeing as I was asking about electrification—I know it's part of your ministry's mandate—earlier in estimates, a while back, in the spring, I was asking about electrification of some of the remote communities, and the money budgeted and the plans for that.

I would have thought for the remote communities, if there were any communities where, being off the grid, some of our renewables might make sense, it would be those remote communities. If wind and solar and some backup of some kind—whether it's propane or natural gas or a backup generator—were going to work anywhere in the province, I would think it would work in a remote First Nation, where the distances are such that the cost of actually physically building the grid connection must be immense.

I wonder if the ministry has done any studies to see whether it's financially viable for those remote communities or compared them with what it's going to cost to actually make a grid hookup, especially as the technology—

**Hon. David Zimmer:** As you know, the Ministry of Energy is next before estimates committee, so I'll defer those detailed questions to them. But you are quite right, and there is a realization in those remotes that are on diesel—the federal government spends a huge sum of money just on the freight costs of flying in diesel, so it's in everyone's interest to deal with these issues.

There are 25 First Nations that rely on diesel power for energy and there's a remote electrification plan under way—

**Mr. Norm Miller:** We talked about that a bit before. That's where I would have thought that, for those remote communities, wind and solar and maybe something other than diesel backup might be an option, especially as energy prices increase.

I can only tell you that in my own riding I was meeting with a construction company—

**The Vice-Chair (Miss Monique Taylor):** Two minutes, Mr. Miller.

**Mr. Norm Miller:** —two weeks ago, Fowler Construction in Bracebridge, about—not issues related to electricity, but somehow we got talking about that. They have an asphalt plant there that they use a diesel generator to run. They had plans to hook it up to the grid, and this is in Muskoka, so there's no connection charge. They ran the numbers and they've decided not to do it, because it doesn't make sense.

**Hon. David Zimmer:** You'll be interested to know that on July 29 of this year, the Ministry of Energy—I'll

just answer on their behalf here—has selected Watay Power to connect 16 of those remote First Nation communities that rely on diesel to the province's electricity grid. That announcement was made just two months ago and that's under way.

Watay Power is an unprecedented partnership between a consortium of 20 First Nation communities and a transmission partner, Fortis Ontario and RES Canada.

In addition to those 16 communities that I've referenced in Watay's plan to hook them up to the grid, there are four other remote communities that are considering options for electrification. I gave you the number of 25 that are on diesel. Four or five of those—the fact is, they're just too remote to do that. But if we can get 20 of the 25 off diesel, that's very, very good news. But the details of the plan, other than my reference to the Watay undertaking, I leave to the Minister of Energy at estimates next week.

**The Vice-Chair (Miss Monique Taylor):** Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** Well, I want to continue—

**Hon. David Zimmer:** Um—

**M<sup>me</sup> France Gélinas:** Do you need a two-minute break? I love those.

**The Vice-Chair (Miss Monique Taylor):** Two-minute recess?

**Hon. David Zimmer:** Well, maybe—

**The Vice-Chair (Miss Monique Taylor):** Five-minute recess?

**Hon. David Zimmer:** Yes. Thank you.

*The committee recessed from 1721 to 1726.*

**The Vice-Chair (Miss Monique Taylor):** Okay, we can begin.

Go ahead, Ms. Gélinas; the floor is yours.

**M<sup>me</sup> France Gélinas:** Thank you so much.

We were talking about electricity. I realize that some of it will be for the next estimates on energy, but I wanted to know—I'm sure that you hear from First Nations that, in some communities, the debt retirement and transmission charges are higher than the hydro they consume. I was wondering if your ministry has any role to play when it comes to First Nations communities and the OEB setting rates. When they apply for a rate increase or whatever to the OEB, can your ministry put forward the side of the First Nations? Do you do that at all?

**Hon. David Zimmer:** No, that would be something that the Ministry of Energy would deal with. I can tell you that what there is over there at the Ministry of Energy is a grievance table where First Nations can bring particular and very detailed grievances to the attention of the ministry. They are dealt with there. For instance, the issue that you just referenced there, about the charges and so forth, might well be something that is brought by the First Nation to that grievance table, which is operated over at the Ministry of Energy.

**M<sup>me</sup> France Gélinas:** So what would be the relationship between your ministry and that particular table? Does one exist or not?

**Hon. David Zimmer:** No. No, there's no formal relationship.

**M<sup>me</sup> France Gélinas:** So the grievances of First Nations have a place to be handled, and they handle it.

**Hon. David Zimmer:** I may sort of, by the by, in a hallway conversation, say, "See what you can do for it. How about a break here?" and that kind of stuff.

**M<sup>me</sup> France Gélinas:** Okay. Still—

*Interjection.*

**M<sup>me</sup> France Gélinas:** Sounds good.

On the electrification readiness program: How is this electrification readiness program impacted by the First Nations' hydro shares memorandum of understanding announced in July? Are the two completely disconnected, or are they connected at any point?

**Hon. David Zimmer:** They're disconnected. Those would be questions addressed to the Minister of Energy, the Minister of Finance and others.

**M<sup>me</sup> France Gélinas:** The electrification readiness: That is within your ministry. You have a couple of million dollars a year to get First Nations that are off the grid ready for electrification. You said that you have a list of 25 First Nations off the grid—on diesel power is what you use. If you could give me the list of those 25—because I'm dealing with 21. You don't have to read them into the record, but just make me a list at some point of which 25 you are dealing with. And then, the 16 that will be hooked up to the grid with Watay: What are those 16? Just the names would be good.

My last one is that the Ontario Clean Energy Benefit Act that is just going through the House right now requires a separate regulation in order to expand the rebates to customers of unlicensed distributors. As you know, distributors on-reserve are not licensed by the OEB, and First Nations people do not pay the provincial portion of the HST. So the way I read it right now, all First Nations would be excluded from that 8% rebate. Am I reading it right or wrong?

**Hon. David Zimmer:** I'm going to ask you to direct that question to the Ministry of Energy when they're at estimates next week. Having said that, we champion First Nations whenever we have an opportunity. But the technical answer to your question has to go to the Minister of Energy.

I do want to just come back to a point that you made earlier, which was essentially a question around capacity-building. I can tell you that we have something called the Remote Electrification Readiness Program. That gives \$1 million over three years. That's 2014 through to 2017. It's a capacity-building exercise to support the First Nations that are associated with the expansion of the transmission, or the possibility that they might get hooked up, to deal with the capacity issues that have to be addressed leading up to hookup, during hookup and then post-hookup. You can appreciate that going from diesel to being hooked up, there are all sorts of changes, some subtle, some dramatic. There are intended and unintended consequences. So it's a capacity-building piece.

**M<sup>me</sup> France Gélinas:** Of that \$1 million over three years, how many communities do you figure will be helped? All 25 that are on diesel?

**Hon. David Zimmer:** I'm just giving you some examples. Of the 16 that are identified for hookup, if you will—that Remote Electrification Readiness Program—essentially the capacity funding is spent on an as-needed or as-identified basis. The issues that have to be addressed in the capacity-building exercise will, probably or necessarily, vary from First Nation to First Nation. So a First Nation, in conversation with us, will say, "We need some capacity help" on this issue or that issue, and so on.

**M<sup>me</sup> France Gélinas:** But all 16 could benefit from the \$1 million allocated over three years if they need—

**Hon. David Zimmer:** I'll just ask Assistant Deputy Minister Thatcher to address the specifics of your question.

**Ms. Hillary Thatcher:** Assistant Deputy Minister Hillary Thatcher. For starters, I just pulled up the energy website where the long-term energy plan is posted, and they do identify all of the remote First Nation communities. They break it down into the remote First Nation communities that are going to continue using diesel or other green energy initiatives to power them up, and then the other 21 First Nations that are part of the long-term energy plan for connection. So it's available through the energy website in the long-term energy plan. All of the 21 First Nations that we connected are listed there.

**M<sup>me</sup> France Gélinas:** So the \$1 million that is from your budget for the Remote Electrification Readiness Program is available to all 21 of those?

**Ms. Hillary Thatcher:** All 25 remote First Nations can access the program. I'm just trying to find which communities have accessed it, but right now—I just don't have it on my tab, but my understanding is that all 25 communities are benefiting from the electrification program and developing community wellness plans. So the First Nations themselves may not have applied directly to the fund, but the tribal councils, in many cases, have applied to the funds, so they're receiving the benefits. It was a three-year program and funding for three years in most cases.

**M<sup>me</sup> France Gélinas:** Oh, okay.

I know that my colleague Michael Mantha talked about this this morning, and I've had conversations with you about this, but I want to talk about Mattagami First Nation a little bit with the time that I have left today.

You know that on Monday, October 10, they will be holding a protest on Highway 144 to draw attention to the fact that they want their water to be clean. The community is very angry, and the community is discouraged and they want their government to hear them. It has been 18 months since the derailment and it has been over six months since the ice came off the Makami River, and we could all see oil in the water. We can smell it and we can see the dead fish. I think you have a copy of a poster of some of their grievances that has been shared with you.

Racism is still alive and well in parts of northern Ontario, as it is in other parts of Ontario. I am worried

about the people who will be on the side of this highway. This is a busy highway and this is one of the busiest weekends on Highway 144. Not only will you have all of the kids who attend school down south trying to travel back and all of the families who have been celebrating Thanksgiving, but you will also have hundreds of hunters coming in and out of the bush—all with firearms, as this is what you use to go hunting—who will be stuck in traffic and missing their planes and missing their connections to go back home and all the rest of it.

Meanwhile, you will have the good people of Mattagami beating the drums of war to get attention paid to what's happening to them by a government who won't order CN to come and clean up. Is there anything at all that your ministry can offer the good people of Mattagami?

**Hon. David Zimmer:** I think you were here on previous days when I addressed the Gogama derailment. I know I told you that within a couple of days I was up there to observe the derailment site—both a walk-around, a flyover, meetings with Chief Walter Naveau—

**M<sup>me</sup> France Gélinas:** That was 18 months ago.

**Hon. David Zimmer:** Yes, well, let me complete the answer. We have been working on this with the Minister of the Environment. We just heard yesterday from the Minister of Transportation that rail safety is a matter that our government works very closely on with our federal partners. Rail transport is a federal responsibility, but, having said that, we are impressing upon the federal government the whole issue of rail safety.

1740

With respect to the demonstration, if you will, on the highway that the poster references, I take your point about the long weekend and the traffic on the highway and the safety issues—safety for everyone: people who want to quite freely express their point of view and draw attention to this issue, and people using the highway driving through the area. I will alert my colleagues over at the Ministry of Community Safety and Correctional Services, in particular Minister Oraziotti, to advise him that this is occurring and that, in terms of road safety and policing and cars and traffic and all that sort of stuff, some special attention should be paid so that everybody can conduct this demonstration in a safe manner.

I'm going to ask Assistant Deputy Minister Batise to respond, again, to your sense of the Gogama cleanup.

**Mr. Shawn Batise:** Shawn Batise, assistant deputy minister for negotiations. I did respond to the question last week as well as this morning, but just to be clear, there has been a response by MOECC. Although I can't speak for MOECC, there has been correspondence sent to the chief, Chief Naveau, and to the secretary of the local services board in Gogama.

I will read the second-last paragraph, which addresses the issue. It says:

“In closing, remediation activities and long-term monitoring continues at the site. The MOECC will assess information submitted by CN, any monitoring data collected by the MOECC and any reports provided by

local residents to determine if any additional actions are required. We are committed to ensuring CN continues to meet the obligations set upon them by the Environmental Protection Act and that impacts resulting from this derailment and spill are mitigated.”

This was sent by Carroll Leith, who is the district manager for MOECC in the area. Further to that, I will be meeting with Chief Naveau and his council either tomorrow afternoon or first thing Thursday morning, and we will be discussing this issue to see if there's anything further that the ministry can do to ensure that CN does its job. As I said, I was the chairman of the tribal council and the executive director. This is an issue that is close to my heart. It's close to my own traditional territory. I have many, many friends in Mattagami after working with them for 25 years. So I want to ensure that this is cleaned up properly as well.

**M<sup>me</sup> France Gélinas:** Thank you for this. This is as good news as I've heard on this file for 18 months. We are getting those letters from the Ministry of the Environment that talk about long-term monitoring, and, frankly, it is adding oil to the fire. The language has to change. They have to take into account the people who live there; otherwise, they really fan the flame of civil unrest, and nothing good comes of that.

Whenever a test result comes out that shows that there is still a lot of oil in the Makami River, the answer is “more testing.” The local people cannot take more testing anymore. Test after test comes out showing that the amount of oil in the water exceeds any acceptable level from the Ministry of the Environment, yet the answer back from the Ministry of the Environment is to test some more. They are testing the patience of the people there, and that's not good. They need to clean.

You know as much as I do that the maples are all sorts of colours. The bush has already started to look like fall. It is beautiful right now in the area, but that also means that winter is coming. With winter, the lake will freeze and any cleaning will become impossible. We have this window between spawning time and freezing time when cleanup could be done. We have the technology to do local cleaning up. What we need is the Ministry of the Environment to order CN to do that. If your ministry can help—the issue of clean water for First Nations falls within your ministry.

**The Vice-Chair (Miss Monique Taylor):** Two minutes.

**Hon. David Zimmer:** I'll leave you with three points.

(1) I can assure you that, for Minister Murray over at MOECC, water in all its forms—lakes, rivers, drinking water—is the highest priority for him.

(2) I can tell you that CN has been resampling the sediment in the river between the derailment site and the lake to see if there are remaining areas of contamination. That resampling of the sediment is submitted for review to MOECC.

(3) MOECC is assessing that additional information that was collected in August—I'm not sure when in August, but sometime in August. That additional infor-

mation was collected in direct response to local concerns about the issue. CN has committed to doing whatever has to be done for the cleanup.

Lastly, MOECC is the oversight ministry. We at the Ministry of Indigenous Relations and Reconciliation offer our thoughts and advice on how best to approach First Nations and work through these issues.

**M<sup>me</sup> France Gélinas:** The First Nations, right now, feel disrespected. We are in a spirit of reconciliation. This is the name of your ministry. In the spirit of reconciliation, you listen to people and pay attention to what they're saying. Right now, they're screaming at the top of their lungs, and nobody listens.

**Hon. David Zimmer:** That's why the resampling has been done: because the citizens made the point. That's why that resampling of sediments and the information and so on is being reassessed: so we can get to a good place.

**The Vice-Chair (Miss Monique Taylor):** Thank you, Minister.

Ms. Kiwala.

**Ms. Sophie Kiwala:** I think that the estimates committee is a great opportunity for all members to bring forward their concerns to the ministries that come before us. I'm not sure how much the last points that were brought up by the member from Nickel Belt had to do with estimates, but I understand and I totally respect the member for her commitment. I know that we all mean well. I would like to say the same to MPP Miller as well. We all come to this role with good thoughts in mind. The subject area of indigenous relations and reconciliation is dear to all of our hearts. I just wanted to have that on the record. I would like to keep focused on the estimates.

The other thing that I do want to say is that today is October 4. Sisters in Spirit vigils are happening all across the country. I just wanted to have on the record that while we are here examining and exploring line items in the estimates book, it's important to acknowledge and remember this day, and that there are many people across our province who are honouring the victims, the missing and murdered indigenous women.

Going back to treaties: There were a number of urgent land claims. There were a number of points that you brought up that you would like to explore. I just wanted to wind back to the conversation a little bit, as well, on your mandate letter and the Premier's wish to have land claims settled in an efficient and timely manner.

1750

After seeing and meeting some of the partners and stakeholders who were engaged with the process in Chapleau, it's remarkable how extensive and elaborate the discussions are. I was made much more aware of that during the visit and I was very impressed. I'm really curious how when it's integral to the process that each of the discussions and each aspect of the negotiation be done with minute—

**Hon. David Zimmer:** Let me, in the seven or eight minutes that we've got left—because I do want to get this answer.

**Ms. Sophie Kiwala:** Okay.

**Hon. David Zimmer:** Here's the process of land claims. The typical basis of a land claim is usually one of these five. It's usually:

(1) lands that have traditionally been used by a First Nation community that were never given up by them to the crown, and the crown has since sort of occupied the land, if you will;

(2) the crown has failed to set aside lands apart as a reserve, as required under the original treaty;

(3) there has been unauthorized use of the reserve lands that were given, so that somebody's taken them away or taken them back;

(4) the crown has failed to pay appropriate compensation for the taking or the use of reserve lands; and

(5) reserve lands that were surrendered for sale and remain unsold today.

That's the basis of a typical claim, one of those categories.

The process then is that a claim is submitted. It is submitted to the province and federal government. The process begins when a First Nation submits a written statement, together with various supporting documents, detailing the claim. Those documents are then submitted to the negotiations branch of the Ministry of Indigenous Relations, and that's headed up by Assistant Deputy Minister Batise.

Ontario then consults with Indigenous and Northern Affairs Canada to determine whether the federal government has received the claim submission and what the status of the federal review of the claim is. There are two reviews. Ontario reviews the claim once submitted, and the federal government does.

The next stage, a lot of research and assessment is done of that claim. From Ontario's point of view, our assessment goes something like this: We analyze the land claim documents submitted by the First Nation. We research the relevant history and any issues surrounding the claim. Then an intensive legal review is done of the issues that have come forward. We then consult with other interested parties in government to determine how that claim might affect any interests and positions that they have.

It's decided within three years of the receipt of the claim. So we have three years to do that research, assessment, legal stuff and all that. We have three years to decide whether to accept the claim, after we've done that workup. If the claim is accepted, then the next step is the province sends a letter to the First Nation stating that the province is prepared to negotiate a resolution of the claim.

The next stage is the negotiation process itself. The parties to a negotiation—and I've identified the parties to the negotiation—are the groups involved in settling the claim. In most land claims involving Ontario, there are three parties to the negotiation: There is the First Nation that submitted the claim, the province of Ontario and the federal government. On occasion, Ontario may negotiate a claim bilaterally with the First Nation in the absence of the federal government. There's a special set of circum-

stances, if you will, when that happens, but that does happen.

Then the negotiations start. What happens when the negotiations actually start? The parties to the negotiation will sit down and they'll hammer out a framework agreement or a negotiation protocol about how the negotiation is going to be effected. That framework agreement or negotiation protocol involves four points.

We identify the issues that will be raised in the negotiation; we identify any funding that the First Nation will need to get capacity funding to support its participation in the process. The third thing that happens is the process for consulting with the public and other First Nation communities on the issues that are related to the claim and the effect it may have on them. So there may be adjoining First Nations, an adjoining municipality or something and they're notified to see what the impact might be on them.

The parties to the negotiation may also then arrange for further studies to advance the possible settlement. Those additional studies to advance the settlement get us to a concluded settlement. It might include various land appraisals to value the lands that are claimed, various reports to value the losses to the First Nation community for not having the use of the lands. There could be a series of mapping studies—for instance, flooding claims. There are a number of flooding claims, so there might be mapping studies and exercises to determine the extent of flooding on reserve lands. We signed a couple of flooding claims recently.

Then, during the actual negotiations, the parties are at the table. They will work to reach an agreement on all of the various elements of the settlement. They identify the lands that might be transferred by Ontario to Canada. We transfer the lands, Ontario to Canada; Canada then sets up the lands as a part of the reserve. There's a calculation of any financial compensation that is owed to the First Nation. There may be public consultations to get input from the peoples and groups who could be affected by the settlement, particularly when land is part of the settlement. For instance, the Algonquin claim bumps up against a number of municipalities. We will then usually carry out section 35 consultations with other indigenous communities, again when land is part of the settlement.

Agreement is then reached on arrangements for the continued use of the land by third parties. Hydro One might have rights of way over the property or Bell Canada for distribution lines and so on. So that has to be resolved and settled as to what will happen to those rights of way—will they continue or whatever.

Then, having gone through that, hopefully we get to the point where we reach something called an agreement in principle, an AIP. That's where the parties sign an agreement in principle. It's a document that sets out the general terms of the settlement. That's a very important document. The settlement agreement—that agreement in principle—is the outcome of the negotiation. It sets out all of the details of the agreement reached between the parties—the province, the federal government and the First Nations—on the issues raised. Each of the parties to that negotiation needs to approve and sign that agreement in principle. The parties then develop a plan to execute or deliver on their obligations in the settlement agreement and then, finally, all of—that package, if you will that—is sent out for ratification.

So the final stage of this negotiation process that I've just walked you through is the ratification of the settlement by each of the parties. When that happens, the ratification comes through—the positive ratification of the agreement—and then, only then, it becomes a legally binding agreement, enforceable under the law.

Then we move to the implementation, and the parties to the agreement will then implement the settlement agreement by executing their obligations. The financial contribution is usually paid very shortly after the settlement agreement has been signed by all the parties and ratified. If the settlement agreement includes transferring land from Ontario to the federal government, then Canada has to do certain things—

**The Vice-Chair (Miss Monique Taylor):** Minister, it's 6 o'clock.

**Hon. David Zimmer:** Would you like the last three points? They're really interesting.

**The Vice-Chair (Miss Monique Taylor):** We will adjourn until tomorrow after routine proceedings. Thank you very much.

*The committee adjourned at 1800.*





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