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Chair

Mr. Chris Warkentin

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• (1530)

[English]

The Chair (Mr. Chris Warkentin (Peace River, CPC)): Colleagues, I want to call meeting 27 of the Standing Committee on Aboriginal Affairs and Northern Development to order.

Today we have the minister.

As you can see from the agenda, colleagues, we have two orders of business. One is a review of supplementary estimates (C), as our committee has wanted to undertake. Of course, since we made that arrangement we now have the main estimates as well that have been tabled in the House and referred to this committee. We'll take this opportunity to question the minister with regard to both allocations.

Colleagues, you can see the supplementary estimates (C) referred to this committee. You can also see the main estimates. The litany of estimates that have been referred to our committee are there, as well as those that are referred under the Health portfolio.

Minister, it is a privilege to have you here at our committee. We are thankful to have you.

Colleagues, I can inform you that, as per normal, the minister will be here for the first hour and then his officials will remain for the second hour.

We'd like to turn it over to you, Minister, to give us your statement and then we will begin with questions to follow.

Thank you for coming. We'll turn it over to you for your opening statement.

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development): Thank you very much, Chairman.

I appreciate this opportunity to discuss supplementary estimates (C) for fiscal year 2011-12 and the main estimates for fiscal year 2012-13 for Aboriginal Affairs and Northern Development Canada. This committee has an important role in reviewing the department's expenditures.

The amounts listed in both sets of estimates represent investments that support this government's larger approach to improving the quality of life of aboriginal peoples and northerners.

I will touch on other aspects of our government's approach in a moment, but I'd like to begin by addressing a few items in supplementary estimates (C) for 2011-12. These estimates include initiatives totalling slightly more than \$70 million.

The largest single amount, \$47.4 million, involves the emergency management assistance program. These funds are needed to reimburse costs incurred on reserve by provincial, territorial, and emergency management organizations. These organizations provided response and recovery services on reserves following floods in Manitoba, Saskatchewan, British Columbia, and Alberta, and wildfires in Ontario and Alberta.

The second-largest item included in supplementary estimates (C) is \$5.1 million for acquisition of fisheries licences by Maa-nulth First Nations and commercial crab licences by Tsawwassen First Nation. This investment honours commitments by Canada during the negotiations that led to the Maa-nulth and Tsawwassen final agreements. Those are British Columbia treaties.

The main estimates for fiscal year 2012-13 forecast department expenditures of approximately \$7.8 billion. This is a net increase of \$429 million, or 5.8%, over the main estimates for 2011-12.

This is partly accounted for by an increase of \$286 million in the cashflow for the negotiation, settlement, and implementation of specific and comprehensive claims, primarily for the settlement of the Coldwater-Narrows specific claim. As you are aware, our government has prioritized addressing the backlog of such grievances, some having been unresolved for decades. We've made excellent progress in this regard.

The details of forecasted expenditures for the main estimates are available to you. I can also assure you that Aboriginal Affairs and Northern Development Canada will continue to make strategic and targeted investments that respond to the needs of aboriginal people and northerners, while at the same time ensuring that resources are aligned with priorities. We will continue to actively monitor resource pressures and demographic growth pressures.

Mr. Chair, the investments listed in both sets of estimates represent only one of the means this government has to support northerners and aboriginal peoples in improving their quality of life and achieving their significant potential within a strong Canada. Legislation is another important tool, as the members of this committee understand very well.

This government has a number of legislative initiatives under way, both in the House of Commons and the other place, and I look to the members of this committee to advocate for passage of these important proposals.

For instance, last November we introduced Bill C-27, the First Nations Financial Transparency Act. This proposed legislation supports democratic, transparent, and accountable first nation governments by requiring that chiefs and councillors publish their salaries and expenses.

On December 6, Bill S-6, the First Nations Elections Act, was introduced in the Senate. This legislation addresses long-standing issues with the current election system under the Indian Act and is nearing the end of a thorough review by the Standing Senate Committee on Aboriginal Peoples.

• (1535)

Bill S-2, the Family Homes on Reserves and Matrimonial Interests or Rights Act, has passed through the Senate and is now awaiting second reading in the House.

Just last week we introduced Bill S-8, legislation proposing a mechanism to safeguard the quality of drinking water in first nation communities, and committing in the bill to work with first nations on the development of the regulations.

Also as part of our legislative agenda, we are continuing to move forward with legislative and regulatory changes to modernize the federal regulatory system for project reviews through the action plan to improve northern regulatory regimes.

Partnership, whether legislative, policy, or program, is another key component of this government's approach. The shared goals prioritize supporting northerners and aboriginal peoples to participate more fully in Canada's prosperity.

I'm pleased to report significant progress. Through ongoing devolution and self-government negotiations, Canada continues to work with partners to create practical, innovative, and efficient governance models. For example, negotiations continue between the Government of Canada and Government of the Northwest Territories towards a final devolution agreement. This will be an important step in the political and economic development of the Northwest Territories.

International Polar Year is another example of a successful initiative that has created important partnerships for Canada with an emphasis on our north. The strength of these relationships will be demonstrated when, between April 22 and 27, the Government of Canada will welcome the world to Montreal for the International Polar Year closing conference. Over 2,500 participants will attend, including leading polar scientists, aboriginal leaders, Arctic community members, industry representatives, and policy- and decision-makers in order to review the work that has been undertaken and to discuss the way forward for advancing Arctic science.

Partnership, of course, takes many forms. We are also continuing to work alongside the Assembly of First Nations through the Canada and first nations joint action plan. A growing spirit of collaboration was evident during the crown and first nations gathering held earlier this year, in which all participants declared their intention to go beyond the joint action plan and set the context for change. This spirit is also reflected in a series of practical agreements that address specific issues, such as on-reserve education and child and family services.

Seven tripartite education agreements are now in place across the country. The most recent agreement was concluded in British Columbia earlier this year, and builds on existing partnerships in that province. It will provide first nations students in British Columbia with access to quality education programs, whether they attend school on or off reserve.

To inspire further progress, on June 21 last year the Government of Canada and the Assembly of First Nations launched an independent national panel on first nation elementary and secondary education. The panel's role was to lead an engagement process and provide recommendations on how to improve first nations elementary and secondary education. On February 8, the national panel released its final report. We are reviewing the recommendations in the report carefully and are considering the next steps on education reform.

Mr. Chair, there can be no doubt that our government recognizes the importance of a sound education for all Canadians. We recently demonstrated our commitment to progress on education through our support of the honourable member for Manicouagan's opposition day motion on first nation education.

• (1540)

Improving education outcomes is crucial to making progress on a critical issue: economic and social development. The reality is that barriers continue to hinder the full participation of aboriginal people in Canada's economy, so we are also continuing to turn to willing partners, aboriginal and non-aboriginal, in both the public and private sectors, to find workable solutions to these obstacles to economic development.

The federal framework for aboriginal economic development introduced in 2009 is a case in point. Developed in partnership with stakeholders, the framework is a business-oriented opportunity and results-driven policy approach.

By means of the framework, we are working toward a more systematic identification of economic opportunities for aboriginal people, a greater leveraging of partnerships, and a modernization of land management regimes. As this committee is aware through its ongoing work, that is why, in budget 2011, our government took action to reallocate \$20 million over two years to respond to the growing interest from first nation leaders in participating in the first nations land management regime.

As a result of this investment, we recently announced that 18 additional first nations will be participating in the regime. New signatory first nations will be able to opt out of the land-related sections of the Indian Act and consequently manage their land, resources, and environment according to their own land codes, laws, and policies. They will now be able to take advantage of greater economic development opportunities at the speed of business.

Ultimately, this government aims to ensure that all Canadians, regardless of where they live—north or south, on or off reserve—can share in and contribute to Canada's prosperity. Both estimates support existing programs, partnerships, and legislative projects. I am confident that the items under review will lead to further progress for aboriginal peoples, northerners, and all Canadians.

Thank you, Mr. Chair. I'll do my best to answer any questions that members of the committee may have pertaining to supplementary estimates (C) and the mains.

• (1545)

The Chair: Thank you, Minister. We appreciate that.

I was remiss in not introducing the deputy minister, Michael Wernick, and the associate deputy minister, Colleen Swords. Thanks to you as well for joining us this afternoon.

Ms. Duncan, we'll now turn it over to you for seven minutes.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Thank you, Mr. Chair.

Thank you, Mr. Minister, for agreeing to come before our committee. We've been looking forward to this and we're looking forward to your responses to I'm sure many good questions around the table.

As you are fully aware, you hold a very large portfolio and there are many areas on which we would like to ask questions, so we're going to have to focus in on just some of the areas that your department administers. In my questions I'll be touching on treaty implementation, what we might see under the deficit reduction action plan, and the truth and reconciliation process.

In our committee we've been fortunate in our review on land use and lands management to hear from a number of first nation leaders on treaty negotiation and treaty implementation. As you're aware, modern treaties are negotiated over a very long time, with the first nations incurring substantial costs—and the government as well, of course—and those costs are deducted from the first nations settlement.

The treaties are of course constitutionally entrenched. Under the first nation final agreements and the self-government agreements, the government has committed to deliver additional funds, comparable to the relevant provincial or territorial jurisdiction, to establish education infrastructure, self-governance, and so forth.

We've been hearing concerns at our table, as well as in my meetings with first nations, that the government has been chronically underfunding using misplaced formulas. To establish and deliver self-government is far more costly to administer than for Indian reserves, I am advised by first nations, and many of these first nation communities are in very isolated areas, so the costs are highly escalated because they have to attract people to live in an isolated area and also provide housing, travel, and so forth.

I appreciate that you noted in the main estimates that additional funds are being provided for a large array of matters under treaties, including negotiation, the payout, and ongoing administration of those treaties. Yet the supplementary (C) estimates show \$11.4 million transferred from treaty-related matters to other programs. I'm

wondering if you could explain how you account for the reduction in payment, given the large demands.

Hon. John Duncan: Is that your question?

Ms. Linda Duncan: Yes.

Hon. John Duncan: Okay. Thank you very much.

With regard to funding implementation for modern treaties, some modern treaties have been around long enough that we've had serious negotiations on things like the financial transfer agreement. We just concluded those negotiations with ten of the eleven Yukon first nations. I think we're close, hopefully, to a resolution with the eleventh.

We just concluded the same thing with the Sechelt Indian Band, and that is, I think, the oldest self-government agreement in British Columbia. We're in discussions with Westbank and other first nations on self-government. I think all of these negotiations involve some positioning, but I do believe we are being responsible in our negotiations.

I'm just looking at a note here. You asked about the \$11 million related to treaty-related measures. That is an issue of timing, so it just depends on which year it's spent, this year or next year. I hope that helps.

There have been treaty implementation issues over the years. I'm quite aware of them, but I think we have a good track record of resolving them, and we're committed to trying to do that.

• (1550)

Ms. Linda Duncan: Thanks, Mr. Minister.

I noticed that you mentioned Yukon. I just spoke to the Council of Yukon First Nations today and met with some of them yesterday at the AFN conference on water in Edmonton. They advised me that there have been negotiations on a funding formula, and they're deeply concerned that the government is in fact not delivering under that formula. In particular, the agreement was that there would be comparable funding. Their argument is that they are being majorly underfunded in comparison with the transfers for the administration of the territorial government.

I also have a question for you about Nunavut. One of the representatives of Nunavut Tunngavik Incorporated, Mr. Kunuk, testified and raised some concerns. He said they would prefer to avoid litigation and they've become extremely frustrated that the government is not delivering in a timely fashion the implementation dollars under the agreement. They're additionally concerned that their agreement is unique in that they can unilaterally call for arbitration, and yet the government has turned down 17 requests for arbitration and as a result they have had to go to court.

Mr. Minister, I know I've talked to you before, and you don't appreciate litigious first nations. It sounds as though there are a good number of first nations that remain frustrated that the government is not living up to its commitments fully under these first nations final agreements and self-government agreements.

Hon. John Duncan: Well, litigation, in this portfolio, is a fact of life. We have gone out of our way to have an agenda that flows right from the Prime Minister's apology to the Truth and Reconciliation Commission, to resolving old grievances, to a modernized, reformed, and much more speedy specific claims process. We have resolved some long-standing comprehensive claims. I believe we've moved in a positive direction on implementation.

In terms of your question about Nunavut, I've had regular meetings with Premier Aariak. We have worked with NTI, Nunavut Tunngavik Incorporated, with the Government of Nunavut, and with industry towards fulfilling the last legislative commitment under the Nunavut agreement, which would be the Nunavut project planning assessment process. That legislation is something you can look forward to this year.

I'm not aware of issues beyond that.

The Chair: Thanks, Minister. Our time is up for that question, but I'm sure the member will be able to follow up, if necessary.

Mr. Rickford, you have seven minutes.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chair.

Minister, thank you for coming and spending some time with us today.

I'm going to jump right in on a subject matter that I think is foundational in the context of your department, and that's education. I would like to start by getting your thoughts on two recent or contemporaneous reports that I think we would be well served to consider. The first, of course, is the national panel on first nations elementary and secondary education. I'd like to hear from you on the significance of this report, with some specific views on the implications of this report for your important work in this regard.

• (1555)

Hon. John Duncan: Thank you for that.

I think we all have to take a step back and remember that this K-to-12 panel was commissioned as a consequence of a joint announcement I made last year with the national chief. There was a series of Assembly of First Nations meetings where indeed they landed on the fact that education was the priority in terms of joint action. We concurred.

This is an easy priority to set, because it's a cornerstone of creating healthy and prosperous communities. We welcome the focus that the report has brought to the issue.

We also have the Standing Senate Committee on Aboriginal Peoples report. We have an Auditor General report. We have many reports that all point in the same direction, that changes are needed in this area.

So we're guided in a very strong way to making some of the structural changes that are required in order to improve the education

outcomes for first nation children on reserve, and we're committed to doing that.

Mr. Greg Rickford: Thank you, Minister.

I want to say that part of an important trend that I'm seeing here, whether we're talking about education, water, or sewer, is the partnerships with national first nations leadership organizations. I think you more than anyone appreciate and understand that it doesn't mean we're always going to agree on certain points, but I'm hearing from first nations leadership, certainly in the great Kenora riding, and from other constituents in this file, who appreciate the fact that they're getting a real opportunity to make inputs. I'm sure you concur with me when you say that this has really been dispositive, or certainly a determinant, for some of the success you're having.

Hon. John Duncan: Well, I consider that a compliment. We believe the best way to make progress is in partnership and with mutual respect.

I always go back to the water legislation, because the water legislation was basically presented with no first nations support on the first go-round. Now we have very significant first nations support.

We spent a year and a half saying we want to come to a place where both parties are pretty satisfied with the legislation. We did a lot of negotiations. I had to put some real political capital into that bill. My staff, the departmental staff—a lot of officials worked a lot of hours on that, many days.

I know that particularly the Alberta and Atlantic chiefs—

Mr. Greg Rickford: Excuse me, Minister. I'm sorry to interrupt you. I have another couple of questions about education—

Hon. John Duncan: Okay. Fair enough.

Mr. Greg Rickford: —that I want to squeeze in here, and my colleague I think is going to be asking some tough questions on water.

The second report I would refer to is the one from the other place, from the Standing Senate Committee on Aboriginal Peoples and the national panel on first nation elementary and secondary school education. I'd like you to share your thoughts with this committee on that body of work—again, specific views and the significance of it.

Finally, Minister, I'd like you to discuss what I believe is foundational, and that is actually the strides we're making in the physical infrastructure on reserve with respect to building and rehabilitating schools. I'll leave my last couple of minutes for you to go through that.

• (1600)

Hon. John Duncan: Maybe I'll start from the back end, because I think we have made major progress on school infrastructure on reserves. We have made major investments. You could say that our core funding is running at around \$200 million a year. In addition, we had very significant moneys through the economic action plan. We had significant moneys through the gas tax fund.

We were able to construct over 30 new schools and have major renovations to 22 schools. This goes a long way to fulfilling.... Well, basically, all of the shovel-ready and almost shovel-ready projects were made shovel-ready and constructed or had major renovations, so we're in a new place now. Moving forward, there's more work to be done, but I think we've made a major dent in a major backlog and we plan on continuing in that vein.

The Chair: Thank you, Minister.

Ms. Bennett, for seven minutes.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thanks very much.

Thank you, Minister, for coming here today.

As we're actually discussing estimates, I think I want to talk about money. As you know, we've had some concerns—the comment from the UN declaration to the first nations panel on education that your comments and correspondence around these things being “aspirational” has been somewhat disappointing.

So I want to ask you a very simple question. Both the Auditor General and your own commission, on the national assessment of first nations water and waste-water systems, have concluded that major investments are needed to bring the safety of first nations water and waste-water systems up to a standard comparable to that of non-first-nation communities. Your national assessment said that \$1.2 billion was required to do this. What do you believe is the amount of funding required to bring these systems up to a comparable standard?

Hon. John Duncan: Well, as you know, Carolyn, we did a national assessment. No other government had commissioned such an in-depth national assessment. I know that there was one done under the previous administration, but they avoided tackling some of the serious subjects, like the communities without piped water, for example.

Between 2006 and the end of this next fiscal year, we will have spent \$2.5 billion on water and waste-water systems. That's a very significant amount of money. We've done a lot of the hard infrastructure and—

Hon. Carolyn Bennett: But I think the question has been whether there's a plan to get 100% of homes in 100% of the communities.... How much money would it take to get there?

Hon. John Duncan: Well, this is a moving target, and we can't give you a number right now. When I was in Alberta announcing the water legislation last week, I was asked that identical question—

Hon. Carolyn Bennett: Because I think you and I have corresponded. We're not really interested in the legislation unless there's the money to go with it, right?

Hon. John Duncan: No, no, but we were talking about money. I was asked that exact question. Sixty percent of the risk in water systems nationally, and in Alberta, happens to be in operations and monitoring—

Hon. Carolyn Bennett: And training, yes.

Hon. John Duncan: And training.

For \$11 million, we have connectivity with broadband to 47 first nations in Alberta, and we now have monitoring in all of the water treatment plants.

Hon. Carolyn Bennett: Okay.

Hon. John Duncan: So some of this stuff is not as expensive as you might think.

Hon. Carolyn Bennett: Okay, so in that—

Hon. John Duncan: We've made major progress on a priority list based on that survey.

Hon. Carolyn Bennett: In a plan to get to 100%, we don't know the number.

How about on education? The Auditor General, the Senate, the first nations that my colleague was waxing eloquently about...how much funding do you think is required to bring a first nations education system up to comparable standards? That's obviously K-to-12, but we also have huge need in post-secondary and training. What do you think it would take to get the comprehensive first nations education system up to speed?

• (1605)

Hon. John Duncan: Once again I'm going to go back to a concrete example. We put \$30 million into budget 2010.

Hon. Carolyn Bennett: No, no, but estimates are about the future, so tell me, what do you think it would take in the future to do this?

Hon. John Duncan: I'm getting there.

That allowed us to create the proper conditions to now have a tripartite arrangement, which covers the province of British Columbia, for 120 first nations schools, basically one-quarter of the schools on reserve in Canada, which now have seamless transformation. This will enable a seamless transition between the provincial and the first nations on-reserve schools going both directions, and it will give second-level and third-level services as well.

Hon. Carolyn Bennett: Okay.

I want to just focus on the supplementary estimates (C), the \$47.5 million that's for emergency management assistance. I guess I'd like to know what the money was spent on, and how much of that was related to the crisis in Attawapiskat, and how much of the total the Attawapiskat First Nation is expected to spend.

Hon. John Duncan: This is on the—

Hon. Carolyn Bennett: It's in the supplementary estimates (C) under “emergency management assistance program”.

Hon. John Duncan: How much is for Attawapiskat? I'm not sure.

Michael.

Hon. Carolyn Bennett: How much out of the \$47.5 million is it?

Mr. Michael Wernick (Deputy Minister, Department of Indian Affairs and Northern Development): I'll get you the number. It's a small amount that is used to reimburse Emergency Measures Ontario, which was in over the winter. These are always reimbursements to the service delivery organizations. They're usually provincial emergency measures organizations that go in as first responders. They do the work, and then we reimburse them later.

Hon. Carolyn Bennett: Our government had a cabinet committee chaired by the Prime Minister that dealt with aboriginal affairs. I am just concerned that in the estimates it looks as though the Minister of Health has cut funding for drug treatment and prevention in the main estimates by \$11.3 million, including \$4.17 million for drug treatment.

I want to know how you and your colleague can defend that. How do you deal with the fact that the drug treatment and prevention main estimates have been cut? Also, how are we going to deal with the fact that the TRC, as it comes up with its reports—and we know the trauma that comes when people are courageous enough to come to the Truth and Reconciliation Commission—will be without the Healing Foundation, and what dollars will there be?

The Chair: I do apologize. There are only about ten seconds to answer that question, if you'd like to answer it.

Hon. John Duncan: You know, the simple answer, Mr. Chair, is the fact that these are the main estimates. These do not include supplementary estimates (A), (B), and (C). There's other spending that will happen throughout the year. As I explained, the main estimates here have an increase over the main estimates for last year. There's always a lot of other spending that occurs. That's true for me and it will be true for the Minister of Health as well.

The Chair: Thank you, Minister.

Mr. Clarke, please go ahead for seven minutes.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

I'd like to thank the minister for coming here and testifying on the supplementary estimates today.

Minister, with regard to some of the projects taking place in northern Saskatchewan on water and waste water, we see the need for water and waste-water projects, especially in remote areas, especially in northern Saskatchewan. For instance, we've seen waste-water and water projects taking place in the aboriginal community of La Loche. Further, a few years ago there was also a joint effort between the Lac La Ronge Indian Band and the town of La Ronge for much-needed infrastructure, especially for water.

I'm just hoping you can add some clarification with regard to which water systems on reserve the government has actually helped build most recently.

Hon. John Duncan: Your question is on bulk water systems?

Mr. Rob Clarke: Yes, water and waste water—what type of infrastructure or what new projects have recently taken place or been undertaken?

Hon. John Duncan: Thank you for that.

I'd like to start off by saying that the technology dealing with water and waste water is accelerating at a rate that is very helpful in terms of affordability going forward. The old systems were very expensive, and we all know we're facing a significant challenge even though we've invested huge moneys since forming government.

The economic action plan, on top of our core funding, provided \$187 million over two years to support the construction of 23 water and waste-water projects benefiting 44,000 first nation residents. We addressed 15 water treatment systems with both a high design risk and a high overall risk in the national assessment, and we have work under way on 47 other such systems. That survey and assessment allowed us to set priorities.

I have been to some of those plants, and it's most amazing. The main thing is that when we invest in the technology, when we invest in the system, we have to make sure that we have an operator, that the operator has the certification that's required, and that the operator then isn't stolen by another jurisdiction. These people are very much in demand, and that's become a very big challenge. We have an operator training program in place.

This whole area is a great focus for us as well.

•(1610)

Mr. Rob Clarke: It's my understanding that our annual budget just for water and waste water is \$197 million. During the 2010 budget, the first nations waste-water and water action plan, by providing over \$330 million, and then, just during Canada's economic action plan, providing an additional amount of money of almost \$187 million....

Now, what action is being taken to improve water and waste-water services on the reserve?

Hon. John Duncan: I have some great examples here if you'd like to hear them.

We have a sewage treatment plant commissioned in Wagmatcook, in Nova Scotia. Also, the treatment plant for the Sheshatshiu in Newfoundland and Labrador was completed and commissioned this month.

Kahnawake's new water treatment system was completed in February. I was there a week before they turned it on for the local residents. They will have better water than Montreal, actually, which is right across the St. Lawrence from them.

We have a new water treatment plant in Moose Deer Point in Manitoba—the Sagkeeng in Manitoba.

Those are just some examples, and there's whole bunch more: Red Sucker Lake, Norway House, St. Theresa Point, and Garden Hill.

For those Island Lake regions that we've heard so much about through the *Winnipeg Free Press* and a lot of media stories, this winter we've been delivering materials over the winter roads in order to improve water and waste-water services there. We're going to be connecting 100 houses, which starts to address their backlog, as well as sending in water delivery and sewage trucks. We're setting priorities as we can.

I know that you'd like to hear all about Saskatchewan, where I have nine first nations that received everything from sewage pumping stations, raw-water-pumping upgrades, water treatment plant expansions, a lagoon and sewage pumping station, a regional water system completion, a water treatment plant upgrade, and water supply and water mains completion, to a new water treatment plant that was opened.

This is all great work that's addressing what was a major, major backlog. We've been able to address a lot of priorities.

I was here in this House of Commons when Kashechewan had its major issue, and I can tell you that we are at a point where we have set enough priorities and got enough work done that the major issues are dealt with—and we're going to keep at it.

• (1615)

The Chair: Thank you, Minister.

Mr. Genest-Jourdain, for five minutes.

[Translation]

Mr. Jonathan Genest-Jourdain (Manitouagan, NDP): How are you, minister?

First, I want to thank you for mentioning the effort made in introducing the motion on education for first nations.

[English]

Hon. John Duncan: Thank you. That was your motion.

[Translation]

Mr. Jonathan Genest-Jourdain: Under the Indian and Northern Affairs heading in the main estimates 2012-2013, reference is made to a budgetary increase of 2%, an increase of \$48.2 million in the area of education.

Based on your assessment of the situation, do you believe these figures are consistent with the recommendations set out in the report of the national panel on first nations elementary and secondary education, or are you simply waiting to finish reading the report so you can make an adjustment?

[English]

Hon. John Duncan: Thank you for that question.

Of course I can't pre-empt the budget discussion and what's going to be in the budget.

The whole issue of educational funding I know has been an important discussion point. It's interesting that the 2% was actually an accelerator at a time when other departments were cut back to no accelerator during the Liberal administration. So the conversation has changed considerably over the years.

[Translation]

Mr. Jonathan Genest-Jourdain: We also see that budget cuts of nearly \$200,000 will be made in the area of post-secondary education.

Can the minister and his government explain why, on the one hand, they seem to want to encourage access to post-secondary education for first nations youth but, on the other hand, are simply announcing that these budget cuts will be arbitrarily made?

[English]

Hon. John Duncan: I understand that post-secondary education in the mains is the same as the previous year. I'm not...

Mr. Michael Wernick: We haven't changed the program, so I'm not sure what the question is.

Hon. John Duncan: It would be fair to say, though, that results from the post-secondary education program have not been as fruitful as we would like them to be. We've put a lot of priority on looking at K to 12, and I believe we're going to have to look at the post-secondary envelope as well. I think we were looking at something like 27,000 recipients not too many years ago, and now it's considerably less.

It's very difficult for us to actually measure outcomes, but what we do know is that the outcomes are less than satisfactory given that post-secondary intake should be people who have a pretty good level of education, having obviously gotten past high school, and who are motivated to go to a post-secondary institution.

So it's something we're looking at.

• (1620)

Mr. Jonathan Genest-Jourdain: Do I have any time left?

The Chair: You have one minute.

[Translation]

Mr. Jonathan Genest-Jourdain: I'm going to share my speaking time with Mr. Bevington.

[English]

The Chair: You have just less than one minute, Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): Thank you.

Thank you for coming in front of us, Mr. Minister. I have a number of questions. Hopefully I'll get to my own round, when I can ask you a few more questions.

The first question is dealing with the growth in the Department of Aboriginal Affairs and Northern Development's operational costs. From 2006 to 2011 there was a 98% increase in operational costs. That compares to increases in the first nations program for education of 7%. Is this the formula that you think should work in this department?

The Chair: Unfortunately, Minister, we have about five seconds left for the answer. Perhaps you can give a quick answer; otherwise, you can answer during Mr. Bevington's next round.

Mr. Michael Wernick: Perhaps I can help the member, just very quickly.

The operating vote of the department includes the cheques to people who have come out of the residential schools agreement. It includes the remediation of contaminated sites. It includes the cheques that go to people under court awards and settlements.

So this is not actually the running costs of the department, which are under very, very tight control.

The Chair: Thank you.

Mr. Seeback, you have five minutes.

Mr. Kyle Seeback (Brampton West, CPC): Thank you.

Minister, I was wondering if we could switch a little bit to a different topic. Perhaps you could take this opportunity to update us on the status of devolution in the Northwest Territories.

Hon. John Duncan: Thank you very much.

That's an important subject. We've seen great changes in the north. We saw devolution in the Yukon in 1993, I believe. In a sense, we have a form of devolution in Nunavut from the standpoint that the land question is resolved. We're putting in place the last piece of legislation, hopefully this year.

The Northwest Territories still has unresolved land claims. The Northwest Territories government expressed strong desire to move forward with devolution. There have been devolution discussions for a number of years. We came to the point where we had the signing of an agreement in principle in January of 2011.

Senior officials from the territory and from the federal government have been in serious negotiations since that time. We'll know better by year-end how much longer these negotiations will take in order to get to a final agreement, but I would anticipate that we're looking at the end of calendar year 2013, possibly.

Mr. Kyle Seeback: What steps are currently being taken to address some of the problems we've seen with the regulatory review process in the north?

Hon. John Duncan: How should I begin?

I think this committee was very well aware of the McCrank report. Mr. McCrank appeared before the committee. He was commissioned by my predecessor to produce a report on regulatory reform in the Northwest Territories.

This came about because of the obvious disincentives in that jurisdiction with regard to investor confidence, security, and certainty, which were having negative consequences. I was at the prospectors and developers conference in Toronto on the weekend. It's very clear that the NWT is not getting the exploration moneys that Yukon is getting or that Nunavut is getting. Both Yukon and Nunavut were running around \$400 million last year, and the Northwest Territories was running at about \$80 million.

This is a major shift from the situation of not very many years ago, when Yukon and the NWT would be about the same and Nunavut wasn't on the map. All of the rationale and all of the assumptions of the 2007 study by McCrank, which suggested some very significant

regulatory reforms would be needed in the NWT, are still true today, if not more so.

We are working to create a better regulatory reform environment in the NWT. I met with the aboriginal leadership last week. I met with industry this weekend in Toronto. We want to combine three of the land and water boards into one. We want to amend the Mackenzie Valley Resource Management Act. We want to include in that act timelines for environmental assessments.

All of that was delivered. We have our own consultation protocols, which we think are meeting our constitutional obligations as well as our legal obligations, and which are also consistent with the settled land claim agreements we have in the Northwest Territories. We're moving ahead, and we hope to have that all in place, once again, by the end of this year.

• (1625)

The Chair: Thank you, Minister.

Mr. Bevington, go ahead for five minutes.

Mr. Dennis Bevington: Thanks, Mr. Chair.

Just to follow up on those comments you made, Mr. Minister, you know very well that a consensus of northerners have said that the idea of a single land and water board is not one they support. We've heard that consistently from almost every group, including the Government of the Northwest Territories and land claims groups.

There are many other reasons for difficulties in the Northwest Territories. One of them is the failure to settle the rest of the land claims. Certainly that should be a priority of this government if it wants to move ahead with development in the north.

My question, though, is a little more practical in nature. In the last budget the government said it would be investing in clean energy for northern communities. You said in August that the ecoENERGY program for aboriginal and northern communities would be renewed, yet on January 29 the government said that program was going to end immediately.

With the price of fuel oil, which is the main source of energy for northern communities, skyrocketing, and with the cost of doing business up there so high, why is this government moving away from sensible programs to reduce the cost of energy through efficiency, and why aren't you looking at investing in clean energy for our communities?

Hon. John Duncan: Thank you very much.

I'll address the energy question second, I think.

I disagree with the premise of your question on the land and water boards.

Mr. Dennis Bevington: I did not ask a question, Mr. Minister. I just made a statement.

●(1630)

Hon. John Duncan: I know, but I disagree with the premise of your statement from the standpoint that there is much support for combining the land and water boards. If you're taking a position that says the opposite, well, that's your position, but I think we have a strong claim to the fact that it has a lot of support.

In terms of the energy question, the ecoENERGY program is not this department, so I'm having a little trouble responding.

Mr. Michael Wernick: I'll correct this if I get it wrong, Mr. Bevington, but it's an NRCan program that we were able to tap into. It will affect us, and we can use the first nations infrastructure fund for clean energy projects on reserve if that's what the community wants to make a priority.

Hon. John Duncan: Thank you.

We did have some money in our budget for some research towards alternate energy sources. I know there's some strong interest in seeing if that can be tried out in pilot projects in remote communities. I don't know how that's played out. I know I've heard some strong interest from first nations and from the north.

Mr. Dennis Bevington: If I could just offer some advice to the department, there's been an entirely successful bioenergy conversion program by the Government of the Northwest Territories in the Northwest Territories. You saw some of the facilities there, Mr. Minister, when you had the opportunity to take a northern tour a number of years ago.

This is a clear opportunity for northern Canada, right across the whole country, to reduce the cost of heating for northern communities, which is one of the main energy costs. Can you show us that your department will be taking this seriously?

The Chair: You'll have to do so in less than 20 seconds, if at all possible.

Mr. Dennis Bevington: Just say yes.

Hon. John Duncan: If we can look at cost savings for communities, of course we'll do that. Energy is a costly item.

I was at the Yellowknife hospital, or I think it was the hospital—the big public building where they're using the wood pellets and so on. I visited that plant, and as far as I know, that's very cost-efficient. They were looking at expanding that to other public buildings.

That's all really good stuff, which we're encouraging, but a lot of this falls under the auspices of the Northwest Territories government as well, or the municipal government. There's a tendency to attribute all of this to the federal government, but at times it doesn't really belong there.

The Chair: Thank you, Mr. Bevington. Your time is long up.

Minister, we do want to thank you for joining us this afternoon. We know that you have pressing requirements on your time and you have to leave. We'll thank you for the one hour.

Colleagues, we'll now suspend for a few minutes.

●(1630)

(Pause)

●(1635)

The Chair: Colleagues, we'll call the meeting back to order, and we'll turn to Mr. Boughen for the next five minutes.

Mr. Boughen.

Mr. Ray Boughen (Palliser, CPC): Thanks, Mr. Chair.

Thanks to our two guests who are with us this afternoon.

Our committee is studying land use and economic development and the relationship between the two. We were wondering what the

The Chair: If I could jump in here, we still have conversations happening in the back of the room.

Ms. Duncan, we're back in order. Conversations can move out if they need to carry on.

Mr. Boughen, go ahead.

●(1640)

Mr. Ray Boughen: Thanks, Chair.

The question is what is Aboriginal Affairs and Northern Development Canada doing to modernize land management to respond to problems in managing lands under the Indian Act? Just a short answer on that would be fine, as opposed to a long answer.

Mr. Michael Wernick: Thanks for the question, and I will try to be brief.

I know the committee is seized with the land issues and the link to economic development, so we're looking forward to any advice the committee has to offer in the months ahead.

It's one of the most thorny issues in the “Let's get out of the Indian Act” conversation, because when people say that, they don't mean “Let's abolish it tomorrow and have fee simple land and go to the land system that takes place off reserve”. The transition to activate the land base of what are now Indian reserves into the economy is a delicate and tricky thing.

The main tool we are trying to work with is the First Nations Land Management Act, which was developed in partnership with some leading first nations, particularly centred in British Columbia, some time ago. A couple of years ago we found that the process was somewhat bottlenecked, so we worked very hard with those chiefs and with the land advisory board to unclog that bottleneck. We found a new funding formula. We found assessment tools that worked for communities to figure out if they were FNLMA-ready, if I can put it that way, and, as the minister said, we were able to add another 18 communities to the regime.

They basically are leaving about a third of the Indian Act behind them, taking control of local land use, land planning, and environment management, and that gives them the tools to make a lot of decisions about economic possibilities in their communities.

We're also trying to speed up the process of adding lands to reserves—the famous ATR, additions to reserves. Lands are being added either through treaty settlements or when communities get money through settlements and decide to acquire land for expansion or housing, for economic development purposes. It's a very slow, heavily lawyered process to move money from the provincial crown to the federal crown to create reserve status, but we're trying to remove all of the bottlenecks that we can and unink the hose on that process. We've made a lot of progress, particularly in Manitoba and Saskatchewan on that.

Mr. Ray Boughen: What do you see as the benefits of the First Nations Land Management Act?

Mr. Michael Wernick: The main thing, as the minister said, is the speed of business. It means that a council can actually make decisions very quickly and execute them without going through AANDC regional offices and getting permissions and getting ministers' signatures on documents.

The Indian Act system is very paternalistic. It requires a lot of ministerial authorizations. If you're in FNMLA and you've created the land codes and the structures, then, much like any regional municipality or city, you can make decisions that this piece of land can be designated for housing, and that one can be leased, and you can go into a partnership with a private sector partner on hotel development and those sorts of things. It just gives them the ability to make those decisions locally and to execute them much more quickly.

Mr. Ray Boughen: Have I any time left, Chair?

The Chair: You have a minute and a half, if you would like it.

Mr. Ray Boughen: I have a final question. In the land management, how do you designate the land itself in terms of residential, commercial, or industrial? Do you have some sort of a designation, as there is for land found in other parts of Canada? If so, is it the same kind of designation?

Mr. Michael Wernick: Those are the decisions the local council should be making if they want to decide this is for housing, that is for protected areas, that is a cultural space, and so on. That is exactly the kind of decision the local council should be making in cooperation with its own community.

We try to encourage community planning processes, much as would take place in any municipality, so it can make its own priorities and decisions.

We don't get into the business of telling a first nation what they should do with any particular piece of property. That is really for them to decide.

Mr. Ray Boughen: Thank you.

Thanks, Chair.

The Chair: Thank you.

Ms. Duncan, for five minutes.

Ms. Linda Duncan: Thank you, Chair.

Thank you for hanging in there to answer the rest of our questions.

The government is fond of speaking about the land management act and the land code. It is a mechanism that is useful, potentially, for a lot of first nations operating under the Indian Act to move towards that. But a growing number of first nations are operating under first nation final agreements and self-government agreements, and they are not going to be under that mechanism; they're under their own mechanisms, which are negotiated between the first nations and the government.

Yet we hear increasingly from parties to those modern treaties that the governments are dragging their heels on the delivery of the dollars that are promised under those negotiated agreements. As I mentioned earlier, in the case of Nunavut they have been forced to go to court, because after 17 attempts to have disputes over funding arrangements arbitrated they are not getting anywhere.

I wanted to put this to the minister, but regrettably he isn't with us for the full hour. It has been brought to my attention that during the debate on the Nisga'a.... By the way, Nisga'a is one of the first nations under a modern treaty that is very frustrated with the failure of the government to deliver under that treaty. I noted that in the debate in 1999 on the Nisga'a treaty, Minister Duncan, then an MP, was making quite derogatory comments about the very concept of modern treaties. He said the "Nisga'a disagreement", as he called it,

...is the most important and the worst social and economic legislation and constitutional amendment in my lifetime. It is with a heavy heart that I speak to this agreement once again, knowing that the government is committed to what will be seen down the road as a monumental social and economic blunder.

The Nisga'a come to the table again to the federal government for delivery under that agreement knowing what strong opposition there was to that agreement by what is now the Conservative government and was then the Reform Party. So I would like to hear from the department about what are the main reasons for the dragging of heels, and the continuing mounting shortfall in the delivery of the promised dollars, so that these first nations under modern treaties can participate in the economy, can educate their populace, and can actually participate in the economy and move forward, as the government is saying they would like them to.

• (1645)

Mr. Michael Wernick: If I may comment, I think what our position would be is that we are fully implementing all of the legal obligations under all of the modern treaties. There are no dollars that have not been delivered and there is no foot-dragging. What happens in the agreements is that adjustments are made when you leave the Indian Act and enter into self-government, and people enter into those agreements freely. If they don't, you know.... We have formulas, adjustments, and comparators, and people get an initial adjustment for self-government.

What happens then is that the basic financial transfers for the running costs of that government and that community will tend to come up for renewal about every five years, and then you get into haggling about what should be the transfer for the next five-year period. Just like the discussions between the federal government and the provinces, or between the provinces and school boards and municipalities, there's a bit of a gap between what they would like to get and what we think we can offer. That's all you're hearing. It's negotiating friction. There are no unmet obligations.

Ms. Linda Duncan: Mr. Wernick, that's sounding like the way the minister talks about "aspirational". When I actually look at the documents.... For example, I've been looking at the documents for the Yukon first nations and the latest agreement on apportionment of dollars for implementation of the treaty, those dollars, as per.... Their agreement says that they will provide comparable dollars as they're being provided to the Yukon, yet they are telling me that there are major shortfalls. You add to that the fact that they are very isolated communities and it's very expensive to deliver services and develop.

They're expressing great frustration, as they did to this committee as well: they do not feel that the government is delivering the dollars as promised per the terms, even of the criteria recently negotiated.

Mr. Michael Wernick: Well, I'd just repeat that what you're hearing is negotiating friction between what they would like to get and what we think we can offer. In the Yukon, ten of the eleven first nations did sign a renewal of their agreements. We are generally able to renew these agreements and keep going, but we don't expect that everybody's going to be happy with the formulas and the amounts that we can afford.

Ms. Linda Duncan: Is my time up?

The Chair: You have 15 seconds to ask and for the answer.

Ms. Linda Duncan: Very quickly, I'm just wondering, Mr. Wernick, if you can tell the table if the estimates in the mains for the furtherance of the work of the Truth and Reconciliation Commission includes their interim report calling for an increase in funds to complete their work to the end of 2014, to fully compensate all victims, to refund the national healing foundation, and to provide education programs in schools.

The Chair: Unfortunately, Ms. Duncan has used more than her time. We'll give you a moment for a quick answer.

• (1650)

Mr. Michael Wernick: Very quickly, the Truth and Reconciliation Commission is a separate department. Justice Sinclair is the deputy head of that department. He has his own estimates, his own report on plans and priorities, and his own performance report.

So that's really a question you should put to him.

The Chair: Thank you.

Mr. Wilks, for five minutes.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you, Mr. Chair.

Thank you, Ms. Swords and Mr. Wernick, for being here today.

I'm going to switch gears a little bit.

The joint action plan, which was developed to recognize the importance of communication and coordination between Canada and the Assembly of First Nations, was broadened to four main areas.

First, how does your legislation agenda advance the government's overall agenda in terms of its commitments to the first nations coming out of the crown and first nations gathering and the joint action plan?

Mr. Michael Wernick: If you've been following the issues in this area for a while, I think you've seen increasing attention to the need for a more solid structural foundation for the activities we have. It was a major theme of the former Auditor General's report last year.

You're also seeing that reflected in the action plan. We have operated for many years on the basis of contribution programs, where we put money into areas and hope that we will get better outcomes. There's a lot of reporting that goes with those. What you're seeing now is an emphasis on having some clear statutory frameworks with some roles and responsibilities and some accountabilities—accountabilities for the first nations and accountabilities for us as a department and a funder.

The water standards legislation is certainly in that spirit, and we hope that we can get to that first nations education act within the life of this Parliament.

There are other complementary pieces that certainly go to elements of the action plan. The action plan puts a lot of focus on strong, capable, accountable first nations governments who are more accountable to their members than they are to us, which is something we entirely support.

It's in that spirit that we've worked with willing partners to bring forward legislation to reform some aspects, but not all, of the elections regime. We think the transparency legislation will allow a major shift of accountability so that chiefs and councils are reporting to their members and not to us.

Mr. David Wilks: Thank you very much.

Further to that, in 2007 Canada announced a specific claims action plan known as "Justice at Last". Can you provide this committee with the progress and changes that have been made under the Justice at Last initiative? And what is the significance and the result of those changes?

Mr. Michael Wernick: I'm sure you're familiar with the fact that specific claims are allegations of very specific violations of trust or responsibility by the Government of Canada. Some of them go back a long time and some of them are more recent. They often involve land transactions and that sort of thing.

The action plan was an attempt to remove the bottlenecks in that process, making sure that there were legal assessments given and negotiated, and offers put on the table quickly. If necessary, you could go to a tribunal and get a binding award, so we would know that if we were too slow or not forthcoming, we could lose at the tribunal, and the first nation would know that if it made a ridiculous demand, it could lose at the tribunal.

This has had a very, very salutary effect on negotiating essentially an out-of-court settlement or a claim settlement on a number of these areas. We have been able to take a claims backlog—we counted about 550 claims back in 2008—and settle 44 claims totalling \$931 million. We have completed legal analysis and made offers to a lot of other communities.

Of some of the claims that were the biggest, the most difficult and expensive ones, the ones above \$150 million, there were six identified at the time of the announcement, and we've settled three of them. We're optimistic that we may get another one within the next year or so.

Mr. David Wilks: Thank you.

The Chair: You have one minute left, Mr. Wilks.

Mr. David Wilks: I wanted to quickly speak to something that Ms. Duncan had spoken to with regard to the Nisga'a treaty.

I was fortunate to have lived in New Aiyansh from 1983 to 1985, and watched as that progression of treaty went through. Although there were some frustrations at the time, the communities of New Aiyansh, Canyon City, Greenville, and Kincolith have come a long way.

I wonder if you could speak to how that treaty paved the way for the positive results of other modern treaties that have come about.

Mr. Michael Wernick: I think there's definitely momentum in these issues. The pioneering communities were Sechelt, Westbank, and Nisga'a in terms of a modern treaty. Everybody has learned a lot from the early experience. We've learned the importance of having dispute resolution mechanisms in place so that you don't have to go to the courts to resolve every little issue. We've learned a lot about the difficulty of implementation in the start-up phase of that.

In the more recent generation of agreements, such as Tsawwassen and Maa-nulth, we pay a lot more attention to the implementation and hand-off to the first nation, and I think we're seeing better results with those.

Nisga'a does have ongoing issues with us, and I certainly acknowledge that, but they have been able to really take charge of their own affairs. They're very active in the economic life of northern B.C., as you know, and they've been quite innovative in terms of their land management regime. They're willing to experiment with the property ownership regime within their communities. It's a decision they took. I think a lot of other first nations communities are watching them very closely to see how it goes.

• (1655)

The Chair: Thank you, Mr. Wernick.

Thank you, Mr. Wilks.

Mr. Bevington, for five minutes.

Mr. Dennis Bevington: Thank you very much, Mr. Chair.

Mr. Wernick, I believe you were here, speaking in front of this committee on estimates, perhaps last fall, was it?

Mr. Michael Wernick: It's very likely. I've been here for the last five cycles, so....

Mr. Dennis Bevington: At the time, I asked you questions about northern programs and the rather large reductions in the northern programs that were in the main estimates last year. You told me that likely those dollars would be added in the supplementary estimates.

Well, we've seen the supplementary estimates now, and very little of that money was added back in. In fact, now we see that in 2012-13 in the main estimates, the area of "Northern Land, Resources and Environmental Management", which started at \$293 million and dropped in 2011-12 down to \$73 million, has returned to \$203 million, which is a net loss of \$90 million.

Then we have the area entitled "Contribution for promoting the safe use, development, conservation and protection of the North's natural resources", which started at \$82 million, dropped to \$24 million last year, and has now been set at \$30 million in the main estimates.

These are fairly significant cuts to northern programs. You indicated the last time we spoke here that these were...that you didn't understand these cuts. Could you give us some more information now on what those cuts actually meant to northerners?

Mr. Michael Wernick: I don't think, if I understand your question, these should be characterized as cuts. These are actually changes in spending because things have been completed.

What happened on a number of the contaminated sites projects up north is that the remediation work is done. We've moved on to the monitoring phase on those specific projects. There are still some big rocks to lift in terms of northern contaminated sites, but a lot of them have actually been done. So you'll see the profile drop a little bit because we're not in the remediation phases of some of those.

There was money allocated for the Arctic research infrastructure program. That was part of the stimulus package. About 20 facilities were built. It's done. We don't need the money any more, because those projects were completed.

Similarly, under the International Polar Year there was money spent, but the high point of the research was about two years ago. That activity has wound up, so we don't need that money next year.

So I think what you're seeing is a change in the profile of activity, but not a cut in the sense of something we're doing that we're cutting back on.

Mr. Dennis Bevington: Well, you haven't given me any figures indicating in those programs what was cut, what was spent. You've just once again said to me.... I'm looking for more active information about what actually was not funded last year, what has been returned to being funded this year, what you're proposing when you go from \$293 million, down to \$73 million, back up to \$203 million. What's going on there, in your department?

Mr. Michael Wernick: No, I think the exchange we had was about the contaminated sites program and the clean air agenda, which were again caught in that problem we always have that when the estimates go to bed, we don't know what's going to happen to the sunsetted programs in the budget. That's always unfortunate, because the planned spending doesn't reflect things that will happen in the budget.

So in fact what I told you—

Mr. Dennis Bevington: And they brought it back up again this year.

Mr. Michael Wernick: In fact, in those programs the money was added in. There was money added through supplementary estimates (B) for contaminated sites—\$106 million—and there was money added back in for the clean energy agenda.

I'd be happy to try to construct a funding table for you of what was in the mains and what was added with supplementaries. In that case, the sunsetters did in fact get renewed and were replenished through supplementary estimates.

• (1700)

Mr. Dennis Bevington: You are saying \$103 million was added in the supplementary estimates?

Mr. Michael Wernick: My information is that \$106 million for the federal contaminated sites action plan was added in supplementary estimates (B). I will verify that for you and get you a financial—

Mr. Dennis Bevington: Under the “contribution for promoting the safe use, development, conservation and protection of the north's natural resources”?

Mr. Michael Wernick: And there was an item in the supplementary estimates for the clean air program as well.

Mr. Dennis Bevington: Last time you promised to give me a clarification on all of this. We can check the transcripts if you want.

Mr. Michael Wernick: I'll be happy to provide you a table on what was in the main estimates and what was added through supplementary estimates.

The Chair: Thank you, Mr. Bevington.

I'm certain if that information has been requested and promised, we can all look forward to it.

Mr. Payne, go ahead for five minutes.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chair.

I'd like to thank the department officials for coming today, Mr. Wernick and Ms. Swords.

As one of my colleagues mentioned, we are doing a study on land use and sustainable economic development, and in that process we are hearing things on the land management. As well, we've heard some things about additions to reserves.

Mr. Wernick, you touched a little bit on what's going on with regard to additions to reserves and some of the difficulties there. Do you have some specific details you could provide us on what the department is doing to improve the processes associated with lands and economic development programs?

Mr. Michael Wernick: Further to my previous answer, additions to reserves is a process of taking land that's available. It's almost always provincial crown land. The province has to go through a process of making it available. It has to be transferred to us. In order not to create a whole bunch of liabilities for the federal government, we go through a due diligence process of making sure there are no third-party issues and that the environmental issues on the site have been remediated before transfer—just as if you were buying a house, you would want to know there was no asbestos or hidden gas tanks. Then we go through the legal process of making sure that everybody has signed off and has been consulted on that.

We often have issues with the neighbouring municipalities to make sure it is clear who's going to do the municipal services, pick up the garbage, provide the water, and do all those sorts of things.

It is a slow process, there is no denying that, but we have been able to make a lot of headway in Manitoba and Saskatchewan in particular in speeding that up.

One of the things we do is very simple: get the people from the province, the people from the first nations, and people from the federal government in the same room at the same time to try to work through these issues. We hope we can achieve further streamlining.

Some of it is as simple as getting the survey work done. These are parts of the country where surveys haven't been done for a long time. They need to be reset so that the lawyers will sign off on this. The last thing you want to do is to go through an addition to reserve and then have some terrific legal dispute about who actually owns the land. So we're trying to find easier ways and faster ways to do surveying.

Just as the minister said about water, there are some very useful new technology solutions for doing surveying so that you don't have to get a guy in a helicopter to bash stakes into the ground. There is satellite-based surveying. We're trying to use all of the techniques that a province would use in its land registry system.

Mr. LaVar Payne: Would the province be responsible for doing the surveying, or would that fall under the—

Mr. Michael Wernick: We usually are responsible for making sure it happens, and it's usually contracted out.

Mr. LaVar Payne: Thank you.

We hear sometimes that first nations land management does not change the situation on the ground. I am wondering, from your department's point of view, if that is true.

Mr. Michael Wernick: The better people to ask would be the chiefs and councils that have gone through the process.

I think we have enough evidence to say no, that is not true, that in fact it has activated economic activity in the area and it has certainly given the communities a lot more control over their land use and land decisions.

I think the best testimonial to the success of it is that we now have a waiting list of over 80 first nations clamouring to get in. The problem I have now is how to ration all of that demand. The announcement that we had let in another 18 first nations in January has led to an awful lot of phone calls and approaches and a lot of communities across the country at least kicking the tires on the regime. We think there will be a lot more entrants over the next few years.

• (1705)

Mr. LaVar Payne: I tend to agree with you, from some of the testimony we've heard and also from my first-hand experience going to Westbank last year and seeing the development there. It is outstanding.

Is any of the money that could be used for expansion of the first nations land management regime going to the bureaucracy, or is everything going strictly for new entrants?

Mr. Michael Wernick: No, it has all gone to the lands advisory board for their role in helping first nations get FNLMA ready, or it has gone into operating funding to the participant first nations. We've done it with the existing staff.

Mr. LaVar Payne: Do I have any time left?

The Chair: You have 30 seconds.

Mr. LaVar Payne: Just time for one last question.

Why was the funding under first nations land management changed? What is the new operational funding? Could you answer that for me?

Thank you.

Mr. Michael Wernick: I think the original funding formula, which predates me, was created when people hadn't had a lot of working experience with the regime. It was very much tied to the volume of land transactions. If you were going to have a lot of transactions, you would get more funding, and it kind of escalated. The effect that had—which I don't think even the original proponents and architects had—was that as things got busier in communities, they actually crowded out the available funding and didn't leave a lot of room for new entrants.

We were able to work with the lands advisory board and find an operational funding formula, which has a number of variables in it, but it's not as simply tied to simply the number of transactions. They've agreed that it's fair and reasonable. Again, 18 first nations thought it was reasonable and have signed up for it. It just allows us to take in more communities.

As economic development takes place in the participating communities, we think we'll see revenues accrue. They will get leasing revenues and they will get economic revenues from the various things. We're quite confident that when you look back at this five or ten years from now, those first nations will have better balance sheets than those that have not participated.

The Chair: Thank you, Mr. Payne.

Ms. Bennett, for five minutes.

Hon. Carolyn Bennett: Thanks very much.

Mr. Chair, seeing that the minister was only here for an hour, and seeing that the deputy has pointed out that there's a separate deputy head for the Truth and Reconciliation Commission, do you think we could call the commissioner of the Truth and Reconciliation Commission before we approve these estimates?

The Chair: Yes, Justice Sinclair I believe you're referring to...?

Hon. Carolyn Bennett: Yes.

The Chair: Vote 35 is the only vote that deals with that particular issue. It's up to the committee in terms of whether they want to vote on that now or if they want to defer that vote for a later date—

Hon. Carolyn Bennett: In view of the interim report, I think it would be very important to hear Justice Sinclair.

The Chair: Mr. Wernick, I don't know if you can provide any additional information with regard to vote 35. I'm not certain that we need to know the inner workings of the commission in order to vote on the allocation of funds, seeing as all we can do in this committee is decrease the estimate or vote down the estimate. We can't increase the estimate. But I believe it's important that we get as much clarity as we can with regard to it.

Ms. Bennett, I'll just turn off your time for a minute, because I do have some questions that relate to exactly your point.

Mr. Wernick, on the Indian Affairs and Northern Development vote regarding the Indian Residential Schools Truth and Reconciliation Commission, I read in the highlights of the documentation that the last sentence says, "An estimated \$11 million from the 2011–12 carry-forward will be added to the existing \$7.7 million budget for 2012–13". It would seem to me that this would be an addition of \$11 million to the amount that's been allocated for this year. I'm just not sure if that's a typo or if in fact that is what is being suggested. I think that may alleviate...or some clarity surrounding that would be helpful for committee members before we vote on vote 35.

Mr. Michael Wernick: I can give you my understanding of it, and I certainly do stand to be corrected. The commission was set up as a separate federal department. It has its own vote structure and its own reporting to Parliament. It has an RPP. It has a performance report.

Some of you will remember that there was essentially almost a lost year because the first set of commissioners resigned; they had to be replaced by a second set of commissioners. This meant that the activity slipped by about three-quarters of a year or a year.

The commission's mandate is extremely detailed. It's set out in the Indian residential schools agreement—schedule N, I believe it is—exactly what they're supposed to do and when they are to be doing it. But they lost about three-quarters of a year. I think what that's caused is a sort of cascade of moving forward the original allocation that Parliament made to the commission, so money that wouldn't be spent this year will be spent next year. I think it's a typical re-profiling issue. The commission has its \$60 million. I know the commissioner feels that he needs additional resources. It's not a question I can really answer as to why he thinks that. That's a different matter.

Our role with respect to the commission is really to make sure that we disclose the documents under the settlement agreement and do everything we can to make their work easier, and I can assure you that we do that. But in terms of the actual re-profiling, I think this is just another example of how the spending is going to slide across the fiscal year from this year to next year. What the commission has done with its \$60 million is not a question I should be answering.

● (1710)

The Chair: Thank you, Mr. Wernick. That information is helpful for me with regard to the vote we'll have to consider. Hopefully that clarifies that we're talking about an addition of \$11 million to the amount.

I do apologize for jumping in, but I read that and thought it might be helpful for all committee members.

I'll turn it over to you, Ms. Bennett.

Hon. Carolyn Bennett: I think that, under highlights on page 196 of the main estimates, where it says that, is helpful clarification, but did I understand that the minister has agreed to come back at budget time? If we had Justice Sinclair at the same time or in a different hour—or we could have the minister, obviously, for two hours and Justice Sinclair on a different day—it would mean we could go into this in a little greater detail. But it would be very important that the committee hear from Justice Sinclair, seeing that he does have deputy head status and that his work is complementary to the work of Deputy Minister Wernick.

The Chair: Obviously this is something for the committee to decide.

For practical reasons, if there are any other questions we should move forward on asking those.

Hon. Carolyn Bennett: Okay.

In answer to my colleague's question, you mentioned the first nations infrastructure fund, but it looks as though there's a reduction of \$43 million in the estimates. Can you explain that?

Mr. Michael Wernick: We got extra funding as a result of the stimulus package, which drops out, but the program is still there.

Hon. Carolyn Bennett: Based on what Chief Louie said last week, that they had announced that you, Michael, had said the government was looking at adding 100 new first nations to the process with Minister Duncan's support, I was just wondering what new funding would be available, because there are the 18 new entrants that were announced in January, and then the 100 you mentioned in your comments last week.

Mr. Michael Wernick: The funding that was announced in last year's budget, the 2011 budget, was the funding that allowed the 18 first nations to come in. So that accounted for that.

If we have the happy problem of a lineup of 40 or 50 first nations that want to come in, we will have to do the math and find a source of funding for that. I don't have that set aside now. It's a problem I hope we will have later in the year.

It would be relatively easy to calculate, based on the formula and the size of the communities, but right now it's really in the hands of the communities to sort themselves out and decide if this is something they really want to pursue.

There are communities in which the chief and council wanted to go for FNMLA, but a ratification vote in the community failed. So it's a delicate subject in some communities, but I can certainly tell you, based on the feedback I get, there is a lot of interest.

Hon. Carolyn Bennett: Supplementary estimates (C) have \$1.5 million for Nutrition North Canada community store assistance initiative. Can you tell me how that will be used? Actually, I guess the point now is how you are evaluating it. As you know, the northern legislators wrote to Minister Duncan expressing deep concerns that this wasn't a real subsidy and that the savings weren't being passed on to consumers. Where will this program go, and how will it better reflect the needs of northerners?

Mr. Michael Wernick: That refers to a very specific item. As you know, the shift from the old food mail to the new Nutrition North is a fairly big one. We're moving from subsidizing the transport to subsidizing the retailer. We knew there would be issues in some parts of the retail chain with making adjustments, so money was set aside to help people deal with storage facilities, freezers, and those sorts of things in order to cope with the kind of supply chain of commodities arriving in the communities.

We don't have the kinds of authorities to do those kinds of business development programs in the north, so what we did was basically—

Hon. Carolyn Bennett: How do you evaluate whether or not the program is working?

• (1715)

Mr. Michael Wernick: I'll come to that in one second.

Hon. Carolyn Bennett: People felt they hadn't been consulted in the design, and now they don't think they're getting any savings.

Mr. Michael Wernick: Well, let me finish on the stores initiative. We will do what we can to help people be ready for the kind of relationship with shippers and suppliers that they do.

The consultations that led up to the new program were about as exhaustive and extensive as any that have ever been had on any program in the Government of Canada. It took two and a half years. We were in every community. Every group was spoken to. There was a lot of evaluation and there were research studies. I'm quite sure that there was adequate and more than adequate consultation on the program design before we moved forward, and through the implementation period, which the government extended by six months, as you know, keeping some commodities on the eligibility list.

One of the nice features of the program is that because it's based on the retailer we actually get cash register data on what's moving, on what's being sold and what's being subsidized. We already are seeing—and we've shared that data with the advisory committee—that almost all of the traffic is now going to high-value and nutritious commodities: milk, dairy, meat, produce, and so on. We're actually seeing significant drops in the retail price of some of those commodities in many, many communities.

I think what you're hearing is not a reflection of the 100-and-some communities that are served by the program but of a few of the places where there are issues and people are able to get to the media and raise their attention. But overall, the program is taking the taxpayer subsidy here and focusing it much more on nutritious commodities. We are seeing some results on that. When we have more data, we'll be happy to come to the committee and talk about that, perhaps in the fall, and we'll be doing a full program evaluation in a couple of years. The program isn't even a year old yet, so it's a bit early to start talking about evaluation.

Just to make sure, we do have this advisory committee of people —

Hon. Carolyn Bennett: When you launch a program, don't you know how you're going to evaluate it?

Mr. Michael Wernick: You don't evaluate in the first year that a program is being implemented. You evaluate a couple of years after.

Hon. Carolyn Bennett: Then you don't know.

Mr. Michael Wernick: Yes, we do. We do have an evaluation—

The Chair: Thank you.

We've now gone over by two minutes in addition to the five minutes. I apologize for interrupting. It's important that we get answers, but it wasn't intended so that we could continue a dialogue.

Mr. Rickford, for five minutes.

Mr. Greg Rickford: Thank you.

Thank you, Michael and Colleen, for coming here today.

I'm going to shift gears, from education to water. I want to talk a bit more about the legislation around water. However, I want to preempt it by doing two things: one, identifying somebody who had spent most of his adult professional life throughout the 1990s and early 2000 living in isolated, remote communities in northwestern Ontario and Manitoba. The minister mentioned Island Lake. I had an opportunity to spend considerable time in St. Theresa Point, and northern Saskatchewan, northern British Columbia, and the Arctic, working as a nurse. We saw the tremendous challenges, not only from a policy standpoint but also from what the land imposes—how some communities may have more than one or two different water systems working. Unfortunately, we saw from the national consultation we had done that under the whimsical and undisciplined spending of previous legislation, it was in fact a mess.

So the strategy then was to engage in a process with the Assembly of First Nations in a coast-to-coast consultation, which I understand included technical experts and first nations leadership. In my subsequent but then previous life to this political life, I was legal counsel for a number of first nations communities, grassroots folks who were affected by this. I worked with them to make presentations at that consultation.

That consultation drove a report that I assume you're well versed in. In my own analysis of it, I think we come to three essential components. First, we have the capacity issue—the reporting, monitoring, and maintenance pieces, if you will, Michael, under the umbrella of capacity. Then, we see the second component: the need for committing and continuing to commit to critical water infrastructure. Finally, we have this legislation.

My question will ultimately get to legislation, but I just want to go back to capacity. This was identified, as the minister said, as perhaps driving, I would suggest, 60% of the costs and the risk— notwithstanding the disparities or discrepancies between one jurisdiction and another, where one would be categorically high-risk and the other one wouldn't be.

If you come to the great Kenora riding—and I don't know if you've been there recently—our commitment is focused on training. That's why, in Red Lake, Kenora, and Dryden, either through Confederation College or Northern Waterworks, we are fully invested in trained operators for an emerging, fairly sophisticated technology coming to communities in the short term and moving forward.

Michael, what does the legislation do for the third and I would call the essential pillar in a comprehensive strategy that has been thoroughly consultative and dealt with the appropriate partners and stakeholders? What might we ultimately expect from this legislation, the role it will play in this policy platform?

• (1720)

The Chair: You have one minute, if you can.

Mr. Greg Rickford: I knew I was going to ask a four-minute question. I'm passionate about the subject matter. I'm sure Michael can do it justice. Thank you.

Mr. Michael Wernick: Well, I think I'd better get on the record. I have been to the great Kenora riding.

Mr. Greg Rickford: All right.

Mr. Michael Wernick: I think you've identified the triangle of how we would make progress. That is, first deal with the infrastructure, and second, make sure that there are operators who are trained to operate them well. This is a challenge in small municipalities in communities across the country. The third piece is enforceable standards, to just set out what you're aiming for. In a nutshell, you have to know what to train people towards and you have to tell the engineers what to build towards. We look for as much comparability with neighbouring communities and municipalities.

You will have lots of opportunities to see the bill when it comes from the other place, and we as a department will be happy to help you deal with that.

I would point out that the Auditor General's report from last year, the expert panel on safe drinking water that ran around the country a couple of years ago, the Standing Senate Committee on Aboriginal Peoples, and the Neegan Burnside assessment all said enforceable standards are the glue that will hold this all together.

The Chair: Thank you so much, Mr. Rickford and Mr. Wernick.

Mr. Wernick and Ms. Swords, we thank you so much for your time with us today. We certainly appreciate the clarity you have brought to the estimates process.

Ms. Linda Duncan: Before you adjourn, I have a point of order.

The Chair: There is no adjournment, actually. We have to get through some votes and we have very limited time.

Ms. Linda Duncan: Before we do that, I have a point of order.

The Chair: I'll recognize the point of order.

Thank you so much for being here. We'll allow you to leave the table.

Ms. Duncan.

Ms. Linda Duncan: Mr. Chair, I want to thank my colleague for intervening on the issue.

I didn't fully comprehend the answer Mr. Wernick gave to my question that it was in fact another deputy minister. It was incumbent upon the minister to have all the deputies and assistant deputies and associates and so forth here to answer the question.

My question was a very sincere one. It is based on recommendations made by Justice Sinclair.

Mr. Greg Rickford: Point of order—

The Chair: Excuse me, colleagues.

Ms. Duncan, unfortunately that is not a point of order. Unless you are getting to a point of order, I'd be—

• (1725)

Ms. Linda Duncan: Well, the point of order is that I do not feel I can vote on these estimates until I have the answer to the question.

It was a very sincere question: Do the estimated amounts in there include the recommended spending, apparently by the deputy in charge of the Truth and Reconciliation Commission?

The Chair: I think we did get clarity on it.

Ms. Linda Duncan: No, we have not, Mr. Chair, with all due respect.

The Chair: Ms. Duncan, I'm ruling on your point of order. The clarity you received was that there is \$11 million, or just over, in addition to the over \$7 million.

Whether that's clear enough for you or not, I can't speak to that, unfortunately.

Mr. Michael Wernick: Mr. Chairman, I could try to help Ms. Duncan with this.

The estimates in the planned spending reflect the \$60-million figure. They do not reflect any of Mr. Sinclair's requests for additional spending.

Ms. Linda Duncan: They do not. Okay.

The Chair: That answers the question.

Mr. Michael Wernick: They would have to come in some future estimates.

Ms. Linda Duncan: They were not included in the main estimates.

Mr. Michael Wernick: They are not included. They reflect the \$60-million budget, which he is taking issue with.

Ms. Linda Duncan: Thank you, Mr. Wernick.

The Chair: Thank you. That is clarity, and we appreciate that.

Folks, we do need to get through these, because next week these have to be referred back to the House; otherwise they'll be deemed to be reported back to the House. So I'd like to move immediately into the votes and supplementary (C) estimates.

I believe you have copies of the documentation in front of you, so I'm going to move directly into them.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Department

Vote 1c—Operating expenditures.....\$1

Vote 5c—Capital expenditures.....\$1

Vote 10c—The grants listed in the Estimates and contributions.....\$39,585,765

(Votes 1c, 5c, and 10c agreed to)

HEALTH

Canadian Northern Economic Development Agency

Vote 27c—Operating expenditures.....\$2,000,000

Vote 29c—Contributions.....\$1

(Votes 27c and 29c agreed to)

The Chair: Shall I report the supplementary estimates to the House?

Some hon. members: Agreed.

The Chair: Colleagues, moving to the voting on main estimates, we'll do the same process.

There's a lot of money here, folks, so I hope you're prepared to allocate significant amounts of resources.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Indian Affairs and Northern Development

Vote 1—Operating expenditures.....\$1,165,796,716

Vote 5—Capital expenditures.....\$22,372,815

Vote 10—Grants and contributions.....\$6,365,423,613

Vote L15—Loans to native claimants.....\$47,403,000

Vote L20—Loans to First Nations in British Columbia.....\$31,200,000

Canadian Polar Commission

Vote 25—Program expenditures.....\$1,177,747

First Nations Statistical Institute

Vote 30—Payments to the First Nations Statistical Institute.....\$5,000,000

Indian Residential Schools Truth and Reconciliation Commission

Vote 35—Program expenditures.....\$7,440,000

Registry of the Specific Claims Tribunal

Vote 40—Program expenditures.....\$2,644,830

(Votes 1, 5, 10, L15, L20, 25, 30, 35, and 40 agreed to)

HEALTH

Canadian Northern Economic Development Agency

Vote 30—Operating expenditures.....\$13,317,521

Vote 35—Contributions.....\$36,661,803

(Votes 30 and 35 agreed to)

The Chair: Shall I report the main estimates back to the House?

Some hon. members: Agreed.

The Chair: Thank you, colleagues.

The meeting is adjourned.

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