



Legislative Assembly of Alberta

The 28th Legislature  
Second Session

Standing Committee  
on  
Resource Stewardship

Ministry of Aboriginal Relations  
Consideration of Main Estimates

Monday, March 17, 2014  
7:03 p.m.

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**Legislative Assembly of Alberta  
The 28th Legislature  
Second Session**

**Standing Committee on Resource Stewardship**

Khan, Stephen, St. Albert (PC), Chair  
Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W), Deputy Chair  
  
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Bikman, Gary, Cardston-Taber-Warner (W)  
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Casey, Ron, Banff-Cochrane (PC)  
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Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
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**Also in Attendance**

Smith, Danielle, Highwood (W)  
Swann, Dr. David, Calgary-Mountain View (AL)

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## **Standing Committee on Resource Stewardship**

### **Participants**

Ministry of Aboriginal Relations

Hon. Frank Oberle, Minister

Clay Buchanan, Acting Deputy Minister

Stan Rutwind, QC, Assistant Deputy Minister, Consultation and Land Claims



7:03 p.m.

Monday, March 17, 2014

[Mr. Khan in the chair]

**Ministry of Aboriginal Relations  
Consideration of Main Estimates**

**The Chair:** Welcome, folks. I'd like to call this meeting to order and welcome everybody here today.

The committee has under consideration the estimates of the Ministry of Aboriginal Relations for the fiscal year ending March 31, 2015.

I'd ask that we go around the table and introduce ourselves for the record, and while we do so, Minister, I'd like very much for you to introduce your staff as well. We'll start with our deputy chair, to my right.

**Mr. Anglin:** Joe Anglin, MLA, Rimbey-Rocky Mountain House-Sundre.

**Mr. Xiao:** Good evening. David Xiao, MLA for Edmonton-McClung.

**Ms Calahasen:** Pearl Calahasen, Lesser Slave Lake.

**Mr. Goudreau:** Hector Goudreau, Dunvegan-Central Peace-Notley.

**Mr. Bilous:** Good evening. Deron Bilous, MLA, Edmonton-Beverly-Clareview, NDP Aboriginal Relations critic.

**Ms L. Johnson:** Good evening. Linda Johnson, Calgary-Glenmore.

**Mr. Casey:** Ron Casey, Banff-Cochrane.

**Mr. Oberle:** Hi. Frank Oberle, Minister of Aboriginal Relations and MLA for Peace River.

Immediately to my left is Acting Deputy Minister Clay Buchanan. To my right is the assistant deputy minister of consultation and land claims, Stan Rutwind. Lorne Harvey, assistant deputy minister of corporate services, is sitting here. Behind me is Cynthia Dunnigan, who's the acting assistant deputy minister of First Nations and Métis relations, and the assistant deputy minister of aboriginal women's initiatives and research branch, Tracy Balash. I want to point out that Mr. Rutwind flew here from Phoenix today, and Tracy came here after a car accident today. We've also got with us the executive director of policy and planning, Cameron Henry; Howard Wong, executive director and senior financial officer, corporate services; and David Dear, director of communications.

I also have staff from my office here: Patrick Naud in the back, who's my chief of staff, and Eldon McIlwain, who's my communications officer.

Thank you for the opportunity to be here.

**Ms Smith:** Danielle Smith, MLA, Highwood.

**Mr. Hale:** Jason Hale, MLA, Strathmore-Brooks.

**Dr. Swann:** Good evening and welcome. David Swann, Calgary-Mountain View.

**Mr. Allen:** Mike Allen, MLA, Fort McMurray-Wood Buffalo.

**Mrs. Fritz:** Hello, everyone. Yvonne Fritz, Calgary-Cross.

**The Chair:** Terrific. Thank you again for joining us today.

Hon. members, as you know, the Assembly approved amendments to the standing orders that impact consideration of the main estimates. Before we proceed with consideration of the main estimates for the Ministry of Aboriginal Relations, I would like to review briefly the standing orders governing the speaking rotation.

As provided for in Standing Order 59.01(6), the rotation is as follows. The minister may make opening comments not to exceed 10 minutes. For the hour that follows, members of the Official Opposition and the minister may speak. For the next 20 minutes the members of the third party and the minister will have an opportunity to speak. For the following 20 minutes the members of the fourth party and the minister, again, will speak. For the following 20 minutes a member of any other party represented in the Assembly or any independent member may engage the minister at that point. For the 20 minutes after that, private members of the government caucus and the minister may speak. For the time remaining, we will follow the same rotation to the extent possible; however, the speaking times at that point will be reduced to five minutes.

I blew past some very important instructions at the beginning, and I'd like to come back to that. For our friends at *Hansard*, please note that the microphones are operated by *Hansard* staff, and we ask that BlackBerrys, iPhones, et cetera, be turned off or set to silent or vibrate and not be placed on the table as they may interfere with our audiofeed.

Now, coming back to our process, members may speak more than once; however, speaking times are limited to 10 minutes at any one time. A minister and a member may combine their time for a total of 20 minutes. The final rotation will be speaking times of five minutes. Once again the minister and the member may combine their speaking time for a maximum total of 10 minutes. For example, when the Wildrose have their hour, we'll need to break that into 20-minute engagement pieces with questions.

Members are asked to advise the chair at the beginning of their speech if they wish to combine their time with the minister's time. The chair acknowledges that this is a new procedure, and if members have any questions regarding speaking times or the rotation, please feel free to send a note or speak directly with either the chair or the committee clerk about this process.

Three hours have been scheduled to consider the estimates of the ministry of aberrational – let me try that again. Three hours have been scheduled to consider the estimates of the Ministry of Aboriginal Relations.

**Ms Calahasen:** Oh, my goodness. You don't even speak Cree.

**The Chair:** But for the record I'd like to note that I am half Indian.

With the concurrence of the committee I will call a five-minute break near the mid-point of the meeting. Committee members, ministers, and other members who are not committee members may participate. Ministry officials may be present, and at the direction of the minister officials from the ministry may address the committee.

Members' staff may be present and, space permitting, may sit at the table or behind the members along the committee room wall. Members, of course, have priority seating at the table at all times.

If debate is exhausted prior to three hours, the ministry estimates are deemed to have been considered for the time allotted in the schedule, and we will adjourn. Otherwise, we will adjourn this meeting at 10 p.m. sharp.

Points of order will be dealt with as they arise, and the clock will continue to run. Any written materials provided in response to

questions raised during the main estimates should be tabled in the Assembly for the benefit of all members.

Vote on the estimates is deferred until consideration of all ministry estimates has concluded and will occur in Committee of Supply on April 16, 2014.

At this point in time is that all understood and clear?

I would invite the Minister of Aboriginal Relations to begin with your remarks. Thank you, sir.

**Mr. Oberle:** Thank you, sir. I thank you for the introduction. You came perilously close to calling me the minister of aberrational relationships.

**The Chair:** I do apologize, sir.

**Mr. Oberle:** With close to a quarter million people who claim aboriginal ancestry, Alberta is home to one of the largest aboriginal populations in Canada. My ministry's key focus is to build strong relationships with and between aboriginal communities, other levels of government, industry, and other stakeholders. We do this to ensure aboriginal people are able to take advantage of the social and economic opportunities in this province.

7:10

Aboriginal communities and people are also vital to our future and our continued prosperity. In order for Alberta to continue as a successful and prosperous province, it is important to address aboriginal issues, and strong relationships make it possible for the ministry to provide advice and guidance and to oversee the development and alignment of legislation and initiatives that affect aboriginal people.

Budget 2014 reflects an increase to the Aboriginal Relations budget in order to meet our government's continuing commitment to increasing the participation of aboriginal people in the social and economic life of the province. I will highlight some of the significant increases and why they're needed.

First of all is flood relief. Last summer southern Alberta was hit by unprecedented, devastating floods. From the first day we said that First Nations would receive the same services and programs as the other flood-affected communities. We meant it, and we've kept our commitment. In Budget '14-15 we have \$200,000 to assist in recovery planning, claim preparation, project management, and implementation of the First Nations flood recovery housing policy. In addition, we have \$4.7 million to support flood-affected First Nations communities and small businesses as the area's economic activity returns to predisaster levels.

The federal government has agreed to reimburse all costs eligible under Public Safety Canada's disaster financial assistance guidelines for rebuilding and repairing homes. We have included more than \$96 million in the '14-15 budget for this initiative. However, in partnership with the federal government we anticipate spending more than \$191 million over a three-year period, beginning last year, in '13-14, to repair and rebuild flood-affected homes on First Nations.

Our budget also includes an increase of approximately \$3 million to establish the aboriginal consultation office, which includes funding for 26 new full-time equivalents and technical corporate services support. This is in addition to the transfer of staff funding and responsibility from the Ministry of Environment and Sustainable Resource Development. Our goal is to centralize activities in one office and to improve the co-ordination of decisions and policy applications.

The aboriginal consultation office will manage all aspects of consultation. The office will have both an adequate number of staff and resources to ensure that its operation respects treaty rights and carries out the Crown's legal duty to consult while providing for orderly resource development on Crown land for the benefit of all Albertans. Through the development and implementation of policies and associated guidelines on aboriginal consultation, the ministry helps ensure positive relationships with industry, which in turn will provide economic opportunities for aboriginal communities.

Ten million dollars was added this year for the economic opportunities initiative to help willing First Nations develop opportunities for their people through the initiative. The intent of the initiative is to create partnerships with First Nations to enhance their participation in the economy. We are in discussions with representatives from treaties 7 and 8, and at the moment Treaty 6 has not yet responded to our invitations to take part in discussions. So far we've talked about preparing youth for Alberta's economy, increasing the participation of First Nations women, promoting entrepreneurial participation, and building organizational capacity to support greater economic participation.

In '14-15 \$600,000 will be used to support the First Nations Women's Economic Security Council and the Métis Women's Economic Security Council. There is an estimated \$175,000 in the budget to cover meeting costs and travel and meal expenses for five meetings annually, two for each council and one joint meeting. The remaining budget is allocated for staffing, research, and facilitation costs. These councils will help improve aboriginal women's economic and social well-being by making their voices and unique perspectives better heard on matters that affect them and their communities.

A large portion of our budget comprises projected revenues from the First Nations development fund. In '14-15 we're projecting revenues of about \$143 million to the First Nations development fund. It's a lottery grant program available exclusively to First Nations in Alberta and another example of how this government is investing in families and communities. The fund is financed by a portion of revenues from government-owned slot machines located in First Nations casinos. First Nations then apply for the FNDF funds, which can be used for community, economic, and social development projects. These projects are based on First Nations' own priorities and are self-directed by the communities who can make the best long-term use of the funds.

The program also supports our goal of enhancing the well-being and self-reliance of First Nations. It has the same transparency and accountability requirements as other Alberta grant programs.

In Aboriginal Relations the results-based budgeting review has created a renewed focus on performance measures as a way to demonstrate results and outcomes. Our staff have taken ownership of the RBB and are committed to creating processes that accurately demonstrate department successes and achievements. For example, the ministry has embarked on a project to develop a performance measurement framework this year, with the end goal being to develop workable performance measures. The purpose of the framework is to focus on actions to improve performance measures and define how staff will work individually and collectively to accurately reflect and report on the outcomes of their work, which is the work of the ministry.

The ministry has also established a crossministry aboriginal policy information-sharing and discussion group, which we committed to in the RBB process. This group will help ensure an aboriginal perspective is included in government of Alberta policies.

I'll stop there, and I will be open to answering any questions that may arise.

**The Chair:** Thank you very much, Minister. We very much appreciate your introduction.

At this point in time we'll turn the line of questioning over to the Official Opposition. As stated, you will have your opportunity to speak for an hour, but we'll need to break that up into three segments of 20 minutes, please.

**Ms Smith:** Sure.

**The Chair:** Thank you.

**Ms Smith:** That sounds great. Thank you, Mr. Chair.

**The Chair:** I'm sorry, Ms Smith. I'm reminded by our clerk to make the request to see if you're interested in combining your time or splitting the time.

**Ms Smith:** We'll split the time.

**The Chair:** Okay. Thank you very much.

**Ms Smith:** Thank you. Congratulations to Minister Oberle on his promotion into this new portfolio. I understand he was sworn in on December 13.

I do just want to recap some of the successes, I think, that your predecessor had last year. I remember in estimates last year talking about the long-awaited Tsuu T'ina deal and if it would ever come to fruition. It's a compliment to your government that you were able to finally come to an agreement on that after some 55 years or so.

There were also two very big pieces of legislations that came through last year, the changes to the Metis Settlements Act as well as the Aboriginal Consultation Levy Act; in addition, as you've already mentioned, the creation of the aboriginal consultation office. With all that activity, I have been watching with interest to see what new initiatives would be taken by your office in the last three months.

I did send a letter congratulating you shortly after your promotion and requesting a meeting. Unfortunately, we've not heard yet from your office about having that meeting. My assistant also followed up with a phone call to try to establish that, and three months later we still haven't been able to have a one-on-one meeting. So I'll just seek indulgence from the chair. There's an awful lot that I need to now be caught up on. I think a lot of that discussion could potentially have taken place before today. I will just go through some of the issues that I have to have you give a response on.

I have also noticed there have been no press releases from your department since December 18, which seems like a pretty long period of time to go without any updates from Aboriginal Relations. I've not seen you at any of the events I've gone to. I've gone to a couple of education conferences. I noticed, and it was noted by participants, that you did not go to the round-table on the deaths of children in care on January 28 and 29, which I think is quite disappointing, since some 78 per cent . . .

**The Chair:** I'm sorry, Ms Smith. This is just a cautionary reminder to all here that this is budget estimates, and the line of questioning should pertain to the budget, please.

**Mr. Hale:** It goes to the business plan.

**Ms Smith:** Yeah.

**The Chair:** Okay. We'll await, then, and we'll look forward to how you tie that in.

**Ms Smith:** Thank you, Mr. Chair. I need to get the context. I mean, as I mentioned, I would have liked to have been able to talk to the minister about this in the three months since he got appointed to the position. I do need to provide the context, so I thank you for your indulgence.

In addition, I've noticed that you've only been quoted a couple of times in the newspaper, so it is a bit unclear to me about what the priorities are of your department. I am looking forward to having this discussion time with you.

**7:20**

The starting question that I have, and it comes out of last year's estimates, is that the protocol agreement on government-to-government relations was said to expire on March 31, and then the previous minister had indicated that it was going to be extended. I'm not certain what the status of that is, but I know that this is a very important document for our First Nations friends. Probably the most important part of it, of course, is about the grand chief and the Premier meeting annually to discuss issues of common interest and review progress made under subagreements and processes established pursuant to this protocol agreement. I seem to recall a press release or press conference in December of 2012 where the Premier had indicated she had met with the chiefs, but I don't know if that has occurred since.

There is also that the grand chiefs and the ministers responsible for consultation with First Nations regarding lands and resource development will meet twice a year to discuss matters pertaining to Alberta's policy and guidelines on consultation and other subjects where agreed. I'm not sure if that is still happening.

Also, the establishment of further specific processes, or subtables, involving other sectors or ministries determined through subagreements with the grand chiefs and appropriate minister or ministers responsible for sectors. Again, I'm not quite sure if that's occurring.

The grand chiefs in Alberta agree to the establishment of a planning committee composed of the Deputy Minister of Aboriginal Relations, senior officials appointed by the deputy minister, and representatives of treaties 6, 7, and 8. So if you could comment on whether or not those agreements that had been established in 2008 are still ongoing.

In the last round of estimates the minister indicated that there were eight subtables that were occurring, with 40 different agreements that were under discussion or negotiation. I would like an update on those numbers to see whether or not those are still accurate.

In addition to the last discussion, several of the estimates lines – and I think generally the relationship with the federal government is one that I think is important for the provincial government to have some clarity on. When we were discussing estimates last time around, there were a number of tension points that appear to have restricted or limited our ability to have the best and most constructive relationship with First Nations communities. I just want to get some clarity on the relationship right now with the federal government because there are multiple line items in your budget or, generally speaking, in the government's budget which could impact or have an influence on the experience of our First Nations communities, especially going forward over the next year.

The Truth and Reconciliation Commission, as you know, is going to be here next week, and I am curious if you as minister will be attending that or making a presentation or what your involvement will be in those hearings.

I am still trying to seek some clarity about where the line items for federal dollars that come to the province for First Nations programming actually go. In the federal budget documents they talk about having \$6.7 billion in transfers for First Nations programming that goes to the provinces. I'm unclear on how that comes to Alberta, through which forums, and how much of it comes to your department, if any.

There is also an additional \$6 billion that is funded specifically, or at least a portion of that, for First Nations health services at the federal level. Once again, I don't really have any clarity about how those dollars come through to your department or if they come through to your department and how those dollars get distributed.

There is a new program happening at the federal level called the building Canada fund. It's going to be a some \$70 billion commitment, I believe, over the course of the next 10 years. If my memory serves correctly, I think it's about \$7 billion earmarked specifically for First Nations, and if Alberta gets its relative share, it would seem that we would get \$700 million over the next 10 years, \$70 million a year, just on rough estimates.

I know that the federal government's priority is to do capacity building in our First Nations communities. They want to specifically focus on how they can upgrade infrastructure, water/waste water being a priority so that they've got fresh and clean drinking water, but also other aspects of infrastructure, including access to markets through transportation as well as the broadband Internet infrastructure. With that very large commitment on the part of our federal government I'm wondering what role, if any, the province is going to play in matching, and if not matching, at least helping to facilitate access.

One of the things that I noticed in the government's plan is that Aboriginal Relations is supposed to take a leadership role in helping to develop policy. It would seem to me that since this is a federal policy that will have a very large impact on our First Nations communities, there's a great role for Aboriginal Relations to be able to play in helping to connect our 48 nations with the dollars that are available to them so that they can help build that capacity, which goes directly, I think, to one of the goals of the business plan, which is to make sure that we have our aboriginal communities with greater economic development as well as more workforce participation. So I would be interested in knowing what role your department is playing in helping to facilitate access.

At our party conference we talked about Jordan's principle and passed a policy that would acknowledge that regardless of where an aboriginal child is situated, whether on-reserve or off-reserve, they should be entitled to the same services. As you probably know, Minister, the principle came about because of a dispute in previous years over who should be responsible for paying for health services for a child that required home care. He ended up dying in hospital without being able to go home because the governments couldn't sort it out. The notion of Jordan's principle is one that I don't believe your government has committed to.

I'm curious if that is something that you are going to be working on. Your predecessor had indicated, in particular when we were looking at the shortfall in federal funding that comes for education for children who are instructed off-reserve, that that's one area where we do end up seeing a gap that has to be filled by our First Nations communities or in tuition paid for by parents. We personally don't believe that parents should be paying tuition to be going to public school. I'm pretty sure that that's a principle that your government adheres to as well, but in the case of our First Nations students off-reserve that is exactly what's occurring to them.

I'll ask more about geomapping because it is one of your objectives, to improve our geomapping. I was wondering whether or not the federal government has any role in being able to assist in developing some of that information about how the geomapping should occur for lands that are not under reserves.

We have also heard a number of – and I'll talk more about some of the concerns around consultation in a moment.

**The Chair:** Your first 10 minutes are up. We'll now present the minister and his team with an opportunity to respond.

**Mr. Oberle:** Well, thank you, Mr. Chair. There are a number of things that were said at the start of this. First of all, I received, to the best of my knowledge, no letter from your office, and I have never turned down a meeting with anybody. So if you have a copy, that's fine. I didn't call you a liar. I just said that to the best of my knowledge I didn't get a letter. I will certainly act upon it when I get it, and I will certainly meet with you at any time.

We haven't changed the legislation that you indicated at the start. The Metis Settlements Act, the levy act, the establishment of the consultation office: nothing that Minister Campbell did during his tenure as Aboriginal Relations minister did he do on his own. He did that with the support and approval of our caucus and our cabinet and made some really interesting new directions for us, and I support that, and we'll continue to press ahead.

I'm sorry that I've had no press releases. I actually don't measure my success by press releases, and I absolutely wasn't aware whether I got any. I can tell you that I've been busy. I've visited seven of the eight Métis settlements, and I've visited aboriginal communities across this province. I'll continue to do that. That really is what the job is about.

With respect to the protocol agreement it is renewed in a sense. We're continuing with that. We had the provincial gathering December 13, I believe, the day that I was appointed if I remember right. So that continues to happen. We are trying to tailor that, though, to better meet the individual needs of each treaty organization. They want to have a conversation, so we're in conversations with Treaty 7 and Treaty 8 right now. Treaty 6 are a little standoffish at the moment, but we're working on it.

You asked about the relationship with the federal government. The federal government has their own issues to deal with, and I don't fault them for that. I'm meeting at the end of this month with the federal minister, and I expect it to be very cordial. We have some definite issues of common interest, and I expect to move forward. As it happens, I know a little bit of Minister Valcourt, and I really look forward to the meeting.

You asked about the Truth and Reconciliation Commission and what involvement we have. I will be there for the entire time. It will be a learning experience for me. But it is not an Alberta event. It is a federal event, and it's an aboriginal peoples event. I will have whatever role they want me to have. I will not be issuing any press releases. I intend to make some announcements there if the organizers feel that they're appropriate – and we're obviously in touch with the organizers – but I'm not going to stand there and make it about Alberta. It's about the people that are deeply wounded and have come to gather to heal.

7:30

You asked about where the fed line item is. The feds do transfer a considerable amount of money to Alberta in various envelopes; for example, you mentioned Health. There is no federal line item in my budget other than the flood housing, where we're assuming the money is coming. We don't know exactly how much we'll be eligible for. We expect most of it, but we don't receive education



funds or health funds or anything else. We're not a service provider. Other departments do that, so those transfers happen in other places.

The building Canada fund indeed is exciting. We don't have a role right at the moment. There is nothing on the table of actual projects. Our role, once we get to that point, is to facilitate with First Nations so that they get access to those funds. You will know that Alberta is quite excited about the building Canada fund and that we set aside some matching money, which is also not in my budget. My role will be to put First Nations in touch with the appropriate department and the appropriate planners to make sure that they access that money. Some of the targets, though, we've achieved already, for example, broadband access. We already have broadband access, so I'm hoping those funds can be redirected.

You mentioned the issue of Jordan's principle, and it's really an important one. I think it would have been fair to underline that that didn't happen in Alberta. That was in Manitoba, but nonetheless you will know – and perhaps the flood . . . [interjection] Excuse me. We have a visitor? It must be the NSA that is dropping in on our conversations.

**The Chair:** It's just Mrs. Fritz who has joined us by teleconference. Please carry on, Minister.

**Mr. Oberle:** I fully understand the principle. In Alberta we already do offer children's services, and we don't care who pays for them. This year with the floods is another example. We want to deal with aboriginal populations as Albertans first. I recognize that there are jurisdictional issues and always difficulties in dealing with that. We will put children and communities and human beings first.

You talked about the education gap. You know, because I read the *Hansard*, that we have a memorandum of understanding between the First Nations and the federal government and ourselves that we're working on, and part of our discussion is what to do about the gap. Well, the federal government invaded the gap a couple of weeks back with the Prime Minister's announcement in the south. I am very much looking forward to my discussion with Minister Valcourt in March to understand what role Alberta could play. It would not be well received for Alberta to invade the gap. The First Nations are very protective of the relationship that they have with the federal government, but we can enhance it. I'm going to speak to Minister Valcourt about that, and I'm going to speak to my colleagues about that.

Then, lastly, geomapping, and the feds have a role. It's an interesting thing. Much of the traditional land-use studies and the geomapping that go on are done already. Some of it is proprietary information though. So we need to figure out how to either bring that information to the table or get new information. Many of the holders of that information don't freely share it, so it's a little bit difficult for the province.

That being said, although the province is going to oversee consultation, we're not going to be the ones consulted. First Nations are going to be the ones consulted. We will oversee it, we will ensure that they have the capacity to do it, and we will declare it at the end of the day. We will declare . . . [interjection] Boy, the NSA has some cheap technology there.

We will declare that it has been meaningful and adequate. So part of that is that they have the appropriate tools and databases to do that, and whether we have ownership of that is not that big of an issue.

That was the end of the list you presented me with.

**Ms Smith:** Thank you.

Continuing on then, Mr. Chair.

**The Chair:** Yes, if we can. Just a reminder – and this is not just for you, Ms Smith – as we carry on with our line of questioning, that if we can make sure that we're referencing the business plan or a line item within the budget, that would be very nice.

Thank you.

**Ms Smith:** I have also heard concerns about some of the legislative changes at the federal level which transfer the authority over managing I believe it's in-province water resources to the province. There are many, many First Nations who are quite concerned about that, in particular Tsuu T'ina, who are concerned that the first-in-time, first-in-right policy that we have on water rights makes their licence a junior licence and puts their rights of access at risk. I wouldn't mind if you would comment on that, not only just specifically for Tsuu T'ina but also more generally so that I have some understanding of how those issues are going to be dealt with because it also relates to flood mitigation. I would like some explanation on the flood mitigation line items that you have in estimates because I haven't been able to figure out how the dollars all fit together.

I do think that there's an opportunity for us to be able to work collaboratively with our First Nations communities to address their issues and concerns about certainty around water rights but also to be able to address some of the flood mitigation measures that we're going to need to do to not only protect municipalities but also protect many of the reserves. As you pointed out, Siksika and Stoney were very hard hit by the recent flooding, but Tsuu T'ina also, I think, has an interest in being able to partner with the provincial government on flood mitigation measures to be able to extend the berm to protect Redwood Meadows. I know that that's another issue. It hadn't been mentioned in the business plan or the discussion of flood mitigation, so I wouldn't mind if you'd comment on whether or not Tsuu T'ina is being looked at for any flood mitigation.

If I understand the way the numbers are laid out, on page 21 the 2013-14 forecast for Alberta flooding talks about \$191,477,000 in revenue and then \$192,829,000 in expenses. The amount of the 2014-15 estimate on that same page is \$4,960,000, but if you go over to the previous pages – for instance, page 16 – it talks about the forecast amount being spent this year of only \$70,758,000 when you talk about the housing, economic renewal initiative, administrative capacity support under 9.1, 9.2, and 9.3 and then over on the next page the estimate for 2014-15 being \$96,161,000. I don't think that those numbers add up to the total amount that I just mentioned in the first part.

Then when you go to page 18, you're talking about the 2013 Alberta flooding, First Nations housing: \$122,071,000. I'm just wondering how all of these numbers fit together because they didn't seem to add up in a way that I was able to figure out. So I'm kind of curious. How much has actually been spent this year? How much will carry forward into next year? How much is for flood mitigation versus how much is for the reconstruction of housing?

Also, if you could help me understand the process by which those dollars are spent in other flood-impacted communities; for instance, High River, Calgary, and others. A company called LandLink is managing the claims process for how those dollars get flowed through. It does strike me that the amount of dollars that seem to have flowed through on First Nations communities is much, much, much higher than what I've seen in the community of High River, so I am interested in knowing whether or not there are some administrative efficiencies in the way this flood relief is being managed on First Nations that we have not been able to experience outside of reserves.

The other area from a federal perspective that I'm interested in knowing about is on land claims. I know that the annual report talks about there having been 13 land claims settled since 1986. In estimates last year we talked about an update on Bigstone Cree, Peerless Trout, and Lubicon. I'm just wondering if there is any more information that you can give about the progress on that and also the impact that it has on the amount of hectares that are under consideration for transfer. It does impact our natural resources transfer act, and I'm just trying to get an understanding of how the land settlements might impact any lands that we have under lease for other use, whether it's grazing leases or whether it is mineral leases.

Related to that as well, with the land transfer occurring with Tsuu T'ina, I wonder if you could comment on how that is going to impact in the land swap any lands that might currently be under grazing lease or other type of disposition and how those negotiations are going.

7:40

A third area related to land claims, land swaps – and this falls into a different category – is the creation of urban reserve land. I understand this is fairly controversial in the Lloydminster area, with a band able to purchase land within the borders of a particular MD and then have that land become exempt from taxation. I'm curious about where that is going. With bands becoming increasingly wealthy, if we do see this as a precedent, where lands can be taken out of taxation use for our rural municipal districts and counties, that is going to have an impact on them. So I'm wondering about the policy that the department is pursuing on that and what we're likely to see.

Switching more to some of the provincial goals that you have in your business plan, I note, first of all, with goal 1 that one of the principal goals you have here is working with Siksika and Stoney First Nations to implement flood recovery initiatives and policy. I had already mentioned that it seemed to me that Tsuu T'ina may have been missed on that line item, and I am just wondering what work you are doing with Tsuu T'ina to be able to address some of the issues that they have for Redwood Meadows.

The other question that I have. Noting here that you do say that "the ministry provides leadership on Aboriginal policy and oversees agreements between the Government of Alberta and Aboriginal governments and organizations," I'm just hoping to get a little bit greater clarity on how some of the other items under this point are impacted. There is the urban aboriginal integrated service delivery approach. I know that the previous minister last year talked about signing an MOU with Edmonton that the federal government had been slow to sign onto and, thus, the province was going to go ahead and sign that anyway. I'm wondering if that's what this is or if that's something else and if the federal government is indeed involved in that. If you could provide some context for how the consultation is proceeding on that and how the development of that approach is proceeding, I'd be grateful for it.

I'm also interested in knowing a little bit more about the mandate for the Métis and First Nations women's councils on economic security. You mentioned that they're going to be funded to have five meetings a year. But, again, I'm interested in knowing how the recommendations that come out of those tables then get implemented into policy, if that comes through your department or if there's some other way for them to be able to propose policy changes that will impact the various areas that they're going to be interested in.

I'm also interested in knowing the progress that is being made with the Metis Settlements General Council. I understand that last year there was \$85 million, I believe, that was earmarked over 10

years to be able to support the efforts of moving towards long-term governance. At the time I don't think that the funding formula for how that was going to be distributed had been defined. I was quite interested in knowing how the funding formula worked out because I had several municipalities asking me about the level of the support, thinking that it was rather large compared to the population. They were curious about the funding model, no doubt, because they were hoping that they might be able to lobby the government for a similar funding model for municipalities if they were able to get an understanding of how that formula works. So if you do have some context for that, I would appreciate it.

The other thing I'd say – and I mentioned it last year – is that I do find that the economic initiatives performance measures need to be a little more fulsome. It seems to me that with the achievement of the target of 49 initiatives last year and then going down to 34, you could definitely set a more aggressive target. That being said, it does seem to me that with the building Canada fund and the ability to start really ramping up the capacity of our First Nations, perhaps it's time to start looking at an entirely broader set of performance measures.

I indicated a few last year that I'd like to see. I'll just put them on the record again, Minister, since you're new this year and wouldn't have heard my comments last year: number of jobs created, number of businesses on reserve, the unemployment statistics or the workforce participation statistics, the GDP on reserve. Also, if we're looking at an inventory of infrastructure, is there clean, fresh running water? Is there sewer, electricity, heat, Internet, roads, schools, health facilities, housing, seniors' centres? On the issue of education how many students are graduating, how many with degrees, how many with . . .

**The Chair:** Thank you, Ms Smith.

We'll now turn it over to the minister for your 10 minutes to offer a reply to those questions. Thank you.

**Mr. Oberle:** Thank you very much. Again, a number of questions. I'll try to work through them here. First of all, the concerns about federal funding levels and federal off-loading and specifically with respect to managing in-province water and the concerns of the First Nations about water rights: I don't get to comment on federal legislative direction, and it's certainly not a part of my budget. I certainly understand the concern that the aboriginal communities have, and where we can, we'll help and we'll facilitate. You said that also within the flood mitigation context, again, certainty around water rights. That would be a really good question to ask the Minister of ESRD. That has nothing whatsoever to do with my department, how water rights are allocated or what the thinking there is.

You did ask, though, where dollars fit together. It's kind of interesting the way the numbers come in here, through accounting principles, because we're expecting federal transfers. So we have to take federal transfers and then transfer them into my budget. There's a transfer thing here that looks clunky but works and is the way that it's supposed to be reported, from what I understand. But the numbers do fit together.

If I could, just for your information, we've cash-flowed it out. We've got \$69,406,000 in '13-14, \$96,161,000 in '14-15, and \$25,910,000 in '15-16 for a total of \$191,477,000. Those are the funds that we're planning to spend on flood recovery in First Nations communities, and those numbers do add up in the budget.

There was some concern around how flood monies are spent and whether dollars are higher. You know, I haven't done the comparison, but I suspect they are higher. We're not dealing with just a straightforward situation where individual landowners

owned individual properties. There's a municipal infrastructure, and we need to address damage or repair or buyout or whatever else we need to do with a house. We have some pretty significant issues to deal with here, starting with the fact that there are houses that didn't meet Alberta code to begin with, and they're going to when we're finished. So there are on individual houses more issues. Recognizing how devastating – and you said that. You know how devastating it was in the south. We have 800 houses or so on First Nations reserves that are in some level of disrepair, that need to be addressed, and many of those can't be repaired because of the state of them. So, yeah, the funds, if you look at it on a per house or per household basis, probably are higher. I haven't done that comparison.

With respect to land claims, yeah, there are a number of land claims. Again, that's a federal issue. I'm happy to report that up in my area, not my constituency but the hon. Member for Lesser Slave Lakes' constituency, the Lubicon have a new leadership in place, and I suspect that very shortly the federal government will take up a conversation with them to renew a land-use claim. I don't know that for sure to be the case. It's another question I'll ask the federal minister. Alberta certainly participates; we need to transfer the lands. In any case where there's a land claim in Alberta – this is different than in B.C. – the federal government is responsible for land-claim negotiations. Alberta will transfer the land to the federal government, who, in turn, actually holds it in trust, I guess, for the First Nation.

The Tsuu T'ina land transfer won't be any different. We need to get those lands, and we need to transfer them to the federal government. There are very few parcels of land in the province that aren't disposed in some way, so there will be issues of grazing leases and all that, great questions to ask ESRD.

With respect to urban reserve lands, yes, the First Nations communities have the right to add lands onto their reserves. They cannot do so unless they are contiguous to the reserve. They can't purchase isolated parcels around a county.

7:50

The women's councils on economic security. The mandate that they have is five meetings total in the year. I'm expecting that we'll get a report from them, which we will certainly consider, but really how they make it into policy is that other ministers who have front-line responsibilities – I'm assuming there'll be something about employment, for example. The minister of jobs and labour would take those. So there will be a cabinet discussion around what the results of the discussion are, what the document is submitted to us. I assume it'll have recommendations in it, and we'll determine as a government how to respond to the recommendations. Again, Aboriginal Relations is not a front-line service provider, so many of those recommendations will be left to other departments to respond to. My role will be to make sure that they're appropriately directed and appropriately responded to.

The Metis Settlements General Council and the long-term arrangement which involves \$85 million worth of spending is a little slowed down right at the moment in that we had elections last fall and there are five new chairs, I think, and 40 new councillors. There's a little bit of an education and re-education process that goes with that.

I've visited, as I said, seven out of the eight settlements at the moment, and I've met a few times now with the Metis Settlements General Council. There are absolutely some issues with the new councillors, but I think we're going to be able to work through it. I think it's a great agreement, and it's a really positive thing for the settlements. I invite any municipal councillor that you can identify that thinks they're getting an unfair deal to come out and visit a

Metis settlement and tell me what they think of their infrastructure. They can pick the settlement. There are noticeably different conditions in all of them although some of them are doing very well. I will say that much. But in all of them there are noticeably different conditions, and I think it was the right thing to develop an agreement to address those.

The economic performance measures. I addressed that in my opening comment, but I'll just simply agree with you. I think the measures that we have are meaningless and inadequate, and I would like to move forward. I discussed in my opening comments – so they'll be in *Hansard* – a process by which at the end of this year I want to see them incorporated into next year's business plan. We will have some meaningful measures, and I take no particular issue with the ones that you identified there.

The only one that I have here is the urban integrated approach, the agreement that was between us, I guess, Edmonton, and with some involvement of the federal government. I left that one till last because I'll freely admit that I don't know about it.

Do you know anything about that?

**Mr. Buchanan:** It's what we call the MCC, the memorandum of co-operation and collaboration, with Edmonton. We're currently working with them to develop a framework, a go-forward strategy on that.

**Mr. Oberle:** I think that was my list.

**Ms Smith:** Great. Thank you.

The next area I wanted to get into was . . .

**The Chair:** If I may, Ms Smith, we'll just proceed with the last round of 20. I've been remiss to ask you, but I anticipate that you will be carrying on with the line of questioning?

**Ms Smith:** I will.

**The Chair:** You'll ask your 10?

**Ms Smith:** Yes.

**The Chair:** Okay. Thank you very much. Proceed.

**Ms Smith:** Thank you. Proceeding, then, to goal 2: "Alberta's coordinated approach to Aboriginal consultation and land claims enhances resource development certainty," I have to say that we are hearing some alarming stories about the levels of delays that are happening as a result of the aboriginal consultation office and the process that you put into place. I'll give you some idea of how it's actually working out in practice for the individuals who are contacting us. As you are aware, the Alberta Energy Regulator specifically excluded First Nations consultation as an area that they would have authority over, so the aboriginal consultation office is a separate process that our companies have to go through when they are seeking development, and they do have to complete this process before they can move on to being able to get the approvals to drill.

Previously, under the old system, the turnaround on a request for a band to be consulted was two days. Now, according to stakeholders we are hearing from, the turnaround for the same information is three to four weeks. The process post aboriginal consultation office is not working particularly well. From the aboriginal perspective respondents are given 21 days, 15 business days, to provide input. Aboriginal leaders who talk to us are calling for a review of the Aboriginal Consultation Levy Act to ensure that First Nations input is valued and that there is capacity

to provide thorough input before and after signing adequacy letters.

One of the issues that is arising out of this – which I think what the minister was intending to achieve by putting some of the changes through the Aboriginal Consultation Levy Act was to put an end to the practice of providing fast-track payments. Unfortunately, we're hearing from companies that they are being asked to pay extraordinary fees, ranging anywhere from \$500 to \$2,500, in order to be able to fast-track through some of the adequacy requirements. I believe and I think a lot of the players in this area feel that this is undermining the integrity of consultation. I think that the fact of the matter and the reality for our energy companies is that it is a necessary step they feel they take to continue to be able to do business because the turnaround times out of the aboriginal consultation office are so slow. The consultation adequacy letters used to be two to three weeks and are now taking three to four months.

Without the adequacy letter the Alberta Energy Regulator refuses to process the application, delaying the process by up to half a year due to all of the different linear and sequential processes that they have to go through. So I would say that if the goal was to be able to change so that things could become more efficient, what we are hearing from energy industry players is that it is actually becoming incredibly inefficient and the delays are increasingly unacceptable, which is just compounding the problem of having to pay the additional fees, which is what we were starting out, I think, to try to end in the first place.

So I wouldn't mind if you would provide some feedback. I know my colleague from Strathmore-Brooks is going to deal with this a little bit later as well, but I did want to put it on the table.

The measure that you have in this area, which I think would assist our companies in being able to know who and how they have to consult, is this issue of geomapping. I would like to get some clarity on how far you are advancing on it. I know that there are difficulties with who owns the data, but it did say that this year you'd set a target of having 60 per cent of the geomapping done. There isn't any update on how things went for the 2013-14 years. You had initially last year said that you wanted to be 30 per cent done. The minister had hoped that they would be further along, but I wouldn't mind knowing whether or not there is some progress being made on that front.

The other areas that are of concern – and I'm just curious about how you will be dealing with it on a go-forward because it does lend itself to creating potential increases in issues for litigation and consultation if it's not done appropriately – are the Land Stewardship Act and the subsequent plans that have to be developed. This was a flashpoint for a lot of our First Nations communities feeling that they had not been properly consulted when the Land Stewardship Act came in. We've only seen progress on the lower Athabasca regional plan and the South Saskatchewan regional plan, but my understanding is that there are five additional plans that should be coming. I'm just wondering what the timing is on those and what role your department is going to be playing in doing the consultation on that.

On the issue of education we talked about the gap, and I'm delighted that that is very much on the radar for the provincial and federal governments. I'll be watching to see whether or not the gap is addressed adequately. But I am also conscious of the fact that there is a major curriculum rewrite occurring right now. I know that the previous minister had talked about curriculum development occurring not only for on-reserve but also off-reserve

students. I am curious about what kind of changes you might expect we would see on that front.

The other area that I would like an update on is the issue of the Métis ombudsman. I know that that office was closed down last year. There had been concerns expressed by I think all three opposition parties about what that might mean for individuals who had concerns about issues that they would normally take before the ombudsman. The minister assured us that the appeals process would allow for those issues to be addressed or that the Alberta Ombudsman would allow for those issues to be addressed. I'm just curious about what is actually occurring now that that office no longer exists.

**8:00**

I also hear concerns about the casino licence moratorium from a couple of different bands. I'm wondering if your department has any role in being able to advocate a policy change on that, noting that that was one of the areas that was identified at the beginning of the business plan as a role for your department, to take leadership on changes in policy.

I'm also curious about what role your department is going to play in getting aboriginal representation on developing the approach for the deaths of children in care. I think it was disappointing that there was no aboriginal representation on that panel discussion, and even in the press release I don't think that First Nations were mentioned despite the fact that, I believe, 78 per cent of the children who've died in care and are in care are aboriginal. I understood that the Treaty 8 bands were hoping to be able to establish their own children's services office so that they would be able to deal with these issues internally. I don't know if that has proceeded in discussion or if it's been stalled with the change in minister and change in elections, that occurs, but if you wouldn't mind commenting generally about what the approach will now be for deaths of children in care.

I am also curious to know about how the crossministry group actually does its work in implementing policy. If an issue comes to aboriginal relations, how does that get triaged out through all of the different departments that would then ultimately end up needing to deal with the outcomes? I can tell you that a lot of what I hear when I go to First Nations reserves is: how can we get services delivered actually in the community on a range of fronts? Health care, obviously, is one issue. Education: I've been delighted to see that there are many First Nations schools that are doing some very exciting things and have excellent facilities and excellent supports in a lot of our communities, which is very positive. There are always, of course, issues about human support services. Children's services, I just mentioned. There are concerns as well about seniors, which I'm interested in.

One of the issues that has been raised is whether or not there's an opportunity for funding to follow clients to reserves so that there's an opportunity to build seniors housing on-reserve. One of the issues – and it happens, I think, in many cultural communities where English is a second language – is that it's also the first language to be lost, so when we have aging seniors who need to be given care in their home language, it would be a lot better for them if they would be able to receive it in Cree or Blackfoot or one of the languages that they grew up with. Being able to have these facilities built on-reserve so that they could have support by members of their own community, I think, would be something in keeping with this notion of Jordan's principle, that we would like to be able to see applied not only to children but also to our aging seniors.

Another question that I had – and I don't know if you've given any thought to how this might occur or whether or not you'd be an advocate for it – is how to address the issue of the elections schedule on First Nations.

**The Chair:** Thank you, Ms Smith. Unfortunately, your time is up, and we'll go to the minister and his team for the answer to your questions.

**Mr. Oberle:** Okay. First of all, the co-ordinated approach to consultation. With regret, I think some of your numbers are wrong there. In December, when I attended the protocol meeting and when I discussed it with officials, there was a strong backlog. There still remains a small backlog, in that there are some pretty complex consultation files before us right now, but in general, with the files that we're receiving right now, they are actioned on the same day that they're received, and we're not looking at three to four months' turnaround time. They're actioned on the same day. We have cleared a very large backlog off the table, and with the exception of a few very complex files, we're right caught up to date.

We did add and continue to add staff to the consultation office. We consolidated the consultation groups that were in AER and in my ministry under the consultation office. I'm very pleased with the way that office is unfolding. You said that we did this as a way to end the process to provide fast-track service. Well, no. We did this as a way to ensure that Alberta is meeting its constitutional responsibility to ensure that consultation is adequate and meaningful. That's why we established the consultation office. That's what we're doing.

With respect to the geomapping update and its play with consultation, I can't give you a number right at the moment. We're very far along in phase 2 of that, but I don't actually have a number of completions yet.

There have been mentions, concerns expressed by certain aboriginal groups that they were not properly consulted in the Land Stewardship Act, and the timing – you asked also about how that plays out now with the lower Athabasca, the South Saskatchewan, and the other plans that still have to be done. Good questions for ESRD. I can't comment right now on what their timing is. On the South Saskatchewan, which is kind of halfway through, and the initiation of future plans I do not know right now where their timing is. As always our role will be to facilitate adequate and meaningful consultation for the First Nations.

Education. You mentioned a curriculum rewrite and addressing on- and off-reserve. On-reserve will be an interesting situation, and it's still not clear what role the provincial government will play in on-reserve education, which is a federal responsibility. We certainly want to work with our federal partners and with First Nations communities to achieve parity, not in funding but in student outcomes. That would be my objective there. Certainly, with respect to what my department seeks in any curriculum changes, I will be discussing that at the Truth and Reconciliation Commission. Obviously, we want to talk about components of First Nations history in that. I hope you'll respect that I want to just leave it there until the Truth and Reconciliation Commission.

With respect to the Métis ombudsman, as near as I can tell – and we've been open and fully accessible to Métis communities and Métis peoples in this province – I've heard absolutely no concerns from the Métis community on the abolishment of the Métis ombudsman. I can only take that as a sign that they're pleased with their access to dispute resolution mechanisms.

With respect to the casino moratorium you said that the role in this ministry is to advocate for a reversal or change in policies

within our government. Indeed, that is our role; however, I'm not for ones that we don't particularly agree with. We are going to be driven by data, so what I have done is to arrange for a meeting with one particular First Nation community that is very concerned about it and the AGLC, and we'll sit down and compare numbers. They have different numbers and different assumptions than the AGLC, so we will sit down with them and help navigate that.

The issue of Alberta's representation in the children-in-care process, not being at the round-tables. There were representatives from our department at those tables, but that's another one of those areas where I'm just not going to issue a press release. I'm not remotely interested in the publicity of our involvement there. I'm interested in outcomes. First Nations often did not want to come to the table because they don't want to politicize what is a deeply personal grieving process. They don't want their names used and their children's names used, and they didn't want to be part of the circus that quickly evolved around the existence of those tables. My role will be to work very closely with them, understand how they feel about the issue, and help them work on solutions to those issues, some of which is a discussion about how services are delivered and by whom in the future.

There, too, that's a facilitation role. For example, just last week or the week before – time runs together here – I had Minister Bhullar, Human Services, attend an assembly of treaty chiefs meeting in Calgary with me to talk about what his ministry is doing, how they might be involved in that. I've done that with other ministers. We'll continue to do that. We'll set up meetings either in whole or individually with communities to address issues.

**8:10**

That kind of brings up the process of how – you asked about how the recommendations, I guess, from the women's economic security councils will be brought forward. We will receive the report – it's our department's report – but there are a number of places where we can discuss it. I can bring it up in cabinet, but really the policy flow will be through – we have an ADM, assistant deputy minister, group now. That's a policy group across ministries. Our ADMs will quarterback that, frame the policy discussion, and then assign it to an appropriate department. We will collect the responses and get them back. For example, with the provincial protocol gathering in December, we circulate it to all ministries: here are the outcomes; now Health has to respond to these ones and Education respond to those ones. We'll collect it and answer it back.

You were about to ask me about election schedules. You'll know, of course, that the province doesn't regulate or oversee elections on First Nations communities.

I just want to add a thing on consultation. We just got an update here. We are looking right now at same-day processing of consultation requests that come in. Right at the moment we're doing adequacy on consultations dated – we're caught up to January 21. We're doing consultations on applications dated January 21 to March 6, depending on the complexity. Obviously, the January 21 dates are the complex files, but for the most part we're caught up to March 6.

**The Chair:** Okay. Does that conclude your remarks, Minister?

**Mr. Oberle:** Yes. I'm finished. Thank you.

**The Chair:** Okay. Thank you very much for those answers.

That concludes our first round of questions and answers. I've conferred with the deputy chair, and I believe it may be appropriate at this point in time to take a quick, five-minute break.

Once we come back from the break, we'll resume with a line of questioning from the second party of the opposition. Five minutes.

Thank you very much.

[The committee adjourned from 8:12 p.m. to 8:17 p.m.]

**The Chair:** Folks, we've got a lot of good questions and not a lot of time, so we'll resume the meeting if we can. That was a quick five minutes.

The next line of questioning goes to the Liberal Party. I believe we have Dr. Swann, who will be questioning.

Again, not specifically to Dr. Swann but to everybody in the meeting today, if we can ensure that our line of questioning is tied to the business plan or the budget items within Budget 2014-2015, that would be most helpful.

Dr. Swann.

**Dr. Swann:** Thank you very much.

**The Chair:** Dr. Swann, I have to apologize. Our good clerk reminds me – one of these times I may get this right, Dr. Swann. You have your 20 minutes. Would you like to have a dialogue, or would you like to do 10 and 10?

**Dr. Swann:** I think I'd like to get all of my questions on the record.

**The Chair:** Very good, then. Thank you, sir.

**Dr. Swann:** Then I'll ask for the responses in sequence.

First of all, dealing with some of the flood issues, the June 2013 flood displaced about 2,000 First Nations members from the reserves in Siksika, Tsuu T'ina, and Stoney Nakoda: Siksika, 1,000 people; Nakoda, 700 members; and Eden Valley, Big Horn, Morley, and Tsuu T'ina, about 50 people, from what we understand. The ministerial task force included former Aboriginal Relations minister Robin Campbell. I'd just like an update. How many people are still living in trailers and temporary housing, in straitened circumstances, I guess I would say? How long are they expected to be in these conditions, and what is the federal-provincial formula for settling these outstanding housing needs and expenses?

According to the government of Alberta fiscal plan, on page 48, \$15 million has been budgeted for "an expanded Aboriginal Consultation Office to better coordinate and increase the efficiency of consultations on land management and resource development." Could you elaborate on what efficiencies this consultation office has achieved? What, if any, are First Nations' evaluations of these changes in the consultation process?

8:25

On the issues of land and legal settlement, on page 9 of the ministry business plan it states that there's no operational expense budgeted for land and legal settlements for 2014-15. No money was budgeted for previous years either. However, a single amount of \$8.4 million is expected to be budgeted for 2015-16. Could you elaborate on what this amount is related to?

On aboriginal children in care there are an estimated 886,900 children or youth in Alberta zero to 17 years, and First Nations make up about 9 per cent. Aboriginal children in care amounted to about 5,769 in 2012-13. The Child and Youth Advocate reported that although there have been a number of activities that have been undertaken by the Ministry of Human Services and Aboriginal Affairs and Northern Development Canada, there is no plan developed in partnership with aboriginal stakeholders to address the disproportionate number of aboriginal children in care. I'd

appreciate hearing from the minister what is being done in your ministry and in Human Services to reduce the number of aboriginal children in care.

With respect to friendship centres, Aboriginal Relations provides funding for about 20 aboriginal friendship centres throughout Alberta. It helps support health, employment, housing, recreation, and cultural programs. In last year's estimates Minister Campbell said that the department would spend \$735,000 a year for this initiative in partnership with the federal government. Is this still the case for this year's budget? Can you provide the exact number for the past four years for aboriginal friendship centres? What is the role of your ministry in urban housing through the friendship centres or elsewhere?

On urban aboriginal health care a report released by the Health Council of Canada in 2012 acknowledges the long-standing belief that the First Nations people are subject to discrimination and racism when seeking medical care in urban centres. In 2009 the aboriginal health program at Alberta Health Services was established to focus on engagement and relationship building with aboriginal patients, including enhanced cultural competencies and customizing approaches to specific health challenges. In 2012 Alberta Health Services appointed 19 members to the new Aboriginal Wisdom Council to provide guidance and recommendations to AHS on service delivery and program design that is culturally appropriate for aboriginal people. In your working relationship with the Ministry of Health what is the status of this initiative? What progress do you see on this issue?

With respect to the memorandum of understanding in First Nations education, February 2010, the governments of Canada and Alberta and the Assembly of Treaty Chiefs in Alberta signed an MOU for First Nations education in Alberta. The MOU outlines a common vision for First Nations' learning success. In last year's estimates Minister Campbell stated that he had a difficult time to move the education agenda forward with the federal government. As it later turns out, the federal government was already drafting their own First Nations education act. There were even discussions on possible funding formula changes. My question is: what implications will this have on the current MOU for First Nations education? Was the Alberta government ever consulted on these changes?

With respect to the Métis ombudsman last year in budget estimates Minister Campbell indicated that the Métis Settlements Appeal Tribunal would have the capacity to handle these complaints within their \$1.2 million budget and eliminated the Métis ombudsman, which had been created 10 years previously. However, in the 2012-13 Aboriginal Relations annual report it was reported that the ministry itself would assume responsibility for managing any issues that may be brought forward by Métis settlement members. My question: why did the ministry assume this responsibility? In addition, how many complaints have been received from settlement members in 2012-13 and so far in 2013-14? The last reported number from the office of the Métis settlements ombudsman was 205 complaints in 2011-12. In relation to the appeals tribunal their number of complaints went up approximately 10 per cent in 2011-12, from 595 to 652. This suggests that concerns in general are not going down, yet we have eliminated one important role for addressing some of these residents' concerns.

Thank you, Mr. Chair.

**The Chair:** Thank you very much.

We'll turn it over to the minister and his team.

**Mr. Oberle:** Okay. Thank you. First of all, with respect to the flood and, again, the devastating impacts on First Nations communities as well as many, many other communities in Alberta I don't have any reason to argue with the numbers of about 2,000 people that were displaced. Many people are still displaced or were subsequently displaced as we moved them out of their homes so that we can repair them.

Then you asked about how the disputes are resolved. First of all, you have to recognize that we're not a service provider here. The money that we're providing for flood relief is flow through to the Ministry of Municipal Affairs, who actually oversees the work that's happening there, so I'm a little bit unable to address it maybe in the fullest.

I will say this. In September the ministerial task force on southern Alberta flood recovery, which I now sit on as well as Mr. Campbell in his new role as Minister of the ESRD, approved the First Nations housing policy on Siksika and the Stoney Nations. Aboriginal Relations is leading the project. Municipal Affairs is providing the support, the on-site spending and supervision, but the money that flows through our budget and the memorandum of understanding is signed by me. We signed the memorandum of understanding in November with the Siksika. We were at Blackfoot Crossing historical park. It commits both governments to move forward on the repair and rebuild process as outlined in the policy. Another MOU is signed with Stoney Nakoda First Nation.

All home inspections have been completed in the Siksika Nation, and it is expected that inspections will be completed in Stoney Nakoda by May 1 of 2014. Construction of two permanent subdivisions is under way in Siksika. A third is in the planning stage. Ninety-five modular units transported from Slave Lake are available for occupancy now. We're providing the NTNs. The new temporary neighbourhoods will support 206 lots, and more trailers will be ordered. There are three interim housing sites being developed on Stoney Nakoda, one for Wesley, one for Chiniki, and one for Bears paw. Sixty-eight evacuees have moved into the Wesley site. It's expected that the other two sites will be ready for move-in by the end of March 2014. The home construction is scheduled to begin in April of this year. The GOA is planning for a two-year construction cycle to complete all repairs, rebuilds, and relocations, so that explains the three-year funding window, including last year.

With respect to consultation and what efficiencies have been achieved, I've laid out some timelines for you. When we receive an application, we do a consultation assessment, which determines if there's a need for consultation and who needs to be consulted with. We're dealing with those now on the same day that we receive them. With respect to declaring adequacy, we're up to January 21 for very detailed applications, and we're up to about a week turnaround time now, complete turnaround time, on noncomplex, which is the vast majority of them.

I think that there are some definite efficiencies that have been achieved. In consolidating the consultation office, we will achieve more as we move this spring to publish a set of guidelines and matrices that codify what we're trying to achieve here. Those will be published in draft form out to stakeholders, including First Nations and industry, to talk about completeness and whether those are going to work. We expect to have those in place by this summer, and then we'll move ahead with implementing a levy. We'll have a draft policy out for the levy this fall, implemented by January 1 next year.

With respect to the consultation office and any comments that the aboriginal community has, the office itself is in a flux here. We just hired a director not too long ago. We're developing the

matrices, the guidelines. I don't have any current comments from aboriginal groups on the office itself. I certainly expect to get some, and I certainly will listen to them. I can tell you this, though. The First Nations and other aboriginal organizations regularly express frustration over the many different provincial ministries and staff that they work with to address consultation matters. Many of our departments had consultation budgets. They had different ways of approaching it, different contact names even. So there has been in the past a frustration around how we manage consultation, and that is absolutely clear now.

With respect to the operational expense for land and legal settlements: nothing in the 2015-16 budget, yet there is for a subsequent budget. That's part of the expected settlement for the Bigstone and Peerless Trout land claims. [interjection] Whose constituency would those be in?

Part of Alberta's commitment there is that we're going to build two schools, and that's what the budget is for.

Okay. Children in care.

**Dr. Swann:** Is that a first, building schools on-reserve? Or is that a Métis settlement you're talking about?

**Mr. Oberle:** In my tenure, which is about a week and a half – yeah, I think it is. Alberta always has a stake in an agreement, whether it would be cash – our role is to buy out existing dispositions. We would always have a stake. In this case that's a priority they identified, and we're willing to do that.

**Dr. Swann:** On-reserve schools?

**Mr. Oberle:** Yeah.

**The Chair:** I'm sorry. Dr. Swann, as much as I enjoy a healthy dialogue, from the onset you chose to take your 10 minutes and let the minister reply.

**Dr. Swann:** I've changed my mind.

**The Chair:** Well, then, that was very gracious . . .

**Dr. Swann:** Is it only women who can do that?

**The Chair:** I'm not going to touch that one.

It was very gracious of the minister to answer the question, but he can continue with the original line of questioning. Thank you.

**Mr. Oberle:** Children in care. As I said, Aboriginal Relations is about relationships, and we're trying to facilitate relationships, so I have brought the Minister of Human Services to an AOTC, Assembly of Treaty Chiefs, meeting as a start, but absolutely the conversation has to go from there.

We need to do things differently. We completely understand that far too high a percentage of the children in care are aboriginal children. Actually, aside from the politics and the press frenzy about it, there are some reserves that are having some success there. For example, last year, back when I was in Human Services, I know that Minister Hancock had some really concerning numbers about a couple of communities that have a very high number of children in care. Flipping through the list, we discovered that Loon River on that particular day had none in care. There are some people out there that have capacity and do things right, and part of the exercise is tapping into that.

I continue to work through a policy group, work with the minister directly. We'll get First Nations in front of him. I

recognize that part of the solution is community ownership of the issue, and I will work where I can to facilitate that and have our government support that.

The friendship centres are a federal initiative. There are 20 centres funded at \$26,000 and \$237,000 to the Association of Friendship Centres, a total of \$757,000, a partnership with us and the feds, the same as it was last year, I believe.

Rural and urban housing. Not really. Municipal Affairs certainly takes care of housing. It's our role to be at the table and advocate for aboriginals. You'll know that there, too, a high percentage of the homeless, those with health issues, mental health issues are aboriginal people within our urban centres, and that has been addressed. While, again, we're not a service provider, we are an advocate at the table for them.

Health care. I can't comment on how far they are with their strategy, the status of it. That's well within AHS and would fall under the purview of the Health minister.

The MOU on education: what is the status? You talked about that the feds went ahead and drafted their own. I can't say that I have a thorough understanding of what it is the feds have drafted yet. I don't actually know how much is new money versus not and those sorts of details, one of the many reasons that I'm planning to meet with the federal minister at the end of this month.

8:35

**The Chair:** Minister, I'm very sorry, but we're going to have to stop you there. The time is up, unfortunately, and we have some more questions that we need to get to.

**Dr. Swann:** Could I expect responses in writing to the other questions?

**Mr. Oberle:** You had the Métis ombudsman, which I've already responded to. Education was the only other question I had.

**The Chair:** Minister, if you could be kind enough to reply to that last and final question in writing.

**Mr. Oberle:** The reply is that I can't reply to it because it's federal legislation.

**The Chair:** Oh, well, Dr. Swann, that answer seems to hit the mark, sir.

With that, we're going to move to the New Democrat Party. We'll have Mr. Bilous with a line of questioning. Mr. Bilous, it's your prerogative, sir. Would you like to do an exchange with the minister, or would you like to do 10 and 10?

**Mr. Bilous:** I'll do the block time.

**The Chair:** Okay. Thank you, sir. Again, at the risk of being redundant, if you could direct your line of questioning to the business plan or the budget estimates, that would be greatly appreciated. Thank you.

**Mr. Bilous:** Sure. Thank you, Mr. Chair, and thank you, Minister and your staff. First and foremost, I want to acknowledge that we are sitting on traditional Treaty 6 lands here at the Legislature.

I'm going to jump and cover several different topics. I just want to start with the increase to the Aboriginal Relations budget this year. Now, I'm happy to see an increase, but when we do a breakdown, which I'll give you, the increase is actually much smaller than it initially looked. The total fiscal plan is \$205,924,000. Now, this only includes a 14 per cent increase over last year if you remove the funding for the 2013 floods. It's actually only a 10 per cent increase if you remove flood funding

from both years and factor in the 5.1 per cent increase in CPI and population. So, again, positive but maybe not quite as high as we would have liked to have seen.

Over the past year I've been chatting and talking with different chiefs, grand chiefs, treaty organizations, councils, and aboriginal peoples around the province, and there is a sense of frustration in many communities with the government's talk and vague commitments but not so much tangible progress. So the topics that I'm going to delve into tonight: dealing with, again, an insufficient amount of consultation, and I will say meaningful consultation; with accommodation; the government's interpretation of its duty to consult; lack of progress on certain educational initiatives and programming with a focus on indigenous communities, culture, and history; improving the FNDF so it's functional for indigenous groups who can benefit from it; employment programs; and children and youth in care.

Now, a question just off the top. I'm curious to know, Minister, if you know – if not, if you could get back to us in writing – the type of aboriginal representation in our ministries, all ministries, and if there is a goal to ensure that there is aboriginal representation in all the ministries. If there's not, then when can we expect that type of goal, and is that something that your department would even be interested in advocating for?

All right. Another point before I dive into things. Last year I had spoken with the then Aboriginal Relations minister about the MOU, and there was a question that I asked. He responded that they'll get the information to us. Now, maybe it's ignorance on my part. I'm not sure if the questions outstanding from last year were tabled, but I and my staff couldn't find that information. Maybe it's just where we're looking, but I hope that any information that we request will be available in due time.

Jumping to education, again, in February of 2010 Alberta signed an MOU with the federal government and three treaty organizations for educational programming. In last year's estimates debates I noticed that your department indicated "a six-month time frame where we're going to do some things in education on-reserve and off-reserve." Now that we're a year out, I'm curious to know, Minister, if you can tell me what specifically has been done on- and off-reserve. What's planned for the coming months, what are the time frames for implementation, and will these plans be made public?

The long-term strategic action plan pursuant to the MOU was expected to be finalized in 2013. I'm curious to know when we can expect that to be finalized and when it will be made public.

According to ministry statements in the meeting of the Standing Committee on Public Accounts on October 30, 2013, there are 10,000 First Nations students in band-operated schools, 30,000 in provincial schools, and 10,000 not in school. Now, considering the great importance of increasing access to education for indigenous peoples as well as improving the quality of educational programming directed specifically to indigenous groups as well as including more indigenous knowledge and history into the general provincial curriculum, I'm curious why none of these goals or stats are reflected in the performance measures for your department.

Again, you know, I think that it's crucial that we acknowledge not just the history of our residential schools and the history of aboriginal peoples in Alberta but, as well, that we're educating on treaties, on treaty rights, on what they mean, their significance, in addition to culture and language, outside of specialized schools or schools that are geared toward First Nations students. I think that it's paramount to have all students in the province of Alberta learning about our history.



As well I'm curious to know, going back to the October report: are the numbers quoted there accurate, and do they represent an increase or a decrease from past years to indigenous students enrolled in total and the number of band-operated schools versus provincial schools?

Moving on to consultation, I note that there's no Métis consultation policy whatsoever, and I'm curious to know if you'll be developing such a policy and when. I'd like to know, you know, what amounts currently come from each source to fund aboriginal consultation capacity.

Moving to aboriginal women, I note that there's a new line for aboriginal women's incentives and research. I'm assuming this includes the newly announced women's councils. In the previous annual report it states that there was \$545,000 in funding toward 14 projects for indigenous women. If you could provide some clarity on that budget line item. Does the \$604,000 include funding that was under other lines in previous years, or is this entirely new funding in addition to other programs? If it is in previous budgets, under what budget line item were these programs included?

Regarding internal core review, last year I asked when the internal core review, which started in 2011, would be completed and made public. The former minister indicated that it was a work in progress. I'm wondering if you could give us an update. Has the review been completed, and when will it be made public?

I'm going to jump to children and youth in care. Last year I asked what was being done to address the overrepresentation of indigenous children in care. The minister said that he was working with Human Services to develop a strategy. However, we've seen no improvement in the past year and no tangible programs or funding to this end. Can you please provide an update with concrete measures or steps that have been taken? Has a strategy been finalized? Will there be a formal strategy published? I'm curious to know what programs in the past year have been implemented and what plans or programs are in development at the moment.

Moving on, last year's budget estimates accounted for about 114 staff in the Aboriginal Relations department, but now we're up to about 164. I'm just curious where the additional 50 staff were hired and where the additional 31 staff being planned for 2014-15 will be placed.

I see I still have a couple of minutes.

8:45

Jumping to the First Nations development fund – hopefully, I'll get this in in time – it accounts for nearly three-quarters of the money spent on indigenous programs through the ministry. Considering the importance of the FNDF as a source of funding for these key programs, I'm going to talk about this for a second. I note that according to the AGLC website as of March 15, 2014, a total of \$78,555,994 has been distributed to the FNDF programs for a total of 245 grants. This marks a decrease of about 34 per cent from last year and 35 per cent, or 131, fewer grants.

Now my questions. How many grant applications in total were there for each year, 2011-2012, 2012-2013, and 2013-2014? How many applications were rejected in each of those years? What's the ratio of accepted to rejected applications per year? Is the decrease because of fewer applications being made or because of more applications being rejected? Does the department have programs or plans to educate bands about the existence of the fund and how to apply for grants and navigate through red tape? What happens to money in the FNDF if it's not distributed to grant programs in a given year?

**The Chair:** Mr. Bilious, we may continue with this line of questioning, but the clerk brought to my attention that we need to focus on this year's budget. For past years' budgets it's more appropriate to bring these types of questions up in Public Accounts, but I'll give you some latitude. I'll let you go.

**Mr. Bilous:** Thank you. The reason for that is for comparators from previous years to this year, to see, again, what's the cause of the significant drop in the number of bands receiving funding from the FNDF.

Now, according to my time, I only have about 16 seconds, but I'll move on. I note that the Auditor General made recommendations in the past to "formalize and communicate the interpretation of eligible uses" to First Nations to improve . . .

**The Chair:** Thank you, Mr. Bilous. In your race against the clock you were very impressive in getting a number of questions in.

We'll turn it over to the minister and his team for a reply.

**Mr. Oberle:** Okay. You spent some time at the start of your comments on the increase in budget, and it wasn't as much as it appeared. I don't believe I announced anything about an increase in budget, so I'm not sure what your point was there. There is an increase in budget, and it's less than it appears on the surface, but there was no announcement about it, so I'm not sure what you're saying there. But fine; you're right on both counts.

You expressed a number of things that First Nations were frustrated with – insufficient amount of consultation, education initiatives, FNDF, employment, youth in care – but didn't ask any questions about those things until later on.

First of all, the type of aboriginal representation in our department or in the government: there's no goal and no explicit measure of that. We cannot identify individuals as being of aboriginal descent. They may choose to self-identify – and that's fine – but beyond that we don't have an affirmative action program. I think that would be the way to word that. We are starting an internship program, though, in the government of Alberta to place aboriginal interns in government and expose them to government departments and services.

The education MOU and the six-month time frame, the 2013 finalization: what's been done? We signed an MOU in February 2010 that includes a common vision where First Nations students in Alberta are achieving or exceeding the full educational outcomes, levels, and successes. We're focused on outcomes, not on dollars. We did develop a long-term strategic action plan to restructure First Nations' education. The MOU elected officials met on September 24, 2013, and approved the MOU long-term strategic action plan. Treaty 6 chiefs abstained from the vote to approve the plan, and all parties agreed to move forward. We're engaging Treaty 6 chiefs in the design and the implementation of the plan, but whether the communities actually want to sign on or not is theirs. The plan does include an opting-out clause. Right now work is underway to implement the 10 actions in the action plan.

With respect to the October report I'm not sure what report you're talking about, but if that's a government report, I imagine that the number of students within it are accurate. Yes, most of the students are educated under the provincial system. About 10,000 First Nations students are educated under band-run schools.

You're right; we don't have any performance measures around education. I addressed that twice tonight. That is something that I definitely want to work on changing.

With respect to consulting Métis I have made a commitment to the Metis Settlements General Council that we will have a

settlement consultation policy in place by June of this year. They are most concerned that we have one in place prior to next year's drilling season. That will be a big part of it, but it's not complete. There are Métis in Alberta that aren't part of settlements that have a right to consultation. We've also discussed a process to move ahead with the Métis Nation of Alberta, and we've had two discussions with them already.

The program that you talked about, aboriginal initiatives and research, the women's funding, is all new funding. That doesn't come from any line items anywhere.

The core review. I'm not sure what you're talking about, but I think you're talking about the review of our performance measures and business plan. If that's the case, that will be done by December 2014.

Children in care, an update of where we are on that: that is being worked on by Human Services right now. We'll assist wherever we can. We'll provide cultural contact and facilitate meetings with First Nations, but ultimately the children in care policy and framework will have to come from Human Services.

Our climb from 114 to 164 staff. I had that a minute ago. We've added 26 full-time equivalents to the aboriginal consultation office – that's the majority of the additional staff – four to First Nations and Métis relations to look at the economic opportunities initiative, four added to provide support for the First Nations and Métis women's councils on economic security and for research into the aboriginal women's initiative, and one added to communications for an existing public affairs officer position transferred from the Public Affairs Bureau. In '14-15 the total number is 199. Okay?

That is it, I think. Oh, FNDF. Sorry. Did I skip over that somewhere? It's not within my budget numbers here or my business plan, what previous years were. I think what you're looking at in the decrease is third-quarter numbers, and we don't finish paying out till the end of the year. I'm not aware of any decrease in funding levels. In fact, FNDF funding is up this year, and we'll disperse all of those funds. If they're not dispersed, they're held. They don't lapse like government spending. They're held. They do eventually get dispersed. If they're not spent by the end of the year, they will be spent. That's not a program around which you would want to design any kind of an end-of-year rush to spend. They're spent by application, and the funds are held until such time as they're called.

Okay. That's it.

**The Chair:** Thank you very much, Minister.

**Mr. Oberle:** I'm sorry. I might just add to that that we are looking at the Auditor General's recommendations. We accepted the recommendations. We're working on the measures around approval, subsequent monitoring of how the monies were spent, final reporting. Those issues that the Auditor General raised we agree with, actually.

**The Chair:** Thank you, Minister. Thank you very much for those answers.

At this point in time we'll go to our independent. We have Mr. Allen. Mr. Allen, you have 20 minutes. How would you wish to use your 20 minutes?

**Mr. Allen:** Thank you, Mr. Chair. I'll get all my questions out on the table and go 10 and 10.

**The Chair:** All right. Thank you very much.

**Mr. Allen:** Good. Thank you very much. It's great to be here, to have an opportunity to address you in estimates today. First of all, I have to comment, Minister, on how impressed I am with the wealth of knowledge that you've absorbed in your week and a half in the ministry. I also will acknowledge, though, and recognize that your predecessor and the ministry have done some tremendous work in the last couple of years in advancing some important initiatives.

I'm encouraged by what's happening with Métis settlements and the consultation policy with the First Nations, particularly in our riding, in Fort McMurray-Wood Buffalo. Of course, we're centred in the oil sands. I know that industry has advanced a lot in their consultation process, and even though they're not really required to do so, many of them have gotten very good in their Métis consultation process.

You did just mention that you're speaking with Métis nations, and a lot of discussion has been happening. I know that there's a general consensus among many of the Métis locals in my area who believe that it should be a policy that is very much built on the same framework as the First Nations consultation policy. Of course, many of them are finding issues around their traplines and the harvesting policies. The Fort McMurray First Nations 1935 is still working, I guess, with your ministry to try and get their status up so that they can have the harvesting rights again as well. So that was more of a comment, but I'll wait and see what happens with that consultation policy.

8:55

Some of these questions may at this point sound like duplications, but I'm going to read them off anyhow and, hopefully, frame them in a different way.

Many in my constituency say that there's a multitude of issues faced by both First Nations and Métis. One of the biggest is the various groups that get bounced around between the federal and provincial jurisdictions. The result of shuffling is that First Nations have issues in all basic areas: health, education, child care, recreation, culture, language, and access to services. What happens is that many people and children get caught in the middle and do not get any services. Can you tell me what the overarching principles of the ministry are to avoid this?

As well, both Mr. Bilous and Dr. Swann touched on the MOU between the federal government and provincial government for education. In particular, there's the funding gap between – and we have many First Nations students that still commute into the urban centre to get to their high school. Many are staying with other people or renting an apartment, and many families actually even have to relocate off-reserve just so that they can have their education costs covered. Last year during estimates the ministry committed to looking into it. One of the thoughts that we had as well is that, in particular, in Wood Buffalo we know 32 per cent of funding comes from the Alberta government for education costs and the rest of that is done through an education tax levy in property taxes. In Wood Buffalo, for example, 90 per cent of that comes from industry, so a great deal of that's already coming from those that are working very closely with the First Nations, and I think there's a desire to see those costs just covered in the interim even if there's no success between the federal government and the provincial government on the MOU.

Regarding the 90 per cent of Métis who don't live on settlement, many of which are in my constituency, I'm wondering what steps the department is taking to consult with these groups on this "coordinated approach to Aboriginal consultation and land claims [to enhance] resource development certainty." Many are saying that this has been an ongoing thing, that they're talking

about talking, and they want to see some meat on the bones. So I'm wondering if you can comment a little bit further on your approach there.

Getting into the numbers in the budget. Last year the ministry told this committee that the \$25 million in capital was computer equipment that was capitalized. I understand the capitalization of computer equipment, but it does exist in the budget, just showing as ministry support services. I'm wondering if there are additional items in there that comprise that \$25 million, because it is consistent from year to year. Or is it just computers, and is there no expectation that that is going to grow over the years?

As well, the Auditor General found that

the department did not consistently monitor First Nations to ensure [compliance] with reporting requirements.

It also found that

it did not take action to correct non-compliance. [In reviewing] the department's summary of reporting status for First Nations... a significant number of First Nations have not submitted the required reporting. The annual number of overdue reports increased significantly over this time.

What is the department doing to rectify this and create transparency for the ministry? I do note that

the department developed a process to withhold payments for those First Nations that do not comply with reporting requirements. Under the process, the department will send notifications to First Nations to follow up on overdue reports. [But if] the First Nation does not comply, the department will withhold future payments. It has been applying this process and the number of outstanding reports has decreased.

But there are still outstanding reporting issues, that have not been addressed, with the process. What is being done to ensure that complete and accurate reporting is taking place?

As well, "the department may also inconsistently award projects or inadvertently approve projects that do not align with program objectives." That was in a previous report as well. What has the department done to change this? What are the steps that have been taken to ensure compliance? Other departments that have been audited by the Auditor General have shown that this can lead to both wasteful spending and questionable activities. So what are we doing to avoid that in the future?

I had a number of other questions. They seem to have been already asked. I will add a supplemental on this, and that's regarding the results-based budgeting. As far as performance measures that are going on there, what improvements have you found in the results-based budgeting process, and are aboriginal communities and groups engaged in that process as well?

Thank you, Mr. Chair.

**The Chair:** Thank you for that line of questioning, Mr. Allen. We'll turn the table over to the minister and his team.

**Mr. Oberle:** The first question that I got out of that was the jurisdictional difficulties we have when it comes to the gaps that get created, that whether they're in health or children's services or education or wherever else, children tend to fall through the cracks, and what is the Alberta policy? We do provide children's services on-reserve. That's on a contract with the federal government. We kind of cut it off at adult services, and there's a little argument there. The federal government says that they're not responsible for that, and we think they are. This is kind of the newer approach, I guess, with the Alberta government in that last year, when I was associate minister responsible for disabilities services, my argument was: why don't we just do it and figure out later who's responsible and how much, if anything, the federal government's going to pay? Are these people not Albertans?

One of your parties took a swipe at the PDD budget today. I think you should have a really close look at it. I'm absolutely 'astatic,' as my children used to say when they were little. I'm 'astatic.' Very strong budget support there, including funding for a foray into delivery of services on First Nations reserves for adults. Our policy with children is absolutely consistent with Jordan's principle, out of Manitoba, which is: let's just do it and figure out how to pay for it later. That's very much what we did with flood funding this year.

With respect to the funding gap your discussion led up to the point where we said: let's just cover them and see where we go from there. That's the right thing to do. I at one level agree with you. It is the right thing to do. There are some difficulties in doing that. We got a very strong, strong lecture from Treaty 6, for example, which was to stay the heck out of their constitutional relations with the federal government. It is not our intention nor would it be productive to invade that relationship. We wanted to enhance what happens there already. Since then the federal government looks like they have completely invaded the space and, as I said before, we'll be talking to the minister about that this month. I don't know where that's going to wind up with the minister. I could maybe get a little bit frustrated that we weren't consulted on this or didn't take part in the drafting of that. I don't really care.

I think it's very exciting that the federal government is excited about education. They've talked about forming school boards, which removes the control of the school and its funding from the band and places it under a school board. They've talked about certification for teachers, not a huge issue in Alberta, but it does happen. They're not required right now to have provincial certification – in most places in Alberta, I have to say, they do have provincial certification – but they will be required to follow the Alberta curriculum. They will have mandatory attendance, as we do in our public school system. The federal government is interested in education. Well, I'm very interested in talking to them about that. I think together there's a lot of good things we can do. I'm not going to start that conversation by pointing fingers and saying: yeah, but you didn't consult with us on this particular piece.

The Métis that don't live in settlements – as I said, I've had two conversations now with the Métis Nation of Alberta. There was a pretty strong difference of opinion about what traditional rights exist on the landscape. There are a couple of court cases that have sort of framed that a little better for us. We're in the middle of a pretty productive conversation about process now with the Métis Nation, where before they were very standoffish, let's put it that way. So we're going to move ahead aggressively with the Métis.

The settlements policy will be easy to clean up, in my estimation, and they're very excited about it. We'll have it out of the way by June. I want to have the general Métis consultation policy done this year as well. We will frame that within the aboriginal consultation policy. They're derived in many cases from the same origin. They will be done within the policy. There are obvious differences, but we'll stay within the aboriginal consultation policy.

**9:05**

The \$25 million in support services, I think, is \$25,000, if I'm not mistaken. We might have a mistake there.

The comments by the Auditor General about the First Nations development fund: not monitored and no actions taken to correct noncompliance. You'll recognize that we're talking with essentially another order of government here, and our powers of persuasion are limited sometimes. We do have a way to withhold

funding, obviously, and the funding is very important. It does a lot of good work on First Nations reserves, and I need to make that clear. Despite the fact that there were issues that the Auditor General pointed out, this money does a lot of good work on First Nations reserves. So I am very much supportive of that. We do have processes in place to correct noncompliance, not just withholding of funds, which is the stick sort of thing, but capacity development work. There are not a lot of people in these communities that have project management experience, for example, and they shouldn't always have to go outside the community to hire that. We're providing funding for training in communities about project management and allowing them to manage these projects through and do the compliance reporting and all those things. I think we're getting better there.

Then, finally, the results-based budgeting process. We've been involved in all three cycles, so we had some recommendations that came out of it. The urban aboriginal initiative, which was asked about earlier: we're to continue undertaking collaborative approaches to increase the participation of urban aboriginal people in the development, design, and delivery of programs, not just setting up programs for them to access.

With respect to the protocol agreement we're to continue to build strong relationships with First Nations by extending the protocol agreement, which we've done. We're working now at the treaty level, under the umbrella of a continued protocol agreement. We're trying to tailor it to each of the three treaty organizations. Productive discussions with Treaty 7 and Treaty 8. Treaty 6 not so much right now, but we'll get there.

With respect to Métis relations: restructure the grant contribution agreement for the Métis Nation of Alberta. That conversation is already under way. Align the framework agreement with the framework subagreements held between the MNAA and other government departments to ensure that they're meeting the intended outcomes: work there.

Then with respect to the First Nations development fund: encourage First Nations to target more strategic long-term outcomes – that conversation is under way – further develop best practices, use liaison officers to co-ordinate delivery of other complementary ministry or other GOA programs, and improve the way grants to First Nations are distributed.

With aboriginal partnerships utilize GOA networks currently available to meet increased demands: this will be accomplished by increasing communication and collaboration. Broaden relationships and networks: there's a theme emerging here. We're all about relationships and networks.

Policy and planning: develop a formalized exchange program to provide opportunities for Aboriginal Relations employees to work in the policy and planning area. Establishment of an aboriginal policy information-sharing discussion group: that's done. We talked about that.

Creation of a ministry performance measurement framework: that work is under way.

The Métis settlements land registry: review and improve Métis settlements land registries, admin policies and procedures. As you can see, there are a number of things that have emerged from results-based budgeting that we take, clearly, to heart.

The last one, with respect to resource management and environmental stewardship: develop an outcome, focus the RMES results-based performance management system. There is lots of reform work and lots of review going on as a result of the Auditor General's comments that were referenced earlier and as a result of the results-based budgeting process that we've undergone here.

I've said it a few times tonight. I'm absolutely in agreement with those of you who criticize or at least comment on our

performance framework. It's always a trade-off, one that I've never been comfortable with, actually, in that we do very concise, short business plans because there are 20-some of them that have to go into a binder. I really like to be measured in our performance, and I think this ministry does some fantastic things that really should be measured. But, overall, it still falls back to "what are the outcomes in the aboriginal population?" and not on all the great things that we do. What are the outcomes for students' health, all those things? So yeah, absolutely. I'm absolutely onboard with anybody that would criticize our performance measures. They have to be better, more meaningful.

**The Chair:** Thank you very much, Mr. Minister.

At this point in time we turn to the government caucus, the PC Party. I understand there may be a couple of members who will have a line of questioning. I'll go to Ms Calahasen. I understand you're first up on the roster. Is it your choice to engage with the minister, or are you going to go 10 and 10?

**Ms Calahasen:** Ten and 10 would be great.

**The Chair:** Thank you very much. You may proceed.

**Ms Calahasen:** Thank you very much. First of all, congratulations to the minister for being named the minister. I'm really proud of the fact that you're from northern Alberta. So thank you. Thank you also for travelling all around the province meeting with all the First Nations and Métis communities. I think that's how you build relationships, and that's really a plus for what you have been doing. I know it's a little ministry but mighty, and I know how committed your staff are. I know how hard they work and how they have done so many things, so I'd like to give you kudos on a number of fronts.

First, the Métis consultation, which the previous minister said he would do, and I see that's on the move, so thank you very much; the women's initiative, which I know is committed, and that's also on the go; and, of course, the Métis settlements agreement, which was something that needed to be done. So thank you very much for having the heart to be able to finish some of those.

I'm happy to see that you have some increases, however small. Even though you have increases, I was really concerned that there was no line item for native friendship centres. They've been asking for funds for so long. They are the first point of contact in many of the communities. If it wasn't for the friendship centre here in Edmonton when I first came and moved to Edmonton as a small-town girl, I probably would not have made it to the point where I am now. So I'm a strong advocate for friendship centres. They really do help aboriginal people when they are displaced and when we find that there are no friends around. I would like to encourage you to continue to see how you could please – please – add some dollars to them so that they can continue the good work that they've been doing.

Now, on to questions. I look on page 21, and I see consultation and land claims, and you explained some of those, some of the dollars and what's going to happen there. There has been a little increase there on the operational expense, page 21. I see few dollars added to that, yet we have a lot of outstanding land claims. Does this mean that those land claims will not be finalized in this coming year? Is that the intent? Or is it going to be an emergency funding that you'd have to go for should there be a land claim that has to be settled? That's my first question.

Now, when you go to the Aboriginal Relations annual report, on page 13 you will see under 1(a) the number of aboriginal strategic economic development initiatives, partnerships, and capacity-

building projects. I want to congratulate you for achieving from 34 to 49. I know there had been a lot more previous to 2006, so I'm just wondering if that has changed and how it has changed to be able to ensure that it's more meaningful.

When you continue on in the Aboriginal Relations report, you will see on page 21 the MOU on First Nations education. I know a lot of people have asked this, and I know how interested you are on the educational front, so one of the questions I have here is: where are we with the work that was being done to find out what the gaps were between the federal and provincial student funding? Where is that at the moment? I know there was a lot of work being done on that, and I just want to see what kind of measure you have placed on that to see how far we've come. That's a huge issue when we're talking about the gaps in educational funding for students.

On the second component under education, Northland school division is the only aboriginal school division. What positive role is Aboriginal Relations playing to see this school district become viable and to support it? It is the only aboriginal school jurisdiction in the province.

9:15

As well, on page 21 you'll see the aboriginal workforce participation. I'm so happy to see that. This is one of the key areas in implementing Connecting the Dots. As you know, Connecting the Dots was supposed to be able to bring recommendations to the table on how we can connect those dots for the aboriginal community, but it somehow has lost some dots along the way. My question is: when we're looking at the gaps in educating adult people, what are we doing to ensure that they are not experiencing those employment barriers in all job areas or even in the gap from high school to even colleges or universities? What are we doing to be able to connect those dots for the aboriginal community?

When you go to page 22, you'll see that you have, again, Connecting the Dots. I know that there were a lot of recommendations in Connecting the Dots, so I'm going to ask: what is your department doing to work with the ministry that is responsible for skills and jobs – is that what it would be? – to help those who can't get those jobs that we say they're supposed to be ready for? Can you tell me what your department is doing to be able to ensure that that job readiness is going to occur?

On the same issue, people in internship projects. I know that Aboriginal Relations was involved in making sure – and somebody else asked this – that aboriginal people would be able to also find opportunities within government. That was a project that you'd been working on or that your department had been working on. I want to know – and I think it was the NDs that were asking – how successful you were, and was it more difficult than we had anticipated? What were the concerns that you couldn't overcome to be able to ensure that there would be opportunities available, not necessarily just numbers but opportunities?

The other thing I'd like to mention at this point is that I'm really pleased to see that you have an acting ADM who's aboriginal. It's the first time – well, it's the second time it's happened. One was Cliff. And I'm really proud to see that it's also a female. Whatever you can do to advance that, that certainly would be a number I'd look at.

Thirdly, the last portion is on page 26, the consultation policy. I know how hard your previous minister was working on this one because it is a tough file. My question is: what impact will the proposed industry levy for capacity funding and public disclosure of agreements between industry and First Nations have on (a) First Nations, (b) on Métis settlements, and (c) on Métis generally?

What performance measures will you be using? Will it be qualitative or quantitative?

That's it.

**The Chair:** There's a little bit of time for Mr. Casey. You've got two minutes if you can get a question in fast.

**Mr. Casey:** Certainly. I've got just a couple here. In the business plan on page 6 it states that "a new focus for the ministry is Northern Alberta" and that the Northern Alberta Development Council will be, basically, the tool that will be used to deliver that. That line only increased by \$42,000 this year, and it hasn't increased in the previous two years. It seems difficult to refocus efforts in northern Alberta with \$42,000 being the total increase there, which is barely the increase in inflation.

On the same page in the business plan under flood recovery we talk about: rebuilding efforts will include skills development opportunities. I'd like to know what that number looks like. Is that included in the flood recovery numbers, or is that a number that is included in one of the other budget lines?

The last one. In the estimates you show that there's \$191 million in forecast revenue for 2013-14. My understanding was that that was coming from the federal government. It's forecasted for this year. How confident are you that that money will actually show up given the fact that the federal government is roughly seven years behind in paying us for the last flood recovery efforts that we had in Alberta?

Thank you.

**The Chair:** Thank you for those questions.

We'll turn it over to the minister and his team.

**Mr. Oberle:** Okay. I'll go back to the start here. With respect to the friendship centres the 700-odd thousand dollars – I think it was \$747,000 or something like that – is operational funding. I need to stress that the friendship centres are eligible for grant funding for programming and services that they provide, and they do frequently access grant programs that we have. Yes, that operational money is the same, but they're still eligible for grant funding.

The question on land claims. It's zero because we have none expected this year. I don't think there will be any finalized in this budget year. We can treat that with a supplementary estimate if we need to, but we're expecting it to happen next year.

The education gap. There was some work that was done on education gaps and how much the gap is. There's not necessarily an agreement on how to identify that. Obviously, the school divisions out there in deep and isolated rural Alberta have much different challenges than other school divisions do. The argument has probably been taken away from us by the fact that the federal government has now invaded that space, for which I'm very happy. Now we can talk about how to enhance and talk about how we focus on the student outcomes and forget about gaps. I think we went at least some ways down a road that, in retrospect, we didn't need to. Of course, we didn't know that at the time. That will be part of my conversation with Minister Valcourt this month.

The Northland school division, the only aboriginal school jurisdiction. There are, of course, band-operated schools, which are other aboriginal school jurisdictions in Alberta. I was pretty supportive when Minister Hancock quite a few years ago as the Education minister sort of took apart the Northland school division and put together an inquiry report. In my estimation, the organization is still not as focused on student outcomes, at least as their initial priorities, as I would have liked to see, but we are

absolutely making progress there. I understand the plan is to go back to a school board, and that would be positive.

With respect to Connecting the Dots, that was an engagement process to provide for meaningful conversation with First Nations and Métis across the province. The recommendations concluded that Connecting the Dots is really about a different way of working, that government departments needed to work together differently, more collaboratively. It wasn't a program with staff and dollars. It was about changing the way we work with each other and with First Nations and Métis partners. The key recommendation was the development of an aboriginal workforce strategy. This has taken a long time because all partners are included: treaty organizations, Métis organizations, First Nations communities. It took a long time to get everybody lined up, but we did publicly report on that in October 2013, so outside of this budget year.

The question about aboriginal people finding opportunities in government. I did mention that we have an internship program, and we are certainly absolutely open. We don't have an affirmative action program at this time. I'm every bit as excited as you are that we have a female aboriginal ADM. Actually, we have a whole bunch of great people in our department, that I'm most proud of, absolutely.

The consultation policy and with respect to disclosure of agreement. Part of the problem is to make sure that Alberta assumes its constitutional responsibility to ensure meaningful and adequate consultation, and we want that to be focused around consultation and not money. We don't begrudge; in fact, we encourage that the First Nations communities or Métis settlements under the Métis consultation policy form agreements with industry, but we want those agreements quantitatively disclosed. They will be summarized by region without names, community or industry names. Those agreements should be about economic opportunities, and I want to see that happening.

9:25

I could tell you a story, but my staff are going to swat me if I do because I repeat it everywhere I go. Really, I think that if you were an energy player and you were going to develop a pipeline through the city of Calgary tomorrow morning and you announced at the onset of that large project that you weren't planning to hire any local contractors or employ any local tradesmen, you probably wouldn't get very far. I think that in some respects there's a parallel with our aboriginal communities out there. We can do a better job of engaging them and providing them with economic opportunities out there. So there. I said it, and nobody swatted me.

With respect to the Northern Alberta Development Council and their new focus on the north, the Northern Alberta Development Council is not a service provider in that respect. It's a consultation group that we bring together to learn about the north and to inform our policy about the north. They do provide some services; for example, bursaries. The chair of that organization is madly waving at me over there to make sure that I identify her as the chair. She has done some great work in that regard. We just held an elected northern leaders conference in Athabasca last Friday, and that will lead to the development of a more focused northern development strategy.

The NADC is a lot about dialogue and relationships, too, and funding is not necessarily the key there. The bursary program is very important, and it's fully subscribed in the north.

The flood recovery/skills development opportunities. That is another reason why – as I said, I've never made a comparison – I think that probably the flood recovery funding is higher on a household basis. So there's another reason. We're going to

translate that into an opportunity to allow for some training and skills development in the communities, and hopefully those skills are transferable elsewhere.

Some of the communities down there – for example, I was in Kainai last week – kind of have a full modular housing factory that can build full three-bedroom houses, roll them out the door, and they have been moving them onto their own sites. In fact, they're building a multiple-level townhouse kind of development in there as well. Obviously, they need skills and skills development to do that, and they're going to be able to do that in their own communities in support of developing their own homes. So we're kind of excited about that.

The last question I had was on the \$191 million in revenue from the feds. We're assuming that that appears in this year, and if it appears as revenue this year, then it lapses at the end of the year. It just wound up in my budget, and we didn't spend it. So that's the accounting treatment here. If it doesn't appear this year, I guess we have accountants that will have to give it a new treatment, but we're assuming right now that it is going to appear. Another topic of conversation I'll have with the federal minister.

There are outstanding claims from some years ago. There will be outstanding claims from this flood as well. They have a pretty thorough flood recovery/disaster recovery program, and there's auditing of meeting the criteria and all that. In this case, this is actually a federal jurisdiction that we've just invaded because we want these Albertans to be in their homes as soon as possible. Our indications from the federal government are very positive. Obviously, we'll have to pass their criteria, and it's not a blank cheque. No government gives anybody else a blank cheque.

What we wanted to avoid was that more than two years ago now flooding in Manitoba absolutely devastated a number of communities and in that case a number of First Nations communities. There are still families today living in motel rooms hundreds of kilometres away from their First Nations community, and nothing has been done. We want to avoid that. In Alberta that's not acceptable, and that's what we've said. It's not a criticism of the federal government or anybody else. It's not how we're going to do things in Alberta; that's all. So far we've had nothing but support from our federal government partners. As I say, I'll take that up with the minister when I meet him at the end of March, but I don't expect it to be a difficult conversation.

**The Chair:** Very good. Thank you very much, Minister.

That completes the first portion of our questioning for main estimates.

**Mr. Anglin:** We're halfway through.

**The Chair:** We're a little more than halfway through, Deputy Chair. Thank you very much.

At this point in time we revert in order so that we'll have 10-minute intervals or five and five, depending on your choice. I believe the deputy chair has informed me that Mr. Hale will begin the line of questioning.

Mr. Hale, do you prefer to do five and five or have a 10-minute dialogue with the minister?

**Mr. Hale:** Let's have a 10-minute dialogue.

**The Chair:** Sure. Okay. Very good. Thank you, sir. Proceed.

**Mr. Hale:** Thank you, Mr. Chair. Thank you, Minister. I'd like to talk about priority 2.5, the consultation. You had mentioned that you're having a one-week turnaround and that you're caught up with most of them up to January 21 and March 6. Now, I've been

in consultation with numerous energy companies, and they're kind of disputing your claims of the one-week turnaround. I'm wondering if you're catching up on the backlog now, because we're going into breakup. You know, the companies are starting to shut down and prepare for their summer drilling seasons if they are going to drill in the summer.

When these companies are applying, they come to the consultation office to find out who they have to consult with. Then they go and consult with them. They have time to do that. Then they come back to get their adequacy letter. When they apply for their adequacy letter, then those First Nations groups have five days to get back to you and say that they've fulfilled all their obligations. Now, to have a one-week turnaround – they already have five days, so if they take their full five days, that only leaves two days. I'm just wondering if you can kind of clarify that and explain how you're saying now that this has been solved when I'm hearing from industry that there's so much inconsistency, that they're not sure when they're going to get their adequacy letters. That's what they're telling us, that it's taking a month to get the final process approved.

**Mr. Oberle:** Thank you for the question. You know, I'm going to turn this question over to Stan Rutwind, ADM responsible for consultation, guru of all things consultation, and ask him to respond to that.

**Mr. Rutwind:** Thank you very much, Minister. In terms of consultation we took over, I guess, consultation from the part of ESRD that had been dealing with it. They had been faced with a very significant backlog, a backlog in excess of 1,200 or more applications at various stages, probably roughly half in terms of the input where these are preconsultation assessment requests and also probably around half of the adequacy determinations.

Part of that was, I guess, of industry's own doing. They had some concerns. They knew there were some changes coming in terms of the policy and so on. They wanted to get their applications in. In any event, what did occur is that there was a tremendous backlog that was created. When we took it over, one of the highest priority things we did was begin to work on the backlog. One of the first things that was done was setting up priority lists, priority lists with an individual company and also with CAPP, to try to move those through. In fact, the priority lists were effectively done, I think, certainly by the early part of March or even the end of February. Indeed, what we did is that we had calls that were taking place between the government, CAPP, and EPAC. We were having calls on a weekly basis that were no longer required by the beginning of March based on industry comments.

The most recent information that we have is that, in fact, about two weeks ago they were entirely caught up in terms of the backlog and also in terms of the priority lists and were essentially dealing with things that were on a current basis, so a week or two, basically. They ended up getting a number of fairly significant files, so things have come to a situation where they are today. I'll give you the report as of yesterday. We get sort of a status update report. This was March 17, about midday. It talks about the number of preconsultation assessment requests: we are currently processing these requests on the same day they are received.

In addition, in terms of consultation adequacy summaries, we're dealing with them, depending on circumstances, as between January 21 submission and March 6 submission, depending upon the region of the province. Also, there are some extended dates for some consultation summaries that require a complex and extensive review of the applications that are being processed in

the northern region, and additional resources were being allocated to those areas. That's the most recent information we have.

9:35

In addition, there was a serious staff shortage that we identified. They simply did not have the capacity to handle the heavy load that was coming in at the time, and Aboriginal Relations, upon taking over direction of the people, began staffing up the lower echelons. There were some 34 FTEs available in the units from ESRD, and we began staffing them up as quickly as we could. My understanding is that we're pretty close to full staffing at the lower echelon.

We'd also created a new position, being the executive director position for the aboriginal consultation office, and Lawrence Aimoe, a former RCMP officer of high rank with 29 years of experience and also a Métis person, has joined us and has begun basically setting up his own reporting levels. In fact, we're hiring to those positions, in effect, as we speak right now. The whole intention of this is that we don't want to find ourselves in the same situation that we found ourselves in in the past year, where there was a fairly big load, the lack of capacity to handle it, industry firing in lots of applications. So what we are doing is that we are staffing up significantly.

In addition, we will be taking on greater responsibility for consultation matters in the sense that the Crown will be taking a greater role for the highest level or the most complex files. We've been asked by industry and also by First Nations: what about all of this? Where is the Crown? Why is the Crown effectively delegating everything except the preconsultation assessment and also the adequacy determination? So we'd asked for a significant number of FTEs, and those were the 26 that were indicated.

**The Chair:** Mr. Rutwind, I'm loath to interrupt you, but in the course of the procedural rules your five minutes to speak to the question are up.

Mr. Hale, you have an option of asking another question.

**Mr. Hale:** Yeah. I have another.

**The Chair:** Okay. Terrific. I'll turn it back to you, Mr. Hale.

**Mr. Hale:** In your priority 2.6 it states: "Support alignment and harmonization of consultation services with the [AER] and the Integrated Resource Management System." When you talk about harmonization, it's been mentioned to me by quite a few companies that what they would like to see is that while they are doing their adequacy First Nations consultation, they would like to start the process through the Alberta Energy Regulator. That would shorten up the completed time frame because now they cannot apply through the AER until they have their adequacy letter from your office. I'm just wondering if you're looking at some sort of harmonization like that, that these companies could go start their application process while they're doing their First Nations consultation so that when the consultation is done, they're already well on their way for getting approval, which would substantially decrease the time that it's taking these companies to get their applications approved.

**Mr. Rutwind:** If I may, Minister. Yeah, this is a fairly complex area. One of the key things that we identified that had to be done right away was the link between the Alberta Energy Regulator and also the aboriginal consultation office, and we have begun working on that in collaboration with them. There was a ministerial directive that was signed by then Minister Hughes in November of 2013 setting out the parameters of this arrangement.

In addition, as you're aware, the AER is not able to do adequacy determinations, so it requires some level of co-ordination. We are now in discussion.

**Mr. Hale:** But what I mean is that they don't do the adequacy. You guys still do the adequacy with the First Nations consultation but allow the companies to start their application procedure, and then that approval of the procedure would be based on them fulfilling their adequacy and receiving adequacy.

**Mr. Rutwind:** Right. This is something that had been looked at, I think, for some significant period of time. The way we're looking at it now – and we still have to finalize some things, and it has to go up the chain. We're in constant discussion with the AER as to what would be the best situation for this kind of thing to occur. Understand as well that consultation for the most part is already done long before the applications are filed.

**Mr. Hale:** That's because they have to.

**Mr. Rutwind:** Well, they have to, but it's not just the aboriginal consultations. It also deals with directive 056, which comes from the AER and through the ERCB, in which you've had to have your good-neighbour consultation in advance in any event.

**The Chair:** Mr. Rutwind, I'm going to have to cut you off there. Sorry, sir.

Mr. Hale, thank you for that line of questioning. I know it goes fast, but our 10 minutes are up.

The Liberal caucus is up next. With your line of questioning, Dr. Swann, may I say, you can proceed with the five and five, or you can proceed with a dialogue with the minister.

**Dr. Swann:** I'll have a dialogue since I don't have too much left to say.

**The Chair:** Okay. Thank you, sir.

**Dr. Swann:** I attended the Congress of Aboriginal Peoples meeting in St. Albert last week and heard some pretty sad stories from First Nations people who asked some tough questions of their own people at this gathering. Although the Congress of Aboriginal Peoples has been going since 1971, 43 years, they still don't have an affiliate here in Alberta, but they do want to be a focus for advocacy for First Nations both on- and off-reserve.

In looking at the budget, there was some new funding in aboriginal services, and one of the questions that came up at the meeting was on how this might translate into better funding for front-line services and front-line service workers. They complained that the salaries for front-line service workers were, they felt, discriminatory and made it difficult to find good people and to maintain good employees in some of the services on-reserve, and off-reserve in this case in St. Albert, in the addiction services and the child care services and a number of the services that they provide. Do you have any comments about salary equity or moving towards a common basis for these across the human services?

**Mr. Oberle:** Sure. I don't off the top of my head know where the other ministries stand. You will know that we discussed on a number of occasions, in a number of forums last year that there was a funding gap for front-line service workers. You'll know that I tackled a portion of that in disability services last year. There again, I'm just green with envy looking at the disabilities services

budget this year and that they made a very, very significant step towards closing that funding gap. I'm just ecstatic.

That has been a problem. We committed to fill it. I know that we've done so in disabilities services. I can't comment on the other front-line agency workers that are out there, but we did identify numbers for all of them. I know that much.

**Dr. Swann:** Thank you.

With respect to casino funding, does your ministry come to any policy decision around how and under what circumstances it supports or doesn't support the development of casinos on reserve?

**Mr. Oberle:** Yeah. The regulation of gaming, in particular casinos in Alberta, is certainly under the purview of the Alberta Gaming and Liquor Commission. As I said, one First Nation committee approached us last week. A number have hinted about their desire to talk about it. We haven't set anything up, but one particular community laid out some numbers for us last week that are quite different from the numbers that I'm familiar with from the AGLC. As a former Solicitor General I was once in charge of the AGLC. We will be facilitating a meeting between the community and the AGLC to talk about their numbers versus their numbers and whose statistician is bigger than the other statistician and those kinds of conversations.

I am in support of First Nations casinos, first of all, because of the First Nations development fund and the great work that that does, but only inasmuch as they're sustainable. The AGLC, of course, thinks that we're kind of at the limit of the casino market here, which is why they've established a hold on new licences. But I'm absolutely looking forward to the conversation, and, you know, without prejudging where it goes, I'm certainly willing to facilitate it and to dig into the numbers. Absolutely.

9:45

**Dr. Swann:** Can you describe the proportion of revenue from First Nations casinos going back to First Nations relative to the proportion of casino money off-reserve that goes to the communities? Is there any relationship?

**Mr. Oberle:** I can't. We can tell you what the total First Nations development fund money is because that's the only money that we touch, but certainly that's a question for Treasury Board and the Minister of Finance. I believe the AGLC now falls under that. They'll have the total numbers in their budget.

**Dr. Swann:** Is there a relationship between the amount of money you bring in through the AGLC and the investment you make in rehabilitating problem gamblers in First Nations communities?

**Mr. Oberle:** Yeah. You'll certainly be outside of my jurisdiction now. I recall that there was one. I can't speak to how much is dedicated towards problem gambling in any particular community. I would strongly urge you to ask the Treasury Board and Finance minister about that.

**Dr. Swann:** Thank you. Thank you, Mr. Chair.

**The Chair:** Thank you, Dr. Swann.

That moves us along to the NDP. Mr. Bilous, you now have 10 minutes to ask questions. How would you like to . . .

**Mr. Bilous:** I'll engage in a dialogue with the minister.



**The Chair:** Okay. Thank you. Please proceed.

**Mr. Bilous:** Thank you, Mr. Chair. A handful of questions here, Mr. Minister. I'm just going to read, under goal 1 in the business plan, here. My first question is going to reference it.

By building relationships with other ministries, Aboriginal communities and organizations, industry, governments and other partners, Aboriginal Relations strengthens economic and social opportunities for Aboriginal people in Alberta. Aboriginal Relations provides advice, guidance and specialized knowledge to other ministries, governments and industry and collaborates with Aboriginal communities and organizations to support skills development.

Now, Minister, earlier you mentioned that there is an aboriginal internship program that's just starting up, which I'm happy to hear. Earlier tonight I was asking about the number of aboriginal peoples that work in the various ministries that the government has. I understand and appreciate that, you know, at the moment there is no affirmative action strategy and that individuals self-identify, but I'm just curious if your ministry does in fact track how many self-identified aboriginal peoples work in the different ministries and if that's something that you may look into.

**Mr. Oberle:** We don't currently track that. I will look into it, but we'll be pretty mindful of – I think you're bordering on invading-privacy issues there. I'm not sure. I will certainly have to check. I have no problem investigating that question. I don't know whether I can provide numbers, though. I don't know right now.

**Mr. Bilous:** Okay. Fair enough. Obviously, I mean, where I'm coming from is just – if we want to again ensure that, you know, we're building relationships, I think it's important to have people from all different walks represented in the ministry.

**Mr. Oberle:** I take no offence at your question whatsoever. I agree with you, actually. I just don't know what information we can keep and report on.

**Mr. Bilous:** Fair enough.

A question. Earlier another member asked about the progress in Northland school division, and, Mr. Minister, you had said: well, "we are . . . making progress." I'm just curious to know if and when the ministry will be turning autonomy back over to an elected board in Northland school division and if you have any . . .

**Mr. Oberle:** I believe that's the plan. I don't know the time frame on that. I invite you to ask the Minister of Education that question when he's in. I believe that's the plan. That's all I can comment.

**Mr. Bilous:** Okay. Thank you.

Moving on to education, actually. Earlier I touched on all the different aspects that, you know, many aboriginal communities have talked about, that they'd like to be involved in the curriculum. Now, I know that the Minister of Education or the ministry is rewriting the curriculum design, and I'm just curious to know what involvement your ministry will have, whether it's resources, people, expertise, et cetera, in the curriculum redesign.

**Mr. Oberle:** I can't comment on the overall curriculum process. That is certainly an initiative of Alberta Education, and I invite you to ask the minister those questions. There are some specific pieces – and you touched on some of them in your earlier comments – that I'm going to kind of leave a little bit until we get through the Truth and Reconciliation Commission, but we have been intimately involved in the construction of those. You'll recognize, of course, that we can't just come out and say: now

we're going to add this, this, and this to the curriculum, and all is good. There will be a development process there. That will go right back to First Nations and Métis communities. That's where that information comes from.

**Mr. Bilous:** Okay. Has the Aboriginal Relations department been invited to the table for – I mean, it's K to 12 that's getting redesigned. I'm happy to hear, Minister, that, again, what's included in the curriculum when we're talking about aboriginal perspectives should in fact come from the aboriginal community directly, and I do appreciate that. Again, I'm just wondering if the ministry has been invited to be at the table or has an official role.

**Mr. Oberle:** On the piece that I'm talking about, on history and other aspects related to First Nations in Alberta, we have been not only consulted; we've been at the table as advisers at this point. I'm not involved in the curriculum design process, and I can't comment on who's on the task force or anything else. As a department, no, we're not involved on that.

**Mr. Bilous:** Okay. Thank you.

I'm going to jump over just to talk about consultation. I think I have a few minutes left. Now, the consultation levy act came in last year, and again, you know, part of the frustration was that there were many aboriginal communities that weren't consulted about something that applies to the budget and projects. A concern that we raised was the arbitrary timelines and the fact that it's the consultation office that assesses the adequacy of consultation. One of my concerns, then, and the question I'll put to you, Minister, is: what if First Nations feel that the consultation is inadequate but the office has ruled that it is adequate?

**Mr. Oberle:** There are appeals of that. There are judicial reviews. There are whatever processes exist today. What I would say to you about the timelines: maybe they're aggressive. We'll certainly understand that more when we come out with the draft policy, that would include amounts and where funding would go and that sort of stuff. So far I've been out there openly and freely talking about the development of matrices and the development of the levy funding framework and the timelines associated with those, and I haven't got any serious concerns yet. We'll see when we get them out there. There's obviously a big consultation piece there that will go out to each of the communities. We'll see what happens when we get it out there.

**Mr. Bilous:** Okay. Has there been any push-back from any First Nations? Many that I've spoken with over the last year have numerous or several applications on the go. You know, I appreciate that the spirit of the levy act was to help them address when there are multiple consultations happening simultaneously and they have limited resources, especially human resources, to deal with the applications. Again, I appreciate the spirit of the levy, but from the conversations I've had with different groups, some of them actually receive far less for consultation resources than they did prior to this act. I'm wondering: has there been push-back?

**Mr. Oberle:** They're not receiving anything as a result of the act. We are not collecting or distributing any of the levy right now. What they're receiving right now is from our consultation funding, that we've always had. There's a concern because they don't know how much money is involved. We'll go out there with a framework on a draft basis and talk to them about that. I think that concern is likely to go away. Our objective here is to meet the Crown's constitutional duty to provide meaningful and adequate

consultation, and the levy act is in place in order to ensure that the First Nations are kept whole for the costs that they incur in doing those consultations. That's the capacity that they have and that they need to develop in order to be at the table and be consulted. We haven't put the framework out there yet. I think we'll be okay.

**Mr. Bilous:** Okay. I'm going to move on for my last, probably, minute here.

**The Chair:** Mr. Bilous, if I can just remind you, we're in estimates and we're doing budget. If you can tie your question into that line of context, it would be much appreciated.

9:55

**Mr. Bilous:** Yes, Mr. Chair. Thank you.

The Tribal Chiefs Employment and Training Services Association is working with the government and industry to improve training and employment for northeastern Alberta. In 2013-14 the ministries of Human Services, Enterprise and Advanced Ed, and Aboriginal Relations partnered with TCETSA to provide one-year pilot funding to launch the four-year northeast Alberta apprenticeship initiative. I'm just wondering, and I'll just ask you these questions in a block, if I could. It's all about this. Has government funding been extended for the pilot program? What in-kind supports is the ministry providing, and will they continue for the full four years? What's the exact amount of funding being provided by industry? How many indigenous people have enrolled in the program to date? Will the government be providing an evaluation or analysis of the pilot project?

**Mr. Oberle:** Okay. Aboriginal Relations partnered in that initiative and, again, facilitated it. I believe we provided some money. Human Services was in with the majority of the money, and they do the training programs and that. I'm sure the Minister of Human Services will be able to answer those. That's where the program resides. As far as I know, the funding continues, but I can't comment on that right now. I would invite you to ask Human Services.

**Mr. Bilous:** Okay. Do you know if it has been extended past the one-year pilot?

**Mr. Oberle:** I don't know.

**Mr. Bilous:** Okay. Thank you.

**The Chair:** Thank you very much, Minister. Thank you, Mr. Bilous.

Next in our rotation is Mr. Allen. Mr. Allen, do you have further questions?

**Mr. Allen:** No. I'll defer to you. I understand there are only three minutes left.

**The Chair:** Okay. Thank you, sir.

**Mr. Hale:** I'll take his.

**The Chair:** Actually, Mr. Hale, I do appreciate your enthusiasm, but we do have a rotation that we're obligated to follow.

I believe that Mr. Goudreau from the PC Party has some questions.

**Mr. Goudreau:** Thank you, Mr. Chair.

**The Chair:** Mr. Goudreau, before you start, I just would like to know if you'd like to have an ongoing dialogue. You have approximately five minutes. You could split that time.

**Mr. Goudreau:** We can go back and forth. That's fine.

**The Chair:** Okay. Thank you, sir.

**Mr. Goudreau:** First, I want to commend you, Minister, on your quick grasp and knowledge of the ministry. I'm very impressed with your ability to respond to questions and provide value to our discussion tonight.

My questions follow up a little bit on Dr. Swann's comments and, again, on the First Nations development fund. Recently there's been a lot of news about the First Nations casinos. For example, there have been stories regarding bankruptcy of the Eagle River casino and maybe leading on to some of the other casinos on aboriginal lands. What's the future of the casino there?

**Mr. Oberle:** That one is, of course, before the courts, and we could be years in determining what the future might be there. You know, the health of some casinos in this province, not just First Nations casinos, I think, is part of the reason that the AGLC is concerned about new casinos. On the other hand, there are some extremely successful ones, including First Nations ones. The River Cree is a very well-run and very successful casino. The one at the Eagle River: I don't know right now. They continue to operate, so they continue to hold a licence, but it will be some time and some many hours of court proceedings and lawyers before we determine that.

**Mr. Goudreau:** So how do you see this affecting the relationship with the government, their particular position?

**Mr. Oberle:** The relationship of Eagle River, you mean, to the government?

**Mr. Goudreau:** That's right, to the government, with the changes there in ownership.

**Mr. Oberle:** We're not in any way a party to the business arrangements that they have or to the court proceedings. We understand that the court approved the sale of Paragon's business interest in the casino, so that will go to some sort of a First Nations entity. You're asking me to guess on how a court action might turn out, and I'm not sure that I can do that. If they emerge at the other end of this that a First Nations entity owns the casino and continues to operate it, we have no issue with that at all, and we'll continue to work with them and support them as will the AGLC.

**Mr. Goudreau:** I go back to page 16 and the First Nations development fund. I remember being involved when the fund was signed. The initial budgets, I believe, were about \$17 million per year, and that was for part of a year. That quickly jumped to \$34 million, and now we're looking at \$143 million. I know – and you've alluded to it – the great work that's being done out there and the great projects, but I'm always concerned as to how effective it is. You know, how do we really know that the money is spent well?

**Mr. Oberle:** Well, there is a review procedure. When funds are applied for, they're not just handed out. There is an identified project in the review procedure, and then there's follow-up that that's actually where the money went and that it was appropriately spent, an audit and everything else. I talked earlier about the fact

that we're often dealing with communities that don't have the capacity, internally at least, to manage projects and ensure the tracking of funds and ensure the reporting and all the things that need to be done. So we're providing training there because I think we need to move on from this – I'll say paternalistic, for lack of a better word – view of oversight of the government to one where internal governance emerges and strengthens. That's certainly what the long-term arrangement was about or is about within the Métis communities. We want to develop capacity inside those communities to allow them to manage these projects.

Our economic opportunities initiative is going to be the same. We want a rigorous way of reviewing applications and outcomes of suggested projects and a rigorous way of funding them and then following up to make sure they were audited. We're still spending public money here, so the government has a role, but as much as possible we want the capacity to reside in the community for oversight.

**Mr. Goudreau:** Minister, I just wonder. You know, it seems we're questioning accountability, and I think we need to get beyond that.

**Mr. Oberle:** Agreed.

**Mr. Goudreau:** I think there are opportunities there. I've got one aboriginal community in my constituency, and they have not done very, very well for themselves. It's pretty typical in a lot of the

northern aboriginal communities, and I would hope that this would go a long way to helping them.

You know, some First Nations in Alberta are calling for a review of the First Nations development fund. What's happening, or what are the plans for these things to happen?

**Mr. Oberle:** Well, we had some discussion about it, and we made some commitments, actually, about a review. The First Nations themselves have kind of backed off on that. They're not sure right now. We remain open to a review, but we want them to work together and agree on the parameters and the outcomes. We don't want to step outside that.

**The Chair:** Minister, I'd like to stop you there and thank you and your team. I'd also like to thank all the members of the committee for excellent questions and good work tonight. While I'm in the midst of my thank yous, I'd also like to thank our clerk and our staff and our pages tonight. Great work, everybody.

I'd just like to remind the committee members that we are scheduled to meet next on Tuesday, March 18, at 3:30, to consider the estimates of the Ministry of Environment and Sustainable Resource Development.

Thank you again, everyone. Great job, Minister and team. Wonderful work tonight. This meeting is now adjourned.

[The committee adjourned at 10:04 p.m.]









