House of Commons
CANADA

Standing Committee on Aboriginal Affairs and Northern Development

AANO • NUMBER 039 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, February 22, 2007

Chair

Mr. Colin Mayes

Standing Committee on Aboriginal Affairs and Northern Development

Thursday, February 22, 2007

● (1105)

[*English*]

The Chair (Mr. Colin Mayes (Okanagan—Shuswap, CPC)): We open this Standing Committee on Aboriginal Affairs and Northern Development, Thursday, February 22, 2007.

Committee members, you have the orders of the day before you.

Mr. Lemay, do you have something? You have just one minute, please.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): I would like to set the record straight, Mr. Chair.

My comment is for the parliamentary secretary and for you, Mr. Chair. It seems—and I have two examples to prove it—that the minister is more interested in making announcements and he doesn't care that the committee is sitting. This morning the minister will make an announcement at 11 o'clock. Unfortunately that is when we are sitting.

We received an invitation to attend the launch, on March 1st, of international polar year. This is a matter that affects the majority, if not all members of this committee.

There are two possibilities, Mr. Chair. I would like to remind the parliamentary secretary of that so that he can talk to the minister and ask him to at least try to make his announcements when the committee is not sitting. The other possibility is that we do not sit in order that we can attend these very important major events such as the launch of the international polar year, which, as we know, is very important.

This morning, an important announcement was made on the aboriginal friendship centres. You understand how important these aboriginal friendship centres are to a number of us here.

I would like to clarify this from the outset, Mr. Chair, so that messages are sent to the right people. At the end of the session, we should decide whether or not to sit on March 1st.

[*English*]

The Chair: Thank you, Mr. Lemay.

The chair agrees fully. I was going to bring that to the attention of the parliamentary secretary. You're correct. This is the second time now that our committee has been sitting during a time when the ministers are making announcements or another function is happening. So I would ask the parliamentary secretary to communicate that to the department.

Mr. Rod Bruinooge (Winnipeg South, CPC): I'd be happy to, Mr. Chair.

Mr. Lemay, I assure you that the minister, of course, would like to accommodate the committee. However, there are other ministers involved with this particular announcement. Unfortunately, sometimes the schedules don't accommodate. But I will pass this along and make sure he takes note of it.

The Chair: Thank you, Mr. Bruinooge.

Mr. Lemay, on the launch of the international polar year, I have that to discuss at the end of the meeting and to have a decision from the committee on whether or not they want to have a committee meeting on Thursday of next week. We can discuss that at the end of the meeting.

Committee members, you have the orders of the day before you. The first order of business is pursuant to Standing Order 108(2), consideration of circumstances faced by the Pikangikum First Nation.

The witnesses this morning are from the Department of Indian Affairs and Northern Development. We have Christine Cram, associate assistant deputy minister, socio-economic policy and regional operations; Deborah Richardson, acting regional director general, Ontario region; and James Cutfeet, director, intergovernmental affairs, Ontario region.

The purpose this morning, as the committee requested, is to get an update of the situation in Pikangikum. Then we will be asking questions of our witnesses.

Madam Cram, are you going to be the first to speak?

Ms. Christine Cram (Associate Assistant Deputy Minister, Socio-Economic Policy and Regional Operations, Department of Indian Affairs and Northern Development): Yes.

Good morning. *Bonjour.*

I'd like to make a few opening remarks, and then I'll

[*Translation*]

give the floor to Deborah Richardson.

[*English*]

Deborah, James, and I are very pleased to be invited by the committee to provide a progress report on the work that's been under way with the Pikangikum First Nation.

This is a follow-up to the presentation that Mr. Bob Howsam made in December. As you know, Robert Howsam recently retired as the regional director general for the Ontario region. Deborah was with Bob and me on December 7 when we came before the committee, and Deborah has been taking over the file and has very much a personal interest in Pikangikum First Nation.

With that, I'll pass it over to Deborah, and she can speak to the progress that has been made to date.

Merci.

● (1110)

Ms. Deborah Richardson (Acting Regional Director General, Ontario Region, Department of Indian Affairs and Northern Development): Thank you for the opportunity. My name is Deborah Richardson. I'm a member of the Pabineau First Nation from New Brunswick, and in my spare time I'm the acting regional director general of Indian Affairs, Ontario region. Here with me is my colleague, James Cutfeet.

James and I are the two leads for the Ontario region on the Pikangikum file. We're here to provide an overall update, communicate the community's priorities for change that the community has passed on and shared with us, and then to entertain questions from the committee.

The first nation's priorities for change in the community consist of electrification, school, water and waste water, and housing. They're also in the process of developing a community-driven action plan that will start to look at their health and social make-up within the community too. That's really driven from within the community, and they're developing strategies about how to engage the youth in terms of what their community looks like.

Pikangikum is a Government of Canada priority. Obviously, all of us are sitting here today wondering what has happened with Pikangikum and what's happening. We continue to work with the first nation and the elders. Just to give you some context, when you go into the community—and I know Roger Valley and other people who have been there can probably attest to this—it's really driven by the elders. You walk in and sit at a table like this, and all around the whole room are about 40 to 50 elders who are anywhere from their seventies to their early hundreds. It's just phenomenal the passion and the energy these elders have in terms of really wanting to drive this community forward and make it a better place for the people who live in Pikangikum.

I attended the community for three full days. Grand Chief Stan Beardy of the Nishnawbe Aski Nation and I have really been personally active on the file, and we spent three full days with representatives of Health Canada and the tribal council, working with the community to try to get the community engaged in an action plan and moving forward.

You'll see through this presentation that many of the elders were concerned that when media and different people talk about Pikangikum, they talk about the poverty and the hunger and the negative things about Pikangikum, not the really positive things. For example, even though their school is not adequate for that community, it's a top-notch program. There are fabulous teachers. They have a principal with a master's degree. They have excellent economic development opportunities. They have a huge forestry project that has the potential of employing over 300 people. They have six fly-in fishing camps. When people think about Pikangikum, I think it's very important to think about the positive things of Pikangikum. So we will stick with and honour that commitment that we made to the leadership.

We went in on December 14, and it was a real eye-opener for me. I don't know if you've ever been into a northern community, but you fly in. There's no other access except for winter road access in the winter. But there's a really good, positive energy within Pikangikum in terms of really wanting to make things better.

A delegation from the community also had the opportunity to meet with the parliamentary secretary, Rod Bruinooge, in Dryden on January 18, and there was an announcement. They're so passionate about their Whitefeather Forest project, and the government has invested significant dollars over the years in this project. There was another announcement of $560,000 for this project in Dryden.

Last week I spent some time with Minister Prentice, and he actually personally spoke on the phone to Chief Pascal from Pikangikum and committed to visiting the community on April 10. So that date's firm and set and we'll all be going in. I'm meeting with Pikangikum next week, and we're going to really make sure we have a solid presentation to present to the minister when he visits the community, and I think the parliamentary secretary is also going to be joining us on that trip.

Aside from all of those things, we've also been working really diligently with Pikangikum around their capital and infrastructure and energy and their funding and education aspects.

● (1115)

We've made significant announcements around Pikangikum and commitments in our long-term capital plan. We have budgeted for over $40 million over five years, which will put in their grid line and get power into the community, bring running water, and build a new school.

Just to give some context, without the electrification and the power, the other things can't happen. You can't connect the school without the power. You can't connect the water without the power. That's really a priority we have with Pikangikum and the tribal council right now, to really work hard with the Minister of Energy and the province and Hydro One Remote Communities in getting that power line up and running.

The first nation also hired an independent facilitator to support the community and to help in the development of this action plan and to coordinate with all of the different governments or agencies that need to be involved in these projects. So the first nation is doing that in terms of their capacity.

What I'm going to really strongly recommend to them is that they put out terms of reference for an independent individual engineer and project manager, because this is a huge amount of infrastructure that's going to happen within the next few years, so it is really key that they have somebody organizing and steering along this development. As I said, the adequate energy supply is absolutely paramount. Without energy you can't do any of the other projects that need to happen.

A real progress for us, for people within the department, was all the parties agreeing finally to connect Pikangikum to Ontario's power grid, with Hydro One operating the system. There was some debate about whether the first nation wanted to operate it themselves or whether they wanted to have a third party like Hydro One operate it. That was real progress, from our perspective. Since then, INAC staff have been in regular contact with Ontario's Ministry of Energy, highlighting issues connecting to off-grid diesel generation, because that's what they're operating on right now. Also, Pikangikum has been in contact with Ontario's Hydro One Networks to seek their support and assistance. It's quite complex connecting to a hydro line.

We've also approved $246,000 to work to restart the grid connection project as quickly as possible. The first nation has hired a consultant who was working on the project in the past. There was some work done over the last few years, so there are some poles, and some of the preliminary work and design work has been done. We're working on upgrading that design work to make sure that is going to work properly for that community.

In the meantime, their existing diesel generators weren't operating the way they should have been, so we made some commitments of up to $2 million in December around upgrading their diesel generators to make sure they have enough power until the power lines are able to go in. That work is under way. It is almost actually completed, but it's still a work-in-progress. It's estimated that, just for the grid connection, it will probably be another $14 million to actually connect the grid line.

Probably within a two-year timeframe the community will have power, which is really exciting stuff for them. You meet with the elders and that's what they talk about. Their dream is to have proper power, a proper school, and running water in that community.

In terms of the school, right now the school is really inadequate in terms of the facility, but in the programs there are dynamic teachers in that community and it is a vibrant place to visit. They have a really great shop class and they're teaching electrical skills to some of the high school students who are there. It's a really great program, but the facility is really inadequate. It's a real priority to get that school up and running concurrently. Out of the $40 million commitment, the school is a portion of that. What we've done is we've facilitated one of the major financial institutions to go into the community to talk about what financing might look like in order to accelerate some of these projects. We have long-term capital plan financial dollars committed over five years, but the community doesn't want to wait five years to have a school built. We need to look at other options to be able to facilitate that, so that when the hydro line comes up, the school will be built and it can be connected, and everything can happen simultaneously.

● (1120)

In terms of water and waste water, based on the power situation, it's impossible to get running water throughout that community right now. We've done some short-term repairs and upgrades to make sure that their existing water—they do have a water treatment plant, but the houses are not connected. There's a teacherage and a school that are connected. We provided $942,000 to repair the water points of entry. There are points of entry around the community from the water treatment plant, and the community members go to these points of entry and fill up their water containers to bring water back to their homes. So we worked on replacing a lot of those containers to make sure they're sanitary and on replacing all the points of entry for the water.

In terms of housing, what's really, really important right now for Pikangikum is that a capital planning study be prepared, because you can't just go and build houses anywhere. You need to plan where the new water treatment facilities will go, where the school is going to go, how the power lines are going to go. Right now they have terms of reference completed, and they've actually shared that with me, so we're going to be finalizing that next Tuesday in Sioux Lookout. Really, to get a capital planning study to talk about where all these things are going to go—where's the building going to go, how is it going to work—is really key in terms of future housing.

We have made commitments. We provide a minor capital allocation to the community so that they can build roads and houses, or whatever they see fit, within their community. They can use up to $660,000 a year for housing. Recently as well there's been a loan to the first nation from CMHC to build some additional housing. There is serious overcrowding within that community. Their living conditions are unacceptable, so we need to work diligently in making sure that there is power and water and adequate shelter for the members of Pikangikum. The annualized capital funding that we do provide to the community is $1.34 million for capital work. I just want to share that as well.

I think that's basically it in terms of the technical work. As you can see, we've been working like crazy for the last two months making sure this is addressed.

I just want to share that I haven't spent a lot of time in the department, but I'm really quite overwhelmed and pleased by how, from the minister to the deputy minister to the receptionists who work within the department, everybody is really committed to improving the quality of life for the members of Pikangikum. It's the government and all of you sitting at the table as well. I'm really, really pleased as a first nations person to see that the Government of Canada is standing up and paying attention to the community members who live in Pikangikum.

I'd like to thank you very much for your time, and if you have any questions, please feel free.

The Chair: Thank you very much for the presentation.

We'll start off with Mr. Valley, please, for five minutes.

Mr. Roger Valley (Kenora, Lib.): Thank you very much.

Cut me off early, because I'd like to share my time with Anita Neville.

I'm impressed with your enthusiasm. It's very nice to see. I'll have to say I'm shocked that you spent three days in the community—that's quite a commitment. I'm glad to hear you don't spend a lot of time in the department, because you need to be out in the communities. In our conversations outside this room, that's what I encourage everyone to do, to make sure they get in and visit communities.

I have three questions. Maybe I'll lump them all together. You've touched on them. First of all, I'm going to go back to the comment you made about the elders. The strength in any community is the elders. The support I have in the communities is the number of elders I actually get out to see at meetings or who visit me at the airport when I'm leaving. So I understand that totally, and it's absolutely correct. Pikangikum has tremendous resources and tremendous capacity in its elders, and it really needs to use those. Continuity in any community, whether it's Toronto or Pikangikum.... You need continuity.

I believe you've touched slightly on how you're going to move forward if there are changes in administration, how you keep the ball moving forward.

As to my three questions—I'll be quick because my time is short—on electrification, you mentioned two years. That's a long time. I know part of the line was already built. Maybe there's some difficulty with the delays we've had, but two years is too long. So I want to know what date we're actually going to start putting something in the ground. I know you have concerns because there are other professionals you have to deal with.

On the school, I think the minister's going up on April 10. It's the perfect time for him to tell what day we're going to dig the hole for that school.

On the waste water, I'm very happy to hear you have containers because that's one of the things I mentioned to the minister when this issue first broke. He needed to deal with some of the containers being used in that community, because I've seen them personally. I'm very glad to hear that. It's very positive. So I'm thankful for that.

On the points of entry and the $942,000, would you clarify that it's strictly to deal with where they can go to pick up water around the community? I visited all those sites when I was up there.

If you could tell me or the committee how we're going to make a plan to hook up these homes, which is a huge job.... There are roughly 400 homes there. How are you going to hook up those 400 homes? What plan is in place for that? It's a major job.

I think we've discussed ad nauseam the problems that were perceived to be there. Anything can be done if it's just a matter of putting resources to it in that community.

I know that's a lot in a very short time, but I'd like to give the last couple of minutes to Anita Neville. If you could, help me out as much as you can.

As the last thing—because I won't get a chance to speak again—I thank you for your commitment to the community, but we have to stay at it and we have to stay in the community. I want to personally thank you for that.

● (1125)

Ms. Deborah Richardson: In terms of the hydro line, I don't know if you're aware of connecting hydro, but you need to work with licensing, to have lawyers. It's quite complex. Even the experts are saying 18 months is conservative. So that's why we're saying within two years. Unfortunately, you can only go as quickly as all of the ducks that need to be lined up to make that happen.

If I can comment on the elders of Pikangikum—and if anyone's interested, they can have it—I actually have a resolution from the elders of Pikangikum, a commitment to this process:

> We the undersigned of The Council of Elders of Pikangikum,
>
> Recognizing that Band elections and new leadership changes cause Pikangikum First Nation infrastructure and social projects to become stalled or redirected from their intended purposes,
>
> Recognizing that numerous projects directed towards infrastructure and social improvement—electrification, water and sewer, housing, school and health facility construction, education and training, operations and maintenance, health and cultural programs—need to be delivered and reported upon in a timely manner,
>
> Reaffirming that the slowdown or redirection of infrastructure and social projects is putting the health and safety of the community at risk,
>
> Stressing that it is critical that we assure the Federal and Provincial Ministries, who fund these projects and programs, of our ability to carry through on their delivery,
>
> Declares:
>
> For the health and safety of community members, the Chief and Council and future elected Chiefs and Councillors shall allow developing or ongoing projects and programs which were approved by the community to continue operating and moving forward.

This is absolutely paramount, because one of the challenges that Pikangikum has had is there is often a change in leadership. When you're frustrated, you want to just get a new leader in. This was real progress, as far as I'm concerned, for that community moving forward. So you are right.

In terms of the school, we do have terms of reference that are going out. I'll be able to confirm more of that on February 27, next Tuesday, in Sioux Lookout. We really see those projects as going concurrently. Until you have an actual RFP in the design of a school, it's going to be pretty hard to know exactly when you're going to be able to dig. I don't know how realistic that'll be before April 10, but as soon as we know, that community's going to know because they're involved in this process and they're working with us.

In terms of the containers, you're right. The conditions for how that community was and is able to access water were and are appalling. Anything we can do to ease that transition until they have proper running water, the more we can do.... Thank you for articulating that.

The Chair: Mr. Lemay or Mr. Lévesque.

[*Translation*]

Mr. Marc Lemay: No, I do not have many questions, Mr. Chair. I will probably leave the floor to those from Ontario.

I am a little surprised that all that was done in less than two months. Ontario is your jurisdiction. Potentially how many Pikangikum members are in that province?

[*English*]

Ms. Deborah Richardson: In Ontario alone—I can't speak for the rest of the country—there are 26 communities that are diesel-generated-operated communities, so they're not connected to the hydro. Many of them do use truck-haul water and they're not connected. I would say there are probably about 10 other Pikangikum communities within Ontario.

● (1130)

[*Translation*]

Mr. Marc Lemay: I am very pleased with what I am hearing. This is in good hands. Is the department just as eager, as you currently are, for other communities as it is for the Pikangikum community? Will the other communities be taken care of like Pikangikum, or we will wait for the members of the community to protest or for there to be a crisis like in Pikangikum?

[*English*]

Ms. Deborah Richardson: Within Ontario, we're really trying to focus in on the communities that are the most at need. I feel—and this is my own philosophy—let's just take it one step at a time and deal with emergency situations in terms of high-risk water situations. We've made Pikangikum one of our six regional priorities. It's the only community that's a priority. So Pikangikum is now. Then we focus on another community and another community, step by step by step, and doing it right by bringing in other parties such as provincial governments, other federal departments—not just Indian and Northern Affairs—and the private sector. I think that's really important. I see our role within Indian Affairs as a facilitator in bringing in other departments and players that can support these communities.

The budget for the Ontario region is almost $1 billion, and out of that, $150 million is for major capital. We take that $150 million annually and try to prioritize that around water and high-risk plans. So those 10 other communities are the communities that we're really trying to focus in on.

[*Translation*]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): If I understand correctly, you are healing, not preventing. You wait until there is a problem in the community, then you fix it. You do not move forward with the idea that it will cost less to do things immediately.

Is Pikangikum the only reserve that is not accessible by road? Are there other areas that are not accessible and do not have electricity either?

[*English*]

Ms. Deborah Richardson: I think it's really important to be more proactive. We have 130 first nations within Ontario. Many of these communities aren't connected and are remote access. But some of these communities.... For instance, in North Caribou First Nation, 80 members of the community work in the gold mine. It's a myth to think that people in northern Canada, or northern Ontario, aren't working, aren't sustaining themselves, and aren't having a good life. There are many, many strong communities that are doing very well. For the communities that need a bit of support, I think it's important that we facilitate that, but really a lot of things need to be.... To me, the role of government is to support those communities in terms of making those communities better places for their children. So we try to be as proactive as we can, and that's really what we've been doing with Pikangikum and some of the other communities.

The Chair: Mr. Marston, welcome to the committee. I know you're replacing the new grandmother, and thank you for doing that.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): She's quite excited at this point, Mr. Chair, and thank you.

Several questions come to mind. I heard you say you're from New Brunswick. I was born in Plaster Rock, New Brunswick. I lived in a house without running water, so I have a sensitivity to loading up the car, filling the pails to bring home, and the caution that was needed to be taken to ensure that your water supply was fit for use. Of course, that's almost 100 years ago now—pardon my joking. I turn 60 next week, but that's okay. When you say elders, I just look around.

I love to kid about things, but we all know how serious this is. You mentioned that there are 500 homes to be connected. Will the water supply system that is there now be able to handle that, or do we have to make significant changes? There's one question.

I don't recall hearing much about sewage. Will that be part of the infrastructure that goes in? I presume it will be.

Another question that came to mind is we talked about the capital dollars around the school, and I think the figure was $18 million, if I remember correctly, and you were bringing in the banks to help with that. Is there any reason the federal government couldn't step up and move that money sooner rather than bring in the banks? We're great fans of banks, as people have probably heard these days.

The other thing is, in the context of the other 10 communities you were referring to, can this strategy be broadened? Will the applications that are going to take place in this one committee apply across...? Although we have $1 billion involved, if we had more cash, could we move faster? Even though it's a significant amount, is the lack of dollars a problem?

● (1135)

Ms. Deborah Richardson: Yes, lack of dollars is a problem. There's never going to be enough money, right? How do you address poverty? It really is so complex.

In terms of sewage, it is part of the long-term plan to connect water and sewage. In terms of the capacity, in the existing water plant there's not enough power to connect to the houses, so that's a huge challenge. As well, it doesn't have enough capacity to connect to all of those, so there will have to be a new enhanced water treatment facility.

Ms. Christine Cram: You raise the issue of banks and funding.

One thing is the way the federal government funds on a year-by-year basis. That's not how any municipality funds its infrastructure. As a federal government, we really need to look at how we would do infrastructure differently so that you can get the moneys. Provinces are also looking at what they call P3s, and things like that. We recognize the way we're doing infrastructure isn't a way that's going to work to get the infrastructure to communities when they need it. We're undertaking to look at a better way to do it.

Mr. Wayne Marston: If I might add, we're certainly not fans of P3s, but on the other hand, a true strategy has to go beyond one year's funding. It's very clear that people will be spending a lot of their time sitting and planning from year to year when they could be investing their time and energies elsewhere.

Thanks, Mr. Chair.

Ms. Deborah Richardson: If I could just add one more thing, though, in terms of the financing, my whole capital budget within the Ontario region is $150 million. It would literally bankrupt the region if I were to advance those projects, and I wouldn't be able to support other first nations communities within Ontario. So that's a challenge we face. We really have to start looking outside the box and looking at alternatives as to how to expedite some of these projects.

Mr. Wayne Marston: There is a surplus that we have in this government.

Ms. Deborah Richardson: Not with my region.

We work right down to the bottom line, let me tell you. It's bare bones. The needs are so great. They really are.

The Chair: Can I just have some clarification?

In one discussion we had, the problem with the water connection is that they don't necessarily have consistent heat in the home, so that if somebody leaves and they have a wood-burning stove and it goes out, they have water charged into the home. Then all of a sudden it freezes and there's a big problem. We did discuss around this table the option of water delivery because the building would be independent.

Do you look at other alternatives rather than, oh yes, we have to hook everybody up? Are there other ways to provide water than by running all this costly infrastructure?

Ms. Deborah Richardson: We have looked at other alternatives, but it's what the community wants. There are all kinds of challenges around those too because it is in the north. There are challenges around different alternatives about connecting through that way—I mean water freezing.

The problem with the northern model if you run the utility lines above the ground is that it costs so much money for the community in terms of the power. It's cost-prohibitive for many communities to be able to operate because it costs a lot of money to run the water through the lines like that.

● (1140)

The Chair: I lived in the north also, and we had water delivery, but they also had a system. They had what they called water bleeders that were running all the time. In a small community of 1,000 people they were pumping 8 million gallons a day of water. That's not really efficient. The water delivery was a far superior system because it was water delivery to a tank, charged to the house, and it was independent of the system. And it was actually a lot cheaper to operate, as long as it was well maintained.

I'll turn it over to the other side.

Mr. Rod Bruinooge: Thank you very much for coming to present today.

I had the pleasure of meeting with a few of the band councillors from Pikangikum myself in January. That community is very interested in being able to work with government and with you to achieve some of these goals. They did indicate to me, though, that over a number of years there did seem to be a bit of a lapse in any intervention in their community. I guess that was their biggest concern, especially on the power grid. It's definitely one thing that we're going to be focusing on. I agree with you that the power line is the essential component to actually achieving all of the other elements of this community's needs. Without the early electrification, everything else is a moot point. Politically, we would like to continue to impress upon the department to be very focused on achieving that goal.

The community was also very interested in having a visit to Pikangikum. I'm really happy to be a part of that trip planned for April. I know the minister is excited about getting up to northern Ontario. There are many communities that are experiencing that burgeoning growth that we are so excited about. Community growth is always good. Pikangikum is another example of that. This community is growing exponentially. It's one of the fastest-growing communities in northern Ontario. How to accommodate all of that growth is of course the challenge the department has.

I think housing is a challenge in that community probably because the road doesn't go all the way, only in the winter. It is very difficult to get the building supplies in. When you don't have a good power supply either, it does make it challenging. I think as long as we continue to assist them on that important project of electrification, many of these other problems will also begin to fall by the wayside.

The one question I would ask is if you could maybe talk a bit about some of the origins of the power line project. I know it dates back many years into the early nineties. Perhaps you could give us a bit of a timeline on when it occurred and some of the other roadblocks it faced.

Ms. Deborah Richardson: Because I'm so new to the department—literally, I've worked at the department for three years—I'm not really too familiar with the history. I do know that there was an engineer and there was some work done in the past. We're going to get permission in terms of contracting to make sure that we don't have to re-tender it out, and we can use the same engineers so the work that was done in the past can continue on with the same company. I'm not really familiar with what happened or how the projects got derailed. I'm really trying to focus on moving forward. I know that Pikangikum is really trying to work on moving forward as well.

I have all the minutes from the meetings. That's really the goal—to forget about what's happened in the past and to really try to move forward on where we're at and where we're going in terms of developing the grid lines.

I'm sorry I can't give you more history. I could find out more details.

Mr. Rod Bruinooge: It's important to try to assess what the bottlenecks and the issues were previously. The community has given me some anecdotal information as to the reasons they felt these projects weren't proceeding. As you said, they're very pleased about being able to move forward. They do want to shed many of the issues they faced in the past. They were very open to me, and very receptive to having government interested in their problems. I'm very much looking forward to going up and meeting again with them to help move all these major projects forward.

● (1145)

The Chair: Madam Neville is next.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you very much.

Thank you for coming, and thank you for giving us a picture of what's happening at Pikangikum. I particularly appreciate hearing about the vitality of the community. I think it's unfortunate that it took a crisis for some action to be taken.

I have a couple of questions. You've identified a whole series of dollars that will be going into Pikangikum for various projects. Are those dollars being redirected from other projects, or is it new money that will be going into Pikangikum within your own budget allocation?

Second, and I don't want to understate this, I really value and support what is happening at Pikangikum, but I'm equally concerned about what's not happening in other communities. I think particularly of Whitedog, which I'm sure you're familiar with, which had a school committed to it that it's not moving forward on, where there aren't enough chairs for the students to sit on, where the walls are caving in, where the caretaker is alleged to have died because of mould in the schools, where only 180 of the 400 children are going to school, and where some of the classes are in fact being conducted in the teacher's living room. How are you addressing those kinds of issues? Tell me about the allocation of dollars and how that's playing out.

Ms. Deborah Richardson: First of all, as I indicated earlier, our long-term capital plan within the region is $150 million. We have programmed Pikangikum, the $40 million, into the long-term capital plan over five years. So it's not new dollars; it's our regional allocation, and that has been programmed in.

Hon. Anita Neville: My concern is whether other programs have been bumped in order to address Pikangikum.

Ms. Deborah Richardson: No, other programs haven't been bumped. In fact, that was already factored into the long-term capital plan. It's been in there for a couple of years, or over a year, I think, anyway.

Hon. Anita Neville: If that's the case, why did it take a crisis to make it happen? Can you speak to what's happening at Whitedog, or not happening?

Ms. Deborah Richardson: I can speak about what's happening in Whitedog.

The Chair: We're getting a little bit sidetracked, because the reason we're here is Pikangikum, so—

Hon. Anita Neville: I understand that, but one impacts on the other, Mr. Chair.

Ms. Deborah Richardson: Whitedog is in the long-term capital plan. I think they were going through the design phase of the school, and I think the school is being built next year. You can't just go and build the school; you have to design it, you have to—

Hon. Anita Neville: I'm well aware of that.

Ms. Deborah Richardson: We remediated the facility as well, in terms of remediation. We've been working with the first nation and the chief on improving the facility, to last until we can build a new facility within Whitedog.

Pikangikum hasn't taken away from Whitedog. Whitedog is in the plan. The school is going ahead. We're building the school in Whitedog.

Hon. Anita Neville: Is it possible for you to share with us the long-term capital plan?

Ms. Deborah Richardson: I believe it's a public document. I think it was tabled before.... We'll check, but I believe it's a public document.

Hon. Anita Neville: Well, we'll follow up, but if you would, I would appreciate it as well.

Ms. Deborah Richardson: Okay. Certainly.

Hon. Anita Neville: Thank you.

That's fine.

The Chair: Thank you.

You have about a minute and a half.

Mr. Roger Valley: Well, I'll never give up the chance to speak about a community in my riding.

You mentioned $150 million. You mentioned the planning stage. Can you tell us when the money was allocated for the hydro line? When did we start this project? I remember working on it. I know it started...Mr. Bruinooge says probably eight years ago, and it was never done.

I'm getting concerned about when we start this project. I know you've given me the reasons, but I'm concerned that we actually get the engineer on the site. The committee should know that much of the infrastructure that was brought in to finish this hydro line has deteriorated because it wasn't done.

Can you tell us that part?

● (1150)

Ms. Deborah Richardson: From 1996 to 1998, we funded the electrical grid extension study. Then from 1997 to 2000, there was an electrical grid survey done. Then in 1999 and 2001, there was $7.5 million in funding allocated to the electrical grid extension project. There were some challenges with community leadership, provincial regulatory changes at the time, and a number of things that happened that stalled the project. That's basically the history of it.

Mr. Roger Valley: I'm well aware of the history, but I'd like to share again the point that's been made. I believe I heard you say it, so please correct me if I'm wrong: the point is that the community has said to you clearly that they want to go forward. I think that's the important part.

There's a lot of work to be done; there's a lot of work to be done in many of the communities. You mentioned North Caribou; there are a lot of issues there. I can't ask you to continue your presence in Pikangikum, because you have other communities, but I need you to continue your commitment to Pikangikum and to the other communities that need it, and we'll move these issues forward.

It's about going forward, and it's very important for the community to hear that from you. When the minister goes there also, I'd like him to restate that message of support for all communities.

The Chair: Would the Bloc have any further questions?

Go ahead, Mr. Lévesque.

[*Translation*]

Mr. Yvon Lévesque: Thank you, Mr. Chair.

You mentioned that water distribution would be done by truck. Is that right?

Ms. Christine Cram: Now?

Mr. Yvon Lévesque: When the problem is resolved and the hydro line is installed.

Ms. Christine Cram: No, this will not be done by truck. As soon as there is electricity, they will try to connect the houses with pipes.

Mr. Yvon Lévesque: Okay. There will be a water and sewer system.

Ms. Christine Cram: Yes, that is right, but no trucks.

Mr. Yvon Lévesque: You said your budget is spread out over five years. In case of an emergency of this kind, do you have the authority to make recommendations to the minister in order to get ahead in the work, even if that means cutting future investments that you made in the beginning since it will cost less in the long run?

[*English*]

Ms. Deborah Richardson: Just to give you some context on how we operate, within the long-term capital plan we have contingency for emergencies—for example, for health and safety concerns such fires, evacuations, or floods. We have contingencies so that when those types of things happen, we can react.

Aside from that, we sit with a regional investment management board. Chiefs and community members sit with departmental officials and make priorities about how to spend the long-term capital plan resources.

Where it stands right now is that our number one priority, in terms of health and safety, is water—and schools, but water is the number one priority within our region. We want to make sure community members have clean and safe drinking water.

We have a scaling system that looks at high-risk communities versus medium and low risk, or it identifies a medium-risk community that could turn high quite quickly if we don't do something about it and remediate it. That's the process we go through on a regional basis. We have an action plan about how to get these communities off drinking water advisories, for example; we encourage and work with communities to get them off drinking water advisories. We also have capacity money for training their water plant operators so that they are certified. We are doing lots of things to build capacity within the communities so that the communities will be able to have access to safe and clean drinking water.

[*Translation*]

Mr. Yvon Lévesque: That was not exactly the response I was expecting. We could all sit around the dinner table and try to sort out my vision. We have assistants on the other side who are prepared to pay for lunch in that case.

Thank you anyway.

[*English*]

The Chair: The chair made a mistake. I should have actually crossed over to the government side before I asked the Bloc to speak. Forgive me.

● (1155)

[*Translation*]

Mr. Marc Lemay: Ah!

[*English*]

The Chair: Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair, and thank you to each of you for coming today.

I really am excited about the optimism in your report, and about what I understand is the optimism of the elders as well.

I want to ask three questions.

In terms of the support for these projects by the community, I heard you say the elders are all agreed that they want to move forward with the plans as you have outlined them to us today. I understand that in the past there may have been some obstacles, so that's good to hear.

Second, I certainly support the idea of P3s. We're long past the day when we think government can solve these problems, so private-public partnerships are exciting. I'd like to hear you say a bit more about that, if you could, in terms of banks and other possible ideas.

I'm hoping that the infrastructure to be constructed over the next number of years, in addition to solving the problems on the ground, will also create some opportunity for employment and for economic development within. I know the Whitefeather Forest project is one that's already up and running, or well along. Will there be opportunities for the people of the Pikangikum, for example, to be involved in road construction, school construction, power grid work, and all those kinds of things as well?

Ms. Deborah Richardson: Absolutely. In any terms of reference done for contractors, particularly within northern communities, often there is a component of a local labour force criterion. Whoever the contractor is, that contractor needs to employ and train—if there's not a trained workforce—on some of these projects. I think there is going to be huge opportunity for the people in Pikangikum to work on all of these initiatives.

In terms of P3s, we facilitate many P3s within the region of Ontario. Just to give you some context, the chiefs of northern Ontario are looking at options in terms of lending through bonds, and the possibility of owning the Manitoba-Ontario power line that's going down through northwestern Ontario. That's a P3 initiative; they will have to find financers and lenders to be able to do that, and also to be able to reap the benefits of being owners of a hydro line.

There's lots of potential and lots of huge possibilities. In M'Chigeeng in the Manitoulin area there is a windmill project, and investors are just lining up to get involved with this project and the community. The wind is excellent on Manitoulin Island, in this community; they have tested it over three years, and it's really strong wind energy in terms of alternative energy. There are also run-of-the-river projects happening up in northwestern Ontario, and lots of investors are lining up who are really interested in getting involved and getting a piece of the action.

P3s absolutely need to work. We need to support first nations from a governmental perspective, but also to facilitate investors—and you know what? First nations are facilitating their own investors. There are really exciting things happening in many communities across this country. We get bogged down in the negative things, but first nations are vibrant, and they are developing economies. There are more and more first nations people becoming educated, and it's a growing labour force. If you look at the resource sector and the growing job demands in this country, there are going to be 50,000 new jobs in the resource sector. The opportunities are just huge.

Mr. Harold Albrecht: Thank you.

Could you address the question of whether there is any further resistance from the elders or the tribal community in terms of the project going forward?

Ms. Deborah Richardson: You mean the elders' resolution, from the elders?

Mr. Harold Albrecht: You mentioned earlier that we could have a copy of that.

Ms. Deborah Richardson: Absolutely.

Mr. Harold Albrecht: I'd be thrilled to have a copy of it, if I could.

Ms. Deborah Richardson: Yes.

The Chair: Mr. Blaney is next.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): I have a few small technical questions.

Is this community part of any tribal council?

Ms. Deborah Richardson: Yes, they are.

Mr. Steven Blaney: Are they receiving any support from this tribal council related to these projects that are...?

Ms. Deborah Richardson: Yes, they are. The tribal council provides technical services. There are engineers who work within the tribal council, and they are helping to coordinate the technical components of this project.

● (1200)

Mr. Steven Blaney: Okay.

In your presentation you mention a pilot project to move from diesel to electricity. Has there been any evaluation of the cost of putting this community on the grid?

Ms. Deborah Richardson: Yes. There are thick reports that have looked at recommendations and the costs going either way, and how much just going from grid is going to save that community versus the cost of diesel, especially with the current price of diesel and shipping it on the winter roads. Many of the first nations of northern Ontario are really challenged right now about getting diesel in, because of the failure of winter roads, so they're forced to air-freight it in, and the costs are just astronomical.

Mr. Steven Blaney: Do you have any estimate of what it would cost to have this community connected to the power grid?

Ms. Deborah Richardson: Yes. It's going to be $14 million—another $14 million.

Mr. Steven Blaney: Thank you.

The Chair: I'd like to ask something. Do these communities have what I call an official community plan? Have they sat down as a community and decided what their infrastructure will be and what the forecast about growth and economic opportunities is? That way they have a plan that they're working towards, and they can work it into a capital plan for meeting those plans they've put forward, the strategy for their community.

They do that in British Columbia, and it works very well because it's built from the community. It's not built by government; it's built from the community, and it says this is where we want to go with our community. Do they have anything like that in first nations communities in Ontario?

Ms. Deborah Richardson: Many communities do have excellent comprehensive community plans. Unfortunately, Pikangikum doesn't. We're really trying to support that community to develop that plan, but I agree with you.

The Chair: I think that's an important aspect of developing a community.

Thank you very much for your attendance. We really do appreciate the update and the encouraging news that things are moving forward. We thank you for that and for all the work you're doing.

The committee will suspend for a few minutes and then reconvene.

● _____ (Pause) _____ ●

● (1205)

The Chair: As we continue with the second portion of our committee meeting, we have a briefing on the annual report of the Office of the Correctional Investigator of 2005-06.

Today we have as witnesses, from Correctional Service Canada, Don Demers, senior deputy commissioner; Diane Zilkowsky, acting director general, aboriginal initiatives; and Ross Toller, assistant commissioner, correctional operations and programs.

Welcome to the witnesses. I would ask that you give about a ten-minute presentation, and then we'll move on to questions.

Thank you for being here.

Mr. Don Demers (Senior Deputy Commissioner, Correctional Service Canada): Thank you, Mr. Chairman.

[*Translation*]

I will begin my comments in French.

[*English*]

I'll finish them in English. Whether I can do it in under 10 minutes is a daunting proposition, but I will certainly do my best.

[*Translation*]

On behalf of Correctional Service Canada, I would like to thank the committee for the opportunity to respond to the findings and recommendations related to aboriginal offenders contained in the Correctional Investigator's 2005-06 Annual Report.

Correctional Service Canada, CSC, has long acknowledged the issue of aboriginal over-representation in the federal correctional system, now at 17% of the total federal offender population compared to 2.7% of the Canadian adult population. Aboriginals currently represent 19% of incarcerated offenders and 14% of those on some form of supervised release in communities.

My focus today will be on CSC's response to this over-representation.

In doing so, I must acknowledge the contributions of national aboriginal organizations, aboriginal staff and elders and communities over the past 10 years as CSC has developed innovative new approaches that are making a difference for aboriginal offenders.

Let me begin with the 1996 report of the Royal Commission on Aboriginal Peoples. Their report stated that the over-representation of Aboriginals in Canada's prisons was only one part of the problem —that it was, in fact, only the end point of a series of decisions by those with decision-making power in the criminal justice system.

The commission also cited over-representation as a key indicator of the government's failure to address long-standing systemic issues including socio-economic deprivation and marginalization in Canadian society. The impacts of these societal issues on individual offenders must be dealt with when they arrive in CSC.

An amendment to the Criminal Code introduced a requirement for judges to consider alternatives to incarceration in sentencing aboriginal offenders.

The Supreme Court of Canada clarified application of these provisions in their 1999 decision in *R*. v. *Gladue*, including:

> In sentencing an aboriginal offender, the judge must consider: (A) The unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts; and (B) The types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection.
>
> If there is no alternative to incarceration the length of the term must be carefully considered.

Generally, the Gladue decision appears to have had a positive impact. Since 2001-02, after more than 10 years of steady increases, the proportion of aboriginal offenders in the incarcerated population has remained relatively stable in the last five years.

Moreover, the profile of aboriginal offenders admitted from the courts reflects a "hardening" in this population. This suggests that alternative measures and diversion programs are being used for those with less serious offences.

Those sentenced to federal custody are those for whom no alternatives are considered appropriate—often given a myriad of long-standing social dysfunction issues for the individual.

Those who arrive on the doorstep of our institutions are now younger, with more extensive criminal histories, histories of violence that are often associated with substance abuse, histories of mental health problems, and more and more frequently with gang affiliations.

Within the criminal justice system, provincial and territorial governments have exclusive responsibility for the administration of sentences of less than two years, offenders sentenced to probation, as well as for young offenders. Adult offenders, sentenced to two or more years, are sent to a federal penitentiary.

The Correctional Service Canada mandate, contained in Part I of the Corrections and Conditional Release Act 1992, is:

> —to contribute to the maintenance of a just, peaceful and safe society by carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders, and assisting in the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

The legislation prescribes specific processes and procedures for correctional operations and requires that public safety be the paramount consideration in all decision-making throughout the sentence. The legislation also includes provisions to protect individual rights while providing internal redress mechanisms for offenders to address any decisions or actions that they feel are unfair. The correctional investigator plays a role in providing oversight to these processes.

Part II of the CCRA specifies eligibility dates and criteria for decision-making for various types of conditional release. All conditional release decisions are made by the National Parole Board, an independent decision-making body within the public safety portfolio.

● (1215)

[*English*]

While numbers change day to day, CSC currently manages approximately 21,100 offenders, including 12,700 offenders in 58 institutions across the country and 8,400 offenders serving the remainder of their sentences under the supervision of parole officers located in 71 communities across the country. Of the 3,514 aboriginal offenders under CSC jurisdiction as of the end of March 2006, 2,373 were incarcerated and 1,141 were under some form of conditional release in the community. First nations generally formed the majority of the federal aboriginal population at 68%, while Métis account for 28%, and Inuit comprise the remaining 4%. Over-representation in the prairie and Pacific regions, which hold the vast majority of aboriginal offenders, reflects the result of higher crime rates in the west and the north.

As the only federal organization responsible for the day-to-day care and custody of a segment of the aboriginal Canadian population, our challenge has been to find ways to bridge the divide between the legislative requirements of the CCRA and aboriginal methods of justice and reconciliation. CSC uses actuarial assessment tools across the full continuum of an offender's sentence. These tools have been subject to allegations that they are culturally inappropriate. However, in a Federal Court decision on January 12, 2007, in which an aboriginal offender alleged racial discrimination in the application of these tools, the court indicated that, in this matter, the assessment tools distinguish between inmates not on the basis of race, but largely on the basis of the inmate's past course of conduct. The court dismissed the offender's application.

Given their more extensive criminal histories and histories of violence, it's not surprising that aboriginal offenders are more frequently classified at higher security levels when they arrive at CSC. In 2005-06, for example, 70% of aboriginal offenders admitted to the Correctional Service of Canada from the courts were serving a sentence for a violent offence, compared to 54% of non-aboriginal offenders.

Once an initial risk and needs assessment is completed, the question becomes one of how to address those factors that place aboriginal offenders at higher risk to reoffend. Community-based research has demonstrated that reconnection with culture, family, and community were key factors in the safe reintegration of aboriginal offenders.

Representatives of national aboriginal organizations and aboriginal stakeholders engaged with CSC, beginning in fiscal year 2001, to address alternative approaches. The resulting aboriginal corrections continuum of care model, developed with the guidance of aboriginal offenders, was adopted by CSC in 2003. The model embodies research findings that culture, teachings, and ceremony—core aspects of aboriginal identity—appear to be critical to the healing process.

In April 2006, CSC issued policies integrating aboriginal considerations throughout case management processes. Cultural awareness training for non-aboriginal staff has been developed and is currently being evaluated. The first priority will be delivery to all CSC parole officers.

I simply want to list the major elements within the continuum of care model. To begin with, elders and aboriginal liaison officers are engaged in the intake assessment process. Elders—and there are 74 now working for the Correctional Service of Canada, in our institutions—become part of the case management team for those offenders who choose to follow a healing path. Pathways healing units have been established—including one at a female offender institution—to provide a culturally appropriate environment that will support offenders on a healing journey.

Seven new aboriginal-specific correctional programs, designed with aboriginal stakeholders for delivery by aboriginal staff, are in varying stages of implementation and evaluation. These programs target violence prevention and substance abuse, key areas that place aboriginal offenders at higher risk to reoffend.

● (1220)

Eight aboriginal healing lodges, seven minimum security facilities for men, and one multi-level facility for women operate under formal agreements with local aboriginal communities and organizations.

Finally, aboriginal community development officers are engaging increased numbers of aboriginal communities in release planning and preparation for the return of offenders to their communities.

CSC is proud of the progress that has been made in these new programs and approaches. For example, a preliminary evaluation, in 2005, of the high-intensity violence prevention program for men, called “In Search of Your Warrior”, demonstrated that a large proportion of participants were successful in the community on release. Significantly smaller proportions of the participants were readmitted for new violent offences—7%, versus 57% for a comparison group that did not participate in the program.

Most recently, the expert committee on the ten-year status report on women's corrections cited that the Okimaw Ohci Healing Lodge for women serves as a “benchmark to demonstrate the extent to which collaboration with key community Stakeholders can translate into concrete action”.

Results from these initiatives appear to be impacting on the representation of aboriginal offenders in the population under supervision, with a slight increase from 12% in fiscal year 2000 to 14% in the community in fiscal year 2005, and this notwithstanding the hardening of the offender population. During the same time, the rate for violent reoffending while under supervision has gone down, from 5.6% in fiscal year 2001 to 3.6% in fiscal year 2005.

The correctional investigator also recommended that CSC significantly improve the overall rate of its aboriginal workforce. In that regard, CSC is currently the second-largest federal employer of aboriginal people, at 6.7% of all CSC employees, compared to a labour market availability rate of 4.7%. Their representation is highest in the two occupational groups working directly with aboriginal offenders—9.3% of all correctional officers and 7.7% of parole and program delivery staff. We nonetheless acknowledge the need to enhance recruitment, development, and retention of aboriginal employees.

In closing, while data on the representation of aboriginal offenders provides us with important indicators of where we need to look for change in corrections, further research and evaluation will inform us on the effectiveness of individual initiatives. CSC still faces many significant challenges and needs to build on the learning of the last five years.

This is an ongoing journey. Our "Strategic Plan for Aboriginal Corrections", which was released in October 2006, builds on that learning and articulates a vision for the next five years, to ensure a federal correctional system that is responsive to the needs of aboriginal offenders and contributes to safe and healthy communities. CSC will continue to partner with national, regional, and local aboriginal organizations and communities to develop solutions that respect aboriginal community priorities, needs, and capacities.

Thank you for your patience.

● (1225)

The Chair: Thank you very much.

Mr. Russell, please.

Mr. Todd Russell (Labrador, Lib.): Thank you, Mr. Chair, and my thanks to the witnesses. I want to share my time with Ms. Karetak-Lindell.

Certainly there seem to be some positive developments. Whether they're yielding positive outcomes seems to be questionable.

I'm really struck by a couple of statements. In your presentation, Mr. Demers, you said that in 1996 the Royal Commission on Aboriginal People said that prisons were the end of a whole series of decisions, societal trends, societal pressures, or whatever you want to call them. The end result has been a lot of aboriginal people ending up in prison or being incarcerated.

Let's make the assumption that some of those forces have been discriminatory, with systemic discrimination and all kinds of barriers in this particular fashion. When I read the correctional investigator's report, it says:

> ...our Annual Reports have made specific recommendations focused on addressing the systemic and discriminatory barriers that prevent Aboriginal offenders from full benefit of their statutory and constitutional rights and that significantly limit their timely and safe reintegration into the community.

It would seem that there wasn't a cutoff at the prisons, that somehow discrimination was out there in that world and it wasn't happening within the prison system. It would seem to me that at least what the correctional investigator is saying is that this discrimination, this prejudice, is going on within the prison system itself. So you have this vicious circle. Why they end up there is prejudicial and discriminatory. While they're in there, it's prejudicial and discriminatory. They have slow release, but once they're back out, they reoffend and this type of thing.

How would you respond to that particular comment or that particular view of the correctional investigator?

Mr. Don Demers: Responding to the first part, to the beginning of your statement, you've made an important point in terms of the people who wind up in the federal system. They basically have come to us with a variety of problems that have basically been developed outside of the system, often over a number of years. Our challenge is one of attempting to deal with those problems, and when they are released, hopefully they will be in a better situation in terms of reintegrating into society. Here I'm talking about educational deficiencies, substance abuse problems, and mental health concerns in some cases.

There's also a bit of a truism, of course. The Correctional Service of Canada doesn't get to choose who it takes into its system. We open our doors and welcome everyone equally.

Mr. Todd Russell: It seems like you welcome them back over and over again. What I'm hearing from the evidence is that you're part of the problem as well in terms of welcoming people back over and over again.

The report basically says there hasn't been any improvement in the statistics since 1998 in terms of the percentage of aboriginal people in prison; the percentage of people reoffending; the disproportionate amount of the population being aboriginal women; the fact that there are still not as many aboriginal people being released as non-aboriginal people; and the overclassification. None of this has improved since 1998.

Do you have any statistics that would report that there has been any improvement in any of those areas since 1998?

Mr. Don Demers: I would hearken back to my comments. What we have seen is a plateauing of the incarcerate population at the federal level in the last few years. It's true that it hasn't gone down, but it isn't going up.

At the same time we're having to deal with a considerably, in our minds, different and hardened population. We're getting offenders now with much longer, more extensive criminal histories and more violent offences. There is substance abuse, and programming and substance abuse problems, I regret. We have those sorts of situations.

It's a tremendous challenge, there is no doubt about it. We are the first to be disappointed, often, in the results, but we deal with people on an individual basis. I certainly think from some of the stuff that I have seen—the programs that are being developed and that have been implemented—that we are making some progress in that regard.

Systemic discrimination...discrimination is always one of those great concepts that people can argue about almost *ad infinitum*, but I would be remiss if I didn't comment on at least the imputation in the report that somehow some kind of racial discrimination is being practised by Correctional Service of Canada. Basically, it's a profound insult to the staff, the thousands of people who work in that system on a day-to-day basis. It's really a tough job.

With reference to systemic discrimination, I find many of our differences are definitional in a sense. For systemic discrimination to occur, the two elements you are comparing have to be basically equal to begin with. The problem we have, in essence, is that aboriginal offenders and non-aboriginal offenders who come into the federal system are not equal to begin with. We apply actuarial assessment tools not on the basis of race, but on the basis of individual risk. Because of that difference in actuarial findings—and a history of violent offences and a criminal background are very important indicators—the tools will give you the results you get.

The correctional investigator believes this is discriminatory, and I would respectfully disagree.

● (1230)

The Chair: We'll move on to the Bloc.

Go ahead, Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: Good Afternoon. Thank you for being here.

I have 25 years of experience in criminal law. I live in Rouyn-Noranda and I have worked in itinerant court in aboriginal communities. We can therefore speak man to man, or woman to woman, if you like.

Do you have any statistics on the number of aboriginals who are in federal custody for their first offence? I am talking about a first life sentence, either for murder or a serious offence. Where do these aboriginals live? For instance, do they come from the Wendake aboriginal community near Quebec City? Do they live in cities such as Winnipeg, Calgary or Regina? Do you have numbers to this effect?

Like you, I have read the Gladue decision. But you have had to apply this ruling, which is even worse. We have argued it, but you have had to apply it. I would like to know more about this important and essential Supreme Court ruling on an aboriginal inmate's right to be treated differently. I am weighing my words. We have to take into account where that aboriginal comes from.

I have a very specific example. It is very different to be incarcerated in a penitentiary with a degree in medicine or as a professor, than it is to arrive from an aboriginal community without a job or anything at age 20 or 22, when the only thing you have ever known is alcohol.

I would also like to know how you have applied the Gladue decision in the past two years, or the time it took to assimilate it and apply it everywhere. What has the Gladue decision changed?

I hope I am not troubling you too much.

● (1235)

Mr. Don Demers: I will try to answer your first two questions. I am sure that data exists, but unfortunately I do not have any with me.

Mr. Marc Lemay: Could you have it forwarded to us?

Mr. Don Demers: Certainly.

The percentage of aboriginal and non aboriginal people who are serving their first sentence in a federal penitentiary should not be too high. It is more often their last offence than the beginning of this route.

As far as the Gladue decision is concerned, I would look at the continuum of care model developed by Correctional Service Canada, which incorporates all the steps in the process, from entering the penitentiary to supervision in the community. I think this respects the needs of aboriginal inmates. For example, when an inmate enters a penitentiary, they are monitored and assessed for a period of 60 to 90 days. Elders are now participating in this process.

It is a question of willingness. If an aboriginal inmate wants to become involved, he can. The elder and our liaison officers, who are aboriginals, become members of the inmate's case management team. He can then stay in one of the penitentiary pathways healing units, which are strictly for aboriginal inmates.

A series of culturally appropriate programs have been developed for the pathways healing units to respond to the needs of the aboriginals. Again, the elders take part in the process. Case preparation has just been implemented to allow aboriginal staff to make a presentation, for example, to the National Parole Board. This also helps in the supervision of the aboriginal inmate once he goes back to his community.

Perhaps my colleague wants to add to that.

[*English*]

Mr. Ross Toller (Assistant Commissioner, Correctional Operations and Programs, Correctional Service Canada): As Mr. Demers pointed out, we will be giving you a lot more detailed information. In very much general terms, the rate of violent offending among aboriginal men and aboriginal women is much higher than those of non-aboriginal people. Although murder rates tend to stay the same, the number of those who serve time, say, for the more schedule 1, prolific, violent types of offences is significantly higher. It speaks to the point that Mr. Demers mentioned, that we are the receivers of those who have gone in front of the criminal justice system and have received a sentence.

Where they actually come from, although we do have some data on that...the intake looks at the place of sentencing. So it could very well be someone who comes from a reserve in Manitoba but who is sentenced in downtown Winnipeg.

There are those elements of nuancing, so when you get this information, Mr. Lemay, please look at it in that context.

We do break it down and do differentiate even in some important factors of our programming intake relative to what we would see as those who have been traditional reserve aboriginal people and those who have basically grown up in urban settings. There is a difference in terms of responsivity.

The last point I would just add in keeping with Mr. Demers' point is that he mentions the Pathways units, which are a response to address aboriginal needs. There are also very specific institutions we have built—healing lodges—and there are eight of these across the country, including some contained directly on aboriginal reserves. They are absolutely unique, in which the full development started with the aboriginal leaders in those communities, including the design, including programming infrastructure, and including the local hiring of staff.

In addition, we have agreements with a number of communities—these are under section 84 of the act—for the release of aboriginal offenders to a community where there is a community acceptance. So there is quite a bit of responsivity to moving toward public safety results with this group of people.

● (1240)

[*Translation*]

Mr. Marc Lemay: Thank you.

[*English*]

The Chair: Mr. Marston.

Mr. Wayne Marston: Thank you, Mr. Chair.

Before I start, I was thinking the investigator's report can be viewed as a bit of an indictment. For the folks coming here to speak to us today, I don't want anything taken on a personal level. I don't approach things in that way.

I have to read a comment from the investigator, which says:

> In short, as stated by the Canadian Human Rights Commission, the general picture is one of institutionalized discrimination. That is, Aboriginal people are routinely disadvantaged once they are placed into the custody of the Correctional Service.

I've heard you say a number of times that this is the background to the situation you feel you face.

I'd like to ask a couple of questions.

Number one, how many aboriginal staff do you have? You talked about actuarial tools when people come in for assessment. Are any aboriginals involved in the application of those tools? It was good to hear that involvement with elders and councils is helping.

I understand you promised to undertake an analysis of your reclassification methods and to revise them as necessary while stating you believe that the CI does not provide evidence that is suggestive of over-classification.

He referred to such things as aboriginals and segregation and aboriginal inmates released later in their sentences. Is there a problem or not? If there isn't, why are you making changes? That's an obvious question. Why are so many aboriginal offenders not making parole at the earliest possible date? Is it the responsibility of CSC to ensure that happens, and if so, what's going wrong?

Mr. Don Demers: Let me try to answer.

I believe there were three general questions. The first was on how many aboriginal employees we have. The last data we have is that as of March 2005 we had 907 aboriginal employees, which works out to 6.7%.

The second question has to do with the classification tools. We don't think there's a problem with the classification tools. An awful lot of work has gone into their predictive ability. The issue we keep running into is that the factors that allow you to predict risk in the institution also allow you to predict potential for reintegration in the community when they are taken on an individual basis. Unfortunately, the factors that are most predictive are disproportionately connected with aboriginal offenders. As a result of the application tool, at a group level, you get this situation. Where we tend to get into debate with the correctional investigators is whether the result of this is fair or unfair.

As far as we can tell, the assessments are applied as objectively as possible, and those are the results. Our position tends to be that we assess on the basis of risk; we do not assess on the basis of race.

The same kinds of factors will tend to predict whether people will get into trouble when they're in the institutions. They also predict chances of success when released into the community.

I can't really speak to release decisions, because the National Parole Board makes those decisions. We do the case preparation and we give them all the information we have.

On the third question, I wrote “changes” down, but maybe Ross can help.

● (1245)

Mr. Ross Toller: I have a comment, Mr. Marston.

I would echo what was pointed out before. If you had 25 researchers in a room here and asked for a definition of systemic discrimination, you'd probably get quite a range of answers.

Perhaps I could try to give you a real example. If you ask me the question, are there a number of aboriginal inmates being admitted to maximum security more so than non-aboriginal, I would say to you, yes, absolutely. Some people might interpret that, if they were one of those people in the room, as “There you go, there it is, systemic discrimination”. Our response to that continues to be that we look at the risk factors associated with the manageability of that particular individual, regardless of race, more specifically relative to their criminal activity and those criminogenic factors.

Aboriginal people, unfortunately, do have higher rates of substance abuse, higher rates of employment difficulties, higher rates of all the factors associated with that. I mentioned before the high violence rate, so yes, from an absolutely pure public safety standpoint, in order to make sure our measurability of public safety and of safety for our staff and inmates within an institution...those who come to us with violent tendencies tend to be incarcerated more once we look at the whole picture.

So that's the endless debate about systemic discrimination. There's much more beyond the numbers than just a statement, and I think that's why we often talk about those particular elements relative to risk, relative to race.

You asked a question about the actuarial tools, and I think Mr. Demers talked about that. Why are we looking at these? As part of our normal process, what we're interested in at Correctional Service of Canada is what works. We're interested in results. What gives us good public safety results? We continuously look at our programs. We continuously accredit our programs. Tools change.

We talked in our opening comments about the changing offender profile. Fifteen years ago, if we were sitting here having a conversation, we wouldn't be talking very much about gangs. Fifteen years ago, if we were sitting here talking, we wouldn't be talking about mental health.

It's changed dramatically. Our response inside has to keep up so that we continuously review, and we will continuously review, in perpetuity, our tools, and hence a responsivity for anything to do with classification, with reclassification in terms of its validity. These are research-based tools. These aren't elements pulled out of a hat.

Similarly, as Mr. Demers pointed out, the end releaseability of inmates is a function of the National Parole Board. Our job is to prepare the inmates for release, to manage the risk, and to make our presentations to that particular group.

The Chair: We have an opportunity to have a question from the government side.

Mr. Rod Bruinooge: I would like to ask a few questions, and then I'm going to split my time with Mr. Albrecht.

I believe your organization takes the people that the justice system sends you, so you're making do with the circumstances you're seeing. Clearly we have a large aboriginal population in your institution.

What's your opinion as to why that is? What is the reason that this population is so high?

Mr. Don Demers: Again, this is just my personal opinion. If you go back again, I think the reasons are reasonably well documented and simply because of the relative disadvantages that aboriginal people face in terms of—

Mr. Rod Bruinooge: Perhaps I can just cut you off there. Do you have any comparative analysis among individuals incarcerated from the greater population and below the poverty level? Do you have a comparative rate?

Ms. Diane Zilkowsky (Acting Director General, Aboriginal Initiatives, Correctional Service Canada): On the income levels, we do know that aboriginal men are significantly below—

Mr. Rod Bruinooge: And how would that compare to the larger population of people who are incarcerated and below the poverty level?

Ms. Diane Zilkowsky: We don't have specific data on that. I can tell you that there are much higher rates of unemployment and much lower levels of education for the individuals who have been coming into Correctional Services than there are for the general population.

When we're looking at things like substance abuse, for example, the data I have here is from a research report that looked at the differences between first nations, Métis, Inuit, and non-aboriginal offenders. It was published by CSC in 2003. Substance abuse, which is quite often for aboriginal offenders a factor in violent offending, was found in 90.5% of the Métis offenders. Some had considerable problems. It was 94% for first nations, and for the non-aboriginal population it was 70%. So when you start looking at the differences in the various groups, the need areas, and the factors contributing to the offending, substance abuse is certainly more significant in the aboriginal than in the non-aboriginal population. Employment is a significant indicator as well. There's quite a difference between the situations of aboriginal and non-aboriginal offenders in that regard, except in the case of the Inuit, for whom it's relatively similar to the non-aboriginal offender population. Family and marital relationships is an area in which we see significant differences. Those are some of the key points that we see when they come in.

Those are the areas we target. Primarily for aboriginal offenders, the new programs we've developed focus on prevention of violence: examination of substance abuse, because that's quite related to the violent offending; and treatment of sex offenders, because we know that when we look at the sentencing of Inuit offenders, almost two-thirds of them have committed a sexual offence. When you start looking at the distinctions among the different aboriginal groups, you really see what the different issues are in the communities they've come from. The reality is that generally more of the Métis are from urban areas rather than from rural.

● (1250)

The Chair: There's a minute and a half left.

Mr. Harold Albrecht: Thank you, Mr. Chair.

Thank you to each of the witnesses for coming. I applaud your focus on safe and healthy communities. It came through many times in your presentation and in your answers. I think we certainly need to keep that central. I applaud the good initiatives that are being undertaken in terms of the number of aboriginal employees, the healing lodges, and so on. I'm also glad to hear of your commitment to ongoing study and further adjustments as those are necessary.

I would also like to point out that prevention and rehabilitation programs are important. Our government recently made some significant announcements in that regard. One of my questions—and I raised this when the correctional investigator was here as well—is about the kinds of programs available for the victims. When you have a larger number of criminals, obviously you have a larger number of victims as well. It would seem to me common sense that many of those who are victimized will, by reason of having been victimized, also have a greater potential to become future criminals. What kind of programming would you recommend, or are there programs in place that would help deal with these victims in healing lodges or places like that so that they don't become involved in lives of crime?

Mr. Ross Toller: I'll just start off here, and Ms. Zilkowsky may fill in a few gaps. There are several aboriginal programs that have been developed, which involve levels of culture and spirituality, but which also include a component of understanding and empathizing with the victim. They are aimed at really trying to get at a comprehensive understanding of the elements and impacts associated with the victims.

Our organization is associated with victims from a couple of standpoints. As you're well aware, victims can provide input at the very start of a sentence in the form of a victim impact statement, which is considered in both the sentencing and the discussions with inmates toward the development of their correctional plan, as well as in conversations throughout their sentence. At the same time, victims have the right to attend National Parole Board hearings to provide information when the person is being considered for release. Once again the service responds through that particular element. Right now there are victim liaison coordinators in every single region who work with victims on questions they may have about the criminal justice system and how it works.

Right now there are approximately 30-some of these people devoted to that, right across the country. As well, at the very end, together with some of the aboriginal communities we have actually delved into healing circles in which aboriginal people and victims come together to talk about healing in the community itself. The vast majority of the program base of the aboriginals is all about healing—healing paths, healing journeys, spiritual "culturality", working strongly with the elders. We are seeing, as was mentioned here before, some significant results in a number of areas.

● (1255)

The Chair: We are running out of time, unfortunately. It's very interesting, and thank you for the response.

I want to thank the witnesses for being here today in follow-up to the report that was tabled. I really do appreciate your very informed answers. Thank you.

Committee members, we have just a couple of things to tidy up before we break. One is the Canadian launch of the international polar year, 2007-08, which is going to take place next Thursday, March 1, between 10:30 a.m. and 1 p.m.

Is it the pleasure of the committee to cancel the meeting of Thursday of next week so you can attend?

Some hon. members: Agreed.

The Chair: It's not a committee function. It'll strictly be on your own, so we don't need to get permission.

The other item is about Tuesday when we meet. I need some direction. Unless we start looking into aboriginal child welfare, the only thing we have other than that would be to just deal with committee business and future planning. What is the direction of the committee?

Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: Will we have the recommendations on housing? If so, we can discuss that issue. Then, I suggest we address the issue of child welfare before discussing Bill C-44, on which the House has just voted.

[*English*]

The Chair: It's my understanding we will deal with the recommendations that come forward.

Madam Hurley, will you have—

Ms. Mary Hurley (Committee Researcher): They've already been sent.

The Chair: Okay. We'll do that first thing. And I want to let you know that we won't be dealing with Bill C-44 until after the break—so you understand that.

Mr. Bruinooge.

Mr. Rod Bruinooge: If we could spend a few moments, though, at the next meeting talking about the process for preparing for Bill C-44 in terms of how we're going to—

The Chair: How we're going to deal with that. That would be good.

Thank you very much.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
http://www.parl.gc.ca
