



October 2, 2017

Sharon Armstrong
Vice-President, Communications & Operations
Ontario Stone, Sand & Gravel Association (OSSGA)
5720 Timberlea Boulevard Unit 103
Mississauga ON L4W 4W2

Dear Ms. Armstrong,

Re: Update on Ontario's Review of the Duty to Consult

This letter is intended to provide an update on the status of the province's review of its duty to consult practices which is being led by the Ministry of Indigenous Relations and Reconciliation (MIRR).

Background on Ontario's Review of the Duty to Consult

MIRR, with the support of other ministries, has been asked to work with Indigenous partners, as well as industry and stakeholders, to listen to perspectives, review what works well and identify areas for enhancing how the province currently addresses its duty to consult. A time-limited Consultation Policy Project Office (CPPO) was formed to lead the review.

In May 2016, MIRR worked with the Canadian Council of Aboriginal Business (CCAB) to coordinate and host a session with industry representatives from energy, forestry and aggregates sectors. This session was an opportunity to hear from industry about their experiences with consultation and also to discuss Ontario's early steps to address consultation policy across government.

In 2017, MIRR has been working together with First Nation organizations to organize a series of engagement sessions to both better understand the consultation challenges faced by First Nation communities and to work through potential opportunities for change. These sessions have been taking place since this Spring and will continue through the Fall of 2017.

To date, MIRR has gathered valuable perspectives through the aforementioned engagement sessions and is very appreciative of the participation of the industry representatives and First Nation experts that have contributed to this exercise.

The input we have received is helping us identify potential initiatives aimed at enhancing the province's approaches to addressing the duty to consult. MIRR is exploring a range of options to improve current processes, including opportunities to enhance government processes for information management and information sharing.

Updating Ontario's Guidance on the Duty to Consult

One of the initiatives that we are considering as part of this review is replacing the 2006 *Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights*.

The 2006 Draft Guidelines provided information to ministries to assist them as they developed ways to meet the duty to consult, and where appropriate, accommodate Aboriginal communities. The 2006 Draft Guidelines also provided Aboriginal communities, industry proponents, municipalities and others more information on how Ontario fulfills the duty to consult. A copy of the 2006 Draft Guidelines is attached.

In the years since the development of the 2006 Draft Guidelines, there have been advancements in law and practice surrounding the duty to consult. Additionally, First Nation communities, industry proponents and municipalities have all indicated they want more detail about how Ontario fulfills its duty.

Opportunities to Participate

Attached to this letter is a document outlining what Ontario may include in potential new Consultation Guidelines ("Guidelines"). Letters and the Guidelines have also been sent to all Provincial Territorial Organizations as well as First Nation communities to invite their review and comments on this document. We will take the input and feedback provided into careful consideration as we further develop and finalize the Guidelines.

Our hope is that your organization and industry representatives will be able to review and provide input into the Guidelines by October 13, 2017.

We also welcome feedback through other forums. Should you have any questions, comments or suggestions please do not hesitate to contact Matt Garrow at 416-314-1607 or at matt.garrow@ontario.ca. You can also reach us at dutytoconsult@ontario.ca.

The Ontario government firmly holds the view that reconciliation must occur on a government-to-government basis. This review of the Guidelines is only one small aspect of an ongoing process that also includes increasing Indigenous voices and control in decision-making and service delivery, adopting a government-wide approach on how to best reflect and serve Indigenous people in Ontario and addressing the Truth and Reconciliation's Calls to Action.

We look forward to working together to better understand the challenges and opportunities related to how Ontario fulfills its duty to consult. In Ontario's view, good consultation practices can help further the ongoing process of reconciliation, a process to which the province is deeply committed.

Sincerely,



Alison Pilla
Assistant Deputy Minister

Enclosures

C: Deborah Richardson, Deputy Minister, MIRR
Matt Garrow, Director, Strategic Planning and Economic Policy, MIRR