



BRIEFING NOTE

Draft Resolution #17 – Proposed Federal Drinking Water and Wastewater Legislation for First Nations

To: Ontario First Nations Leadership
From: Chiefs of Ontario, Environment Sector
Date: July 6, 2023
Purpose: Background information for DR #17 – Proposed Federal Drinking Water and Wastewater Legislation for First Nations

ISSUE

Draft Resolution #17 for the upcoming Assembly of First Nations (AFN) Annual General Assembly (AGA) addresses the current concerns with proposed federal legislation on drinking water, wastewater, and related infrastructure. COO has been engaged on the development of legislation in cooperation with the AFN under COO Resolution #10/17.

BACKGROUND

Repeal of the Safe Drinking Water for First Nations Act passed in June 2022 as a requirement of the 2021 Safe Drinking Water for First Nations Class Action Settlement. Multiple resolutions called for the co-development of the new water and wastewater legislation. An AFN Water team was established to work with the Regional Water Coordinators (RWCs) on a weekly basis feeding into the legislation.

On February 17, 2023, the legislation was released for a 30 day consultation period ending March 19, 2023, and later extended based on feedback from engagements to April 23, 2023. COO organized two 1.5 day engagement sessions on the new water and wastewater legislation with feedback to Canada, which was then submitted on March 19th, 2023 (see attached Report). The federal government planned to introduce the proposed legislation this spring following First Nations engagement. However, as several significant outstanding issues remain, introduction of any new legislation was pushed back to fall 2023 to allow for additional engagement and negotiation to take place in summer 2023.

ANALYSIS

The issues raised within DR #17 reflect the concerns and priorities raised at the COO engagement sessions on the proposed legislation. The actions are supportive of the

work that the AFN and the RWCs are doing regarding the replacement legislation. These issues have yet to be adequately addressed in the draft legislation, which the AFN does not endorse in its current form. However, ISC is pursuing an expanded mandate to enable discussion to resolve remaining impasses. Clear pressure from the AFN to arrive at a positive outcome and the strongest legislation possible in support of First Nations drinking water and wastewater issues will help expedite this process.

RECOMMENDATIONS

Support for DR #17 is recommended as this resolution affirms the feedback from First Nations' Chiefs and representatives who contributed to COO engagement sessions on the draft water legislation. It also shows support for the work of the AFN, water leads, and RWCs, and indicates future work to ensure replacement legislation lives up to First Nations' expectations.

ATTACHMENTS

1. Proposal for An Act respecting drinking water, wastewater and related infrastructure on First Nation lands
2. Consultations on the Proposal for An Act respecting the drinking water, wastewater and related infrastructure on First Nations lands (COO, March 2023)
3. Letter to the Honourable Patty Hajdu from Ontario Regional Chief Glen Hare (May 15, 2023)