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Chair: Mr. Patrick Weiler





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• (1535)

[English]

**The Chair (Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.)):** I'd like to call this meeting to order.

It's great to see everybody here after a summer recess. I hope everybody has had a very nice time in their constituencies and meeting with their constituents.

I want to welcome everybody to meeting number 117 of the House of Commons Standing Committee on Indigenous and Northern Affairs. As always, we start by acknowledging that we are gathered on the ancestral and unceded territories of the Algonquin Anishinabe peoples. I want to express gratitude that we're able to do the important work of this committee on lands that they've stewarded since time immemorial.

Before we begin, I would like to ask that all in-person participants read the guidelines written on the updated cards on the table. These measures are in place to help prevent audio and feedback incidents and to protect the health and safety of all participants, including the interpreters. You'll also notice a QR code on the card, which links to a short awareness video. You'll notice that the microphones are a bit different from what they were prior to the summer. Just make sure you toggle to the appropriate language before we get started here.

Today's meeting is taking place in a hybrid format. All witnesses have completed the required connection tests in advance of this meeting.

I would like to remind the participants of the following points.

Please wait until I recognize you by name before speaking. All comments should be addressed through the chair.

Members, please raise your hands if you wish to speak, whether participating in person or via Zoom, and the clerk and I will manage the speaking order as best we can.

Pursuant to the order of reference of Wednesday, June 5, 2024, the committee is resuming consideration of Bill C-61, an act respecting water, source water, drinking water, waste water and related infrastructure on first nation lands.

Just so you know, we will have time for committee business at the end of this meeting as well.

With that, I'd like to welcome the witnesses we have here today: Mr. John Paul, executive director of the Atlantic Policy Congress of

First Nations Chiefs Secretariat; Vice-Chief David Pratt from the Federation of Sovereign Indigenous Nations; and, from the First Nations Advisory Committee on Safe Drinking Water, Mr. John Brown in person and Ms. Emily Whetung-MacInnes online.

We are going to get into the introductory remarks for each of the three witnesses, starting with Mr. Paul.

You have five minutes.

**Mr. John Paul (Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat):** Thank you, Mr. Chair.

I want to thank the committee for providing an opportunity to provide direct input into this very important piece of federal legislation. I work on behalf of 33 elected first nations chiefs across Atlantic Canada and the Gaspé in Quebec.

Our not-for-profit organization has been in place for over 30 years. Our organization is a policy research organization that analyzes and develops culturally...alternatives to federal policies that impact our Mi'kmaq, Wolastoqiyik, Innu and Peskotomuhkati communities and people.

Our chiefs and staff work to develop a strong voice for all of our communities and people. The development of this legislation has taken a long time, and our chiefs have been involved since the beginning of the discussions with the expert panel on safe drinking water for first nations and the report completed in November 2006.

Our chiefs have always supported the idea of a clear legislative and regulatory regime to ensure equality in the provision of safe drinking water to all of our communities and the safe disposal of waste water. This was the only way in which our first nations would be equals to non-indigenous communities across Canada. Both detailed legislation and comprehensive regulations are needed to ensure that there is a direct connection with the supply of water to the taps in every home in all of our communities.

We clearly remember the crisis that occurred after the Walkerton tragedy in 2010 and the actions by all governments to ensure standards were followed by all communities across Canada, including first nations.

Our chiefs believe it is important to remind everybody why we are here at this point today. To our people and communities, water is an important part of our traditions and culture, and it has been important since time immemorial. Our people have used it to survive and have had traditional ways to ensure water was safe for use in all communities.

In the modern context this has not changed, and all of our communities want safe drinking water for all of our people.

I would now like to outline some key aspects of the legislation that could be improved.

First nations water quality is currently unregulated. Bill C-61 allows first nations to create their own regulations for water and waste-water quality, which, at the minimum, must align with the guidelines for Canadian drinking water quality and either the waste-water system effluent regulations or provincial standards.

The waste-water regulations must consider an environmental risk assessment of the receiving water body. Our chiefs support water and waste-water regulations, as a regulatory framework supports operational and design conditions for our first nations' conditions, consistent with non-indigenous communities. However, regulations developed under C-61 must be met with adequate funding.

With the key first nations standards that are identified within the legislation, our chiefs, in co-operation with the Atlantic First Nations Water Authority, communicated that it will be necessary for Indigenous Services Canada to develop, in partnership with first nations, a comprehensive funding framework within the first year of the act achieving royal assent.

Subclause 27(5) states that “The Minister must make best efforts to begin consultations” on a funding framework within six months of the section coming into force. This is encouraging. However, while there is a mandate to start the work, there is no required deadline to finish it. Our committees believe there must be a commitment to finalize the funding framework within two years of the legislation meeting royal assent. It is essential.

Further to funding, if a first nation creates standards above the guidelines of the Canadian drinking water quality or waste-water system effluent regulations, funding must be adequate to design, install, operate, maintain and monitor the infrastructure required to meet those standards.

• (1540)

Having said that, I must emphasize the need for adequate funding for operations and maintenance on an ongoing basis. Additionally, increased treatment processes require advanced operator training. We must look 20 to 25 years in the future, as the need for safe drinking water will still exist.

More importantly, paragraph 27(2)(d) identifies enforcement as an important element to be considered in the funding framework. Today, there is no precedent for enforcing regulations regarding water services in first nations. Clause 24 enables “the Minister or a provincial, territorial or municipal government or...any public body acting under the authority of the First Nation” to enforce first nations bylaws. Preferably, it will be a first nation-designed and -led enforcement body. It is unclear what the actual cost of enforcement would be—

• (1545)

**The Chair:** Mr. Paul, I'm sorry. I'm going to have to ask you to wrap it up here, if you can. We're over the time.

If you can, just wrap it up. We'll have more time in the questions as well.

**Mr. John Paul:** Finally, we are encouraged to note that standards developed must apply to both individual and decentralized systems. It is essential that all systems in all communities be included under the regulatory regime. A system that excludes people within your own community from safe drinking water is a system that doesn't work. We need a system that works, and we need the funding to ensure that there are no gaps and holes in the system for the provision of water and the disposal of waste water.

Thank you very much.

**The Chair:** Thank you so much, Mr. Paul.

Next, joining us by video conference, we have Vice-Chief David Pratt.

You have five minutes for your introductory remarks.

**Vice-Chief David Pratt (First Vice-Chief, Federation of Sovereign Indigenous Nations):** Thank you very much, Mr. Chairman, as well as to the clerk and all the committee members today. I'll get right into my statement so we can get into discussion and questions. Thank you all today for your time. I want to acknowledge the beautiful, unceded and unsurrendered Treaty 4 territory that I'm calling from in the city of Regina today.

Good afternoon, members of the INAN committee, staff, my fellow presenters and those observing in person and online. On behalf of the Federation of Sovereign Indigenous Nations, which represents the 74 first nations in Saskatchewan and Treaties 2, 4, 5, 6, 8 and 10, I bring greetings and express my thanks for being given the opportunity to speak to Bill C-61. The FSIN supports federal legislation respecting first nations drinking water, waste water and source water. However, we have concerns regarding the act in its present form. I will note that it has been improved significantly since it was introduced in February 2023, but there's more that needs to be done.

The recommendations in the paper we submitted earlier are based on the position held in our territories since the signing of the numbered treaties and are entirely consistent with UNDRIP, the UN covenant on human rights, the 1982 Constitution Act and the 1763 Royal Proclamation. We hold that as an equal partner in treaty, our nations remain sovereign. It should be rightfully acknowledged, in the current context, as an order of government alongside the federal and provincial governments.

The functionality of this means our job here is to work towards sharing jurisdiction and powers within a co-operative confederation built on reconciliation. This position has been described as treaty federalism. It should be noted that the Constitution Act says nothing on the structure of federalism, only that Canada is the creation of our interlocked rights. Sovereign rights and powers of first nations, which are the basis for all treaty agreements, form the oldest foundation of the Constitution. This is why we call certain sections of Bill C-61 a legislative overreach. The aboriginal treaty rights in section 35 include self-determination. We determine our path. Bill C-61 says Canada affirms first nations' right to self-government, and jurisdiction that imposes layers of federal law narrows our jurisdiction until there is very little room to move.

None of this has anything to do with drinking water and should be taken out. Fresh water will become highly valuable in the near future, and we see the legislative overreach in Bill C-61 as part of a larger strategy by Canada to strengthen its decision-making over water.

We understand this strategy includes the Canada Water Agency and the modernization of the Canada Water Act. However, the paltering that has occurred to draw attention away from the connection between Bill C-61 and these other initiatives raises concern that an additional motive of the strategy is to limit our rights, especially given the overreach described in the paper. Section 35 means that any discussions regarding source water protection or interjurisdictional agreements should occur at treaty tables on a nation-to-nation basis, not through a policy process administered by the Canada Water Agency, which seems to be implied in clause 6(1)(b). As your treaty partner, we remind Canada that our relationship already contains collaborative processes that can be used to reach durable agreements.

When this bill was first discussed, it was in the context of fulfilling Canada's fiduciary duty and preventing another water crisis. If this is still the case, then the use of the "best efforts" clause and sections relating to funding must be amended. It does nothing more than create a loophole that undermines the entire intent and purpose of the act. If Canada truly wants to affirm our section 35 rights and jurisdiction, as stated in the preamble, it will provide us with the proper resources to develop and enforce our own laws and not impose its own beyond what is necessary to ensure proper waste-water and fresh water services for all first nations and prevent future crises. This would be a positive step towards reconciliation and a good way to honour those in our communities who have been affected by a lack of clean water.

Thank you for listening. To committee members, to the staff and to my colleagues, I wish you all good luck in this important work.

*[Witness spoke in indigenous language]*

*[English]*

● (1550)

**The Chair:** Thank you very much, Vice-Chief Pratt.

With that, we are going to go to our witnesses from the First Nations Advisory Committee on Safe Drinking Water. I understand Chief Emerita Whetung-MacInnes is going to be providing five minutes of opening remarks.

**Ms. Emily Whetung-MacInnes (Chief Emerita, First Nations Advisory Committee on Safe Drinking Water):** Thank you.

*[Witness spoke in indigenous language]*

*[English]*

Good afternoon, Chair and committee.

I am joined today by John Brown, who is in the room with you.

My name is Emily Whetung, and I am chief emerita of Curve Lake First Nation and chair of the First Nations Advisory Committee on Safe Drinking Water. I am also one of the individual representative plaintiffs in the access to safe drinking water class action.

I'm here today with one request, which is this: Please do not politicize first nations' access to one of the basic necessities of life. This is a matter that is too important to get caught up in party politics. The legislation that you're considering relates to a subsection of Canadians whose human rights have been ignored for too long. You've heard this sentiment before. You've maybe even seen it in the media, but I'd like to take these first few moments to tell you what this means on a personal level.

It means that when I became a mother in 2014, I had to make sure that the bathwater didn't go in my children's mouths, because it might have made them sick. It means that as they got older, I had to take extra time, coordination, money and energy to get bottled water to make their food safe. It means that all of their beautiful baby and infant pastel-coloured clothes became gray, worn and brown, because the water we washed with was so full of sedimentation that their baby clothes were discoloured. My baby struggled with eczema and skin rashes, which I can only assume was a result of the water issues we faced.

My community doesn't have the worst drinking water in Canada.

It means that eventually I paid over \$10,000 personally to have the water issues I faced fixed. Please understand that I say "fixed", but the system did not eliminate these issues. It simply made the water drinkable and slowed down the wear and deterioration of our clothing and appliances.

These are the everyday struggles of indigenous people across Canada. I want to share with you that my first nation is not remote. It's not in the north. It's three or four hours west and south of O-tawa, where you sit now.

My grandfather lived to be 99, and he passed away in 2021. He would sit by the lake and tell my children and me the stories of how clear and clean the water was when he was young, how you could drink it from the lake, and his memories of our family being healthy and well. When I was a child, he had a water treatment system installed in his home in order to provide for his family. It's a big family. He had 13 children. Everyone who lived nearby would come to his house in the evenings or on weekends with water jugs to fill them up. While it made him proud to be able to take care of us in this way, it's heartbreaking to think that in southern Ontario this had to happen.

I'll say it again. I'm here today with one request. Help Bill C-61 make its way through the legislative process. Help first nations take the first steps toward positive legislation that provides access to clean drinking water. At the very least, move this legislation forward to meet the minimum obligations of the class action settlement agreement.

In my culture, time and attention are a gift, and I would like to express my gratitude for the gift that you've given all of us today with your time and attention.

Thank you. *Meegwetch*.

• (1555)

**The Chair:** Thank you very much for your opening comments.

Before we proceed to the first six-minute round of questioning, I understand that there have been some discussions amongst the parties about a motion, and there is unanimous consent. I want to turn it over to Mr. Carr to present the said motion.

**Mr. Ben Carr (Winnipeg South Centre, Lib.):** Thank you, Mr. Chair.

I apologize to our witnesses. I don't want to take too much time away from the matter at hand, but very quickly, as the sole representative at this table for Manitoba, I want to put forward the following motion in light of the passing of Cathy Merrick, grand chief of the Assembly of Manitoba Chiefs.

I've run this by the leaders of all parties around the table, and I'll read it as follows, Mr. Chair:

That, in light of the sudden passing of Assembly of Manitoba Chiefs Grand Chief Cathy Merrick on September 6, 2024, the Standing Committee on Indigenous and Northern Affairs offer its deepest condolences to her family, friends and community. The committee acknowledges her tireless efforts and leadership, particularly her advocacy for missing and murdered indigenous women and girls, and pledges to honour her dedication to improving the lives of first nations people through its ongoing work.

Furthermore, that the committee report this to the House.

Mr. Chair, because I did not have the chance to present this with 48 hours' notice, I do need unanimous consent in order to move the motion. My hope is that we will receive that, and following that, we can quickly vote to adopt this motion and get back to the important topic at hand vis-à-vis Bill C-61.

Thank you, Mr. Chair.

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

Welcome, Mr. Angus, to our committee today. I want to recognize you and what you might want to add to this.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Thank you.

Certainly this study of water is super important. It's something that the communities I represent struggle with, and the indignities and injustices have to be addressed.

I want to take just a few moments for my colleague, Mr. Carr, on this motion recognizing the loss of Grand Chief Merrick, who was a real trailblazer and someone whose sudden death, I think, shocked everybody. I think these moments, when we come together across party lines to recognize the people, particularly the women, who are leading the way for indigenous justice in this country, are really important.

On behalf of the New Democratic Party, I would like to fully support my colleague's motion.

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

[*Translation*]

Mr. Lemire, you have the floor.

**Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ):** Thank you, Mr. Chair.

The Bloc Québécois also wants to support Mr. Carr's motion and highlight Grand Chief Merrick's very noble commitment to a number of important issues for first nations, including the issue of missing and murdered women. She will be remembered for her outspokenness and commitment. We offer our sincere condolences to the first nations, the Assembly of Manitoba Chiefs, and Cathy Merrick's colleagues, friends and family.

Thank you, *meegwetch*.

**The Chair:** Thank you.

[*English*]

Will this motion be adopted by unanimous consent?

(Motion agreed to)

**The Chair:** Thank you.

**Mr. Ben Carr:** Thank you, colleagues.

Thank you, Mr. Chair.

**The Chair:** With that, we will get into the first round of questioning, starting with the Conservatives.

Mr. Shields, you have six minutes.

**Mr. Martin Shields (Bow River, CPC):** Thank you, Mr. Chair.

I appreciate the witnesses for being here today in person and via video.

My first question will go to Vice-Chief David Pratt, who's with us via video conference.

In your media release dated December 11, 2023, you stated:

The proposed act announced today would force First Nations into more negotiations with the provincial government, who must agree to any protection plan.

Your chief was also quoted as saying:

Of particular concern in this proposed legislation is a section that allows Canada and Provincial and Territorial governments to make agreements regarding First Nations water by themselves. While it says the Minister must consult with First Nations on these agreements, the law does not require First Nations approval of any agreement as it does the provinces on source water.

Vice-Chief Pratt, do you believe the legislation can guarantee that first nations, the federal government and provinces would have to come to an agreement before any regulations would come into force?

• (1600)

**Vice-Chief David Pratt:** First of all, thank you, Mr. Chair.

Thank you to the honourable member for his question today. I appreciate that.

Definitely one of the biggest concerns we have with this agreement is that when it came to source water we would have to negotiate an agreement with the province or territory we were in. Our position here at the federation since our founding in 1948 has been that first nations have jurisdiction over their lands, resources, territory, etc. We feel that the legislation boxes us in, as we would have more of a policy- rather than a rights-driven position on water. That's one of the biggest concerns we have with it. We definitely have concerns around that wording in the legislation.

As I said earlier, in my opening statement, we are not against any type of federal water legislation. We just want to ensure that, number one, rights are respected, and number two, that it actually ends the boil water advisories and provides adequate resources and funding. This is why I raised the "best efforts" clause inside the legislation, because then successive governments will be allowed to give only their best efforts. That wording leaves it pretty wide open, and it doesn't really guarantee the success of governments. It's not just the current one that will be able to commit to the statutory funding that's required to adequately address the question of clean drinking water within first nations.

I hope that answers your question.

**Mr. Martin Shields:** Thank you for that part.

One of the challenges with legislation is to write it vaguely but with enough structure in it. However, this leaves it pretty wide open for the regulations. The federal government can write the regulations, and it doesn't have to get your consent to those regulations.

Is that something that's going to be problematic?

**Vice-Chief David Pratt:** Definitely it will be a problem. I will probably be impeached and lose my job if I agree to that. If they're allowed to proceed without our consent and without—what's that legal term?—our acquiescence, there are going to be problems.

I think that on the jurisdictional questions, we do have a precedent already in federal legislation with the act respecting first nations, Inuit and Métis children. I would like to see us go down that same line in recognition of first nations jurisdiction in this country.

I don't think we're asking for too much. We would like that respect. I think it needs to be given in an era of reconciliation and in an era of.... It's 2024. The colonial office closed 150 years ago, so I think it's time to really put first nations in the driver's seat and recognize that jurisdiction.

Also, it puts the pressure on the provinces and territories to negotiate with us in good faith.

Thank you, Mr. Chair.

**Mr. Martin Shields:** Thank you.

I think that's an excellent comment, when you suggest the co-operation between the three levels of government that we're talking about here. If we don't get consent and agreement with all parties, this legislation is going to be severely limiting in what you would expect it to bring to you.

**Vice-Chief David Pratt:** Exactly, Mr. Chair. Thank you.

**Mr. Martin Shields:** Mr. Paul, one question we might have with this legislation is on protection zones.

Do you have an understanding of what protection zones would mean in this legislation?

**Mr. John Paul:** Not really, but I know that if the regulatory regime is written clearly enough, with full inclusion and participation of first nation perspectives, it will protect our interests and bring clarity to whatever part of the legislation. It will be the threads that create the mesh for the legislation, basically, for our communities.

**Mr. Martin Shields:** At this point, you don't have what you would call a definition of what a protection zone would be.

**Mr. John Paul:** No.

**Mr. Martin Shields:** Okay.

I will go back to Vice-Chief Pratt.

Do you have a definition or an idea of what protection zones would be for you?

**Vice-Chief David Pratt:** I would have to agree with Mr. Paul on that. I think that it leaves too much ambiguity in terms of not having a clear definition on that.

I get that every piece of federal legislation has that issue. Every piece of federal legislation is not a perfect piece of legislation, but I think that when it comes to clean drinking water, the class action and all the issues that we've had with that, we have to ensure that we're not just allowing the status quo to continue. We have to ensure that there actually is a change when it comes to this.

Part of our mandate here at the federation is to pass our own pieces of regional water legislation, to govern ourselves in terms of how those processes will work.

To answer the question, I believe that it leaves that process too ambiguous, too open and with not enough clarity.

Thank you.

• (1605)

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

Next up in the six-minute round, we'll be turning the floor over to Mrs. Atwin, who is with us virtually.

You have six minutes.

**Mrs. Jenica Atwin (Fredericton, Lib.):** Thank you very much, Mr. Chair.

Thank you to my fellow committee members and our witnesses for joining us today.

It's back to school in the House of Commons, which means back to work. First nations have been waiting far too long for this legislation and for action around clean drinking water, so I've been very eagerly awaiting today's meeting. I'm very grateful to our witnesses for putting forward, again, incredible recommendations that we've certainly taken note of.

I'd like to specifically shout out Chief Whetung-MacInnes. Thank you for situating women's voices and children in all of this. I think those are the stories that really break through and really present the reality of what people have been experiencing.

I certainly want to underline, as well, your caution to not politicize this. This is a non-partisan issue that all of us should deeply care about. I know that my fellow members of the committee are all here for the right reasons, so I look forward to getting through this work, getting through clause-by-clause, and getting to royal assent in a form that works for everyone and works for communities.

I'd like to actually start with the first nations advisory committee.

What's the role specifically? What did that consultation or engagement process look like with regard to this legislation?

**Ms. Emily Whetung-MacInnes:** John, do you want to answer that from a technical perspective?

**Mr. John Brown (Executive Director, First Nations Advisory Committee on Safe Drinking Water):** Certainly. Then you can speak to it as the chair.

The First Nations Advisory Committee on Safe Drinking Water was created by the class action settlement. Its mandate, among other things, is to canvass and represent the views of first nations across the country. Its membership is made up of indigenous persons from across the country, and the mandate is to help provide advice to the federal government on what priorities it should look to in terms of asset allocation, funding and the types of water infrastructure that should be provided to first nations. That's mandate number one.

Mandate number two is to oversee and help monitor this very process, i.e., the repeal of the former water act and the replacement of it with this water act. In simple terms, this means ensuring that this water act meets the needs of the first nations and also meets the terms and conditions that Canada has already agreed to in the class

action settlement itself, both by way of written agreement and by way of court orders enforcing that agreement.

I'm the executive director of the First Nations Advisory Committee on Safe Drinking Water. Chief Whetung-MacInnes is the chair of the committee itself, and I'll turn it over to her now to answer the question from her perspective.

**Ms. Emily Whetung-MacInnes:** I don't know that I have a whole lot more to add, John. That was very succinct.

However, with regard to Vice-Chief Pratt's point, we also provide support on the governance of first nations internally and support for that work as well.

Thank you.

**Mrs. Jenica Atwin:** That's great, and it really picks up on what Vice-Chief Pratt was mentioning.

Several previous witnesses have also raised concerns around provincial jurisdiction when it comes to source-water protection, so I'm very interested in perhaps strengthening this piece of the bill. Do you think the formal recognition of first nations' inherent rights over water will strengthen this position when dealing with provinces?

This is for Chief Whetung-MacInnes and Vice-Chief Pratt.

**Ms. Emily Whetung-MacInnes:** Absolutely. I think recognizing the inherent rights of indigenous people always helps strengthen that process and is absolutely necessary.

**Vice-Chief David Pratt:** I concur with the chief, and I want to thank the chief, too, for the comments that she brought earlier. I also want to thank the honourable member who started off with a recognition of Grand Chief Cathy Merrick.

Thank you very much.

• (1610)

**Mrs. Jenica Atwin:** Thank you very much. Our hearts go out to her family.

In general, as well, for the First Nations Advisory Committee on Safe Drinking Water, your members deal with provincial governments of all political stripes. Have you seen any interest from provinces to work with you on water protections, or are these conversations already ongoing?

**Mr. John Brown:** [*Technical difficulty—Editor*] From the perspective of the executive director, no, we've not seen any provincial governments reach out to our committee to deal with these issues.

Perhaps Chief Whetung-MacInnes has a different perspective as the chair.

**Ms. Emily Whetung-MacInnes:** No, I have no different perspective.

**Mrs. Jenica Atwin:** Okay.



Do you think if, perhaps, there was an arrangement in the bill that required the federal government to convene a round table or something of that sort to discuss protection zones at the request of a specific first nation as a way to make sure that all future governments could fulfill these responsibilities, something that ensures this is ongoing regardless of the political stripes...?

**Mr. John Brown:** Chief Whetung-MacInnes.

**Ms. Emily Whetung-MacInnes:** Thank you.

I think, in terms of convening power, it's always helpful to get together and have those conversations, but the risk is always delay in making those things happen.

In terms of source-water protection, no, I think that's all I have to say on that.

Thank you.

**Mrs. Jenica Atwin:** Okay.

Now, quickly, as my time is running out.... I know there were two drafts circulated prior to introduction, and I know that the First Nations Advisory Committee on Safe Drinking Water was able to see these drafts. Did you put forward any suggestions that were either in full or in part seen in the second iteration of the bill?

**Mr. John Brown:** I can say that the bill we're looking at today is fundamentally different from the first iteration of the bill that we saw, so we were able to look at the two previous iterations and make many suggestions to help improve the bill. As a result of that, as you'll see from our written submissions, we think this version of the bill, with the amendments we've suggested, does a good job.

**The Chair:** Thank you very much, Mrs. Atwin.

[Translation]

I now give the floor to Mr. Lemire for six minutes.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

Thank you to all the witnesses. *Meegwetch.*

My first question is for the first nations advisory committee on safe drinking water, particularly Chief Whetung-MacInnes.

It's a pleasure to see you again and to have this discussion in a formal setting such as this one. Here is where these issues must be addressed and these debates must be held.

I would be curious to hear your views on Bill C-61, which was tabled long before the special rapporteur on the human rights to safe drinking water and sanitation visited and tabled his report in April 2024. In the report, he urges the Government of Canada to do more to guarantee the right to safe drinking water for indigenous communities.

Using the term "best efforts" when it comes to providing funding appears to be a loophole, not a guarantee that the money will be sufficient or a commitment that the funding will be both stable and predictable.

Do you think we should amend Bill C-61 to ensure that the government, rather than simply doing its best, will guarantee that the money will be sufficient, stable and predictable?

[English]

**Ms. Emily Whetung-MacInnes:** Chair, I'm so sorry. The translation went out halfway through, and I have no idea what the question is. I apologize.

**The Chair:** We're going to quickly pause to make sure that we can address the translation problem.

[Translation]

Mr. Lemire, I'm going to give you more time.

In the meantime, I will continue to speak in French. Can you hear me in English? It looks that way, so great.

Mr. Lemire, I'll go back to you.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

I was speaking to Chief Emerita Whetung-MacInnes, whom I am happy to see again. I'm also happy to have this discussion in an official setting where her story can be heard.

My question is about Bill C-61, which was tabled long before the visit of the special rapporteur on human rights to safe drinking water and sanitation and the tabling of his report in April 2024. In the report, he urges the Government of Canada to do more to guarantee the right to safe drinking water for indigenous communities.

Using the term "best efforts" when it comes to funding seems to me to be a potential loophole, rather than a guarantee that the money will be sufficient or a commitment that there will be stable and predictable funding for first nations.

Are you proposing an amendment to the bill to ensure that the government, rather than just making its best efforts, actually provides sufficient, stable and predictable funding to ensure safe drinking water for first nations, as the situation in Curve Lake demands?

• (1615)

[English]

**Ms. Emily Whetung-MacInnes:** Thank you. I could hear it that time.

Through the Chair, it's lovely to see you again as well.

The question is whether there is sufficient strength or whether there is an amendment needed to strengthen the financial supports for access to clean drinking water, and the answer is yes. An amendment to ensure that it is the actual cost of access to clean drinking water would absolutely improve the legislation. However, I don't think that is an impediment to getting started. My hope is that any government, any party that forms the government, will see that it's a necessary commitment in the future and will make that happen. That's possibly naive, but definitely, if there's time and room for an amendment to make that stronger, that would be very appreciated.

*Meegwetch.*

[Translation]

**Mr. Sébastien Lemire:** I want to pay tribute to your commitment as chief of the community of Curve Lake, and to your experience as a mom with the particular situation in Curve Lake.

I would like to ask you if there are other communities like yours that will never be connected to a water system or a waste water treatment plant. I would especially like to know what needs to be done specifically for these communities.

Curve Lake could be an excellent example to highlight here in committee when we talk about communities that have private wells. Think of Kanasatake or Kitigan Zibi, which also have water quality problems.

In short, some communities run out of water on a regular basis or do not have quality drinking water. What is missing from the bill to ensure that there are water supply services and to address situations of water scarcity, water service interruption or poor water quality that some communities may experience?

[English]

**Ms. Emily Whetung-MacInnes:** I think that's a very complicated question. There were 259 first nations covered by the clean drinking water class action that we started. All of those 259 first nations, those who have accepted the settlement agreement, are entitled to access clean drinking water. That being said, there are over 600 first nations in Canada. There is an absolute real risk that without legislation like this, there would be first nations who would not get access to clean drinking water.

There are many creative solutions that can be applied to ensure that every indigenous individual living on Indian reserve lands has access to clean drinking water, whether that's a community with point-of-use systems, or an overall community water treatment system.

Those solutions need to be found, and every indigenous person in Canada should have an opportunity to have access to clean drinking water.

[Translation]

**Mr. Sébastien Lemire:** This is obviously a complex debate. We often think that this kind of situation happens in rural or very remote northern areas, but that's not the case for Curve Lake.

We are therefore asking the government to make an investment and shoulder its responsibilities. One thing I remember well from our conversation was that the costs can't be passed on to a community like Curve Lake, because there aren't enough people there. For the community, there is no other alternative than a water treatment plant.

What is the federal government's actual responsibility in this matter? In concrete terms, what are your expectations of the federal government? How can Bill C-61 help or not help first nations?

[English]

**Ms. Emily Whetung-MacInnes:** What I've seen over the last several years of being involved in the water class action is that the federal government has taken the responsibility for access to clean drinking water for indigenous individuals on Indian reserve lands.

That assumption of authority and jurisdiction of many, many decades and hundreds of years ago means that it's a situation that the federal government is required to fix. My fellow witnesses and I are here today to address that need to start a solution, and I fully appreciate that this legislation is a beginning.

It has made commitments to ongoing annual reports and an annual investigation on the effectiveness of the legislative. We are going from a starting point of many first nations communities, most of which in Canada do not have access to clean drinking water, to a place where legislation will enable access to some clean drinking water. This will lead us, as Canadians, to a place where indigenous people can turn on the tap and have confidence they will be healthy after they consume or bathe in that water. I recognize and appreciate that this is a starting point, and, optimistically, it's a great place to start.

• (1620)

[Translation]

**Mr. Sébastien Lemire:** Thank you, *meegwetch*.

**The Chair:** Thank you, Mr. Lemire.

[English]

For our last round of questioning in the six-minute round, we'll turn the floor over to Mr. Angus.

**Mr. Charlie Angus:** Thank you very much, and thank you to our witnesses for this very important discussion.

I want to begin with you, Chief Whetung-MacInnes, as a mother. We talk about safe and clean drinking water but also the right to have water that provides the dignity children are entitled to. I represent communities, and I've seen communities that are on the government's list of safe drinking water. They're on there, but they have to pump so much chlorine into the system because the pipes are old. They're dirty, because of so much organics in there that by the time the water reaches the bathtub, it damages the skin in such a way that we have children with horrific levels of black eczema all over them. I remember a beautiful young girl with incredible long hair who told me she didn't like to wash her hair because it burned her scalp.

What do we need to do to make sure that what is considered clean water is actually water that protects and gives the dignity to which mothers, children and families have an innate right?

**Ms. Emily Whetung-MacInnes:** I think the answer is fairly simple. We need to provide the actual cost of operating and maintaining water treatment systems. In its simplest form, that's what this comes down to. It's the actual cost of replacing outdated equipment, the actual cost of maintaining equipment and the actual cost of figuring out what's wrong with a system that you have to pump that much chlorine into it. It feels very much that after many decades of living through this like a political issue, we need the federal government to find the financial support to make these things happen.

**Mr. Charlie Angus:** On the whole issue of adequate costs, I guess I'm a little cynical. I've been dealing with water issues for a quarter of a century, and I'm always wary of government making a promise. It seems that they download the responsibility to the communities without giving the resources.

Mr. Paul, I'd like to ask you about that. Neskantaga First Nation is in the land of beautiful lakes, yet they've gone 28 years without clean drinking water. If you go to Neskantaga, they have a brand new water treatment plant, but the pipes are all rotted.... I was trying to figure it out. Again, how is it possible that we could build a water treatment plant in a community without clean water, and they still don't have it? They said that it's the same as if you put a new engine into a rotting Ford that's out by the side of the highway and tell people to drive.

What is it going to take to ensure we have adequate funding in place to make sure the whole life cycle of water is covered and the infrastructure is there to guarantee the rights that people have?

**Mr. John Paul:** In our perspective from Atlantic Canada, I think one of the important things we saw was taking control over the jurisdiction of water through the creation of our own water authority, which would take on the control and take on the full responsibility for water in all our communities that become part of the water authority.

One of the things in that jurisdiction and control through our water authority is that it's about making that commitment, both financially and on the ground, that safe drinking water is going to be provided to every community from now and 25 and 30 years into the future. That includes from the source to the house and every step in between and adequately figuring out the resourcing and the expertise required to make sure we have equity between our communities and our non-indigenous brothers, basically.

• (1625)

**Mr. Charlie Angus:** You know, we always see the government making big announcements on water. It doesn't seem like most of the money gets out the door, but it's about ending boiled water advisories. You can end a boiled water advisory. You can stand at the plant and say, "Check it out. It's clean," and nobody's drinking that water.

You know what? The media can't fly up to places like Cat Lake and Neskantaga to check that the public is being lied to. What's the disconnect between the real costs and what they're promoting?

**Mr. John Paul:** I think there's a disconnect in terms of creating that detailed regulatory regime, which does make the connection from the source to the end tap at the house. If those connections are not made clearly and defined in the costing regime, including the regulatory regime that exists.... It's the only way to close all those gaps to actually produce quality water at the other end, whatever the situation, and use available technology and the expertise that is available to do that. There is a cost to that, and that's what you have to pay. You can't get a space shuttle to the moon without actually paying the cost. It's the same with water and waste water.

**Mr. Charlie Angus:** I'm running out of time here.

Vice-Chief Pratt, I want to ask about the provinces, because one of the issues is that the communities I represent are postage stamp-

sized reserves, so yes, we'll deal with the water there, but if a project goes on or there's damage to the watershed, those communities have to go through enormous legal battles, because the province does not take the issue seriously.

What is the concern of the Federation of Sovereign Indigenous Nations about protecting not just source water but watershed, and protecting the rights of the water that is in your traditional lands?

**Vice-Chief David Pratt:** It's definitely a huge concern here in Saskatchewan. Of course, as you know, it's very public and common knowledge that we have had some challenges with the current Moe/Saskatchewan Party government.

We're working our best to try to improve the relationship in this situation, but there are a number of huge outstanding issues around the natural resource transfer agreement with Canada, otherwise known as the Constitution Act, as well as the currently announced Diefenbaker irrigation project. That is going to severely impact the flow of water through the Qu'Appelle, which is where my first nation sits, as well as the inland Cumberland delta at Cumberland House, which is, I believe, the third-largest inland delta in the entire world, with over 160 species of birds.

**The Chair:** Mr. Pratt, I'm sorry. We're running over time. Could you wrap your answer up?

**Vice-Chief David Pratt:** It's a huge issue. We will have a lot of challenges with the provinces. I think that's something we all need to be concerned about regarding this. We have to make sure the jurisdiction question is answered.

Thank you.

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

We're now moving into our second round of questioning. I'm noticing that.... For this next round, I'm going to add one minute to all of the interventions rather than have a very abridged third round.

We're starting with Mr. Shields.

I'm going to pass you the floor for six minutes.

**Mr. Martin Shields:** Thank you, Mr. Chair. I appreciate it.

Thank you to the witnesses for being here.

One of the things that I think are important is hearing from a variety of witnesses, especially for the variety of stories we have here. Some may say that we hear the same things, but I think they're all told in different ways.

For all three of you representing today, one thing we have heard about is a lot of requests to appear here. How important is it for us to hear all of the voices wanting to speak on this issue?

Let's start with the top and Mr. Paul.

**Mr. John Paul:** I would say it's very important.

However, I also say getting the legislation done is just as important. This has been a discussion that has been going on for quite some time. It needs to get to an end. It's very important that we get this done for our people and communities.

**Mr. Martin Shields:** Thank you.

Vice-Chief Pratt.

**Vice-Chief David Pratt:** I think it's very important. When you look at the current challenges around water, it's no secret. It's important that we do this work.

I want to acknowledge the committee as well. If we can get some amendments done, I think we stand a good chance of supporting this within our region. It would take, of course, another mandate. We want some amendments to be done to this, and it's important that those amendments be made. Once those amendments are made, I don't think there will be a problem getting the 74 first nations in Saskatchewan behind this legislation.

Thank you.

• (1630)

**Mr. Martin Shields:** Thank you.

Mr. Brown.

**Mr. John Brown:** I'll turn it over to Chief Whetung.

**Ms. Emily Whetung-MacInnes:** Thank you.

Absolutely. I think it's important that you hear these voices. I agree with Chief Paul. It's important that you keep this moving. When we started the class action, we went out to the regional chiefs' bodies and the Assembly of First Nations, asking for support for this. You have a huge amount of support right now to get started.

If it's, "We're going to start here and continue to build on the legislation and make changes in order to get it right," I think that starting point is significant and important. You've heard from many organizations now, and you have a few more days of hearings and witnesses to get that feedback. If we can incorporate that feedback and move this forward quickly, that's incredibly critical.

Thank you.

**Mr. Martin Shields:** It's very clear. All three of you have talked about amendments. Because there have been legal actions or threats of legal action as the legislation sits today, would there be, in your opinion, legal action if it didn't get changed?

Mr. Paul.

**Mr. John Paul:** A legal option is always an option for somebody, whenever that is.

I believe it's critically important to get this done. It is now a priority to get it done. We should get it done, basically.

**Mr. Martin Shields:** Thank you.

Vice-Chief Pratt.

**Vice-Chief David Pratt:** It's important we get it done, but we want to get it done right. The status quo is unacceptable. I want to commend the federal government for taking the initiative to try to fix an outstanding, long-standing issue within first nations communities across this country.

With the amendments made, I don't think there will be any issue getting broad or majority support for this to proceed. That's no disrespect to the committee that has been involved in this or to all the great work you've done. We acknowledge that.

Thank you.

**Mr. Martin Shields:** Chief Whetung.

**Ms. Emily Whetung-MacInnes:** Thank you.

The question I would have is.... Litigation over legislation has never stopped the government before, and I watch litigation take place over all sorts of legislation. What comes to the top of my mind is the Indian Act and the Indian status provisions. I think every government for the last 30 or 40 years has had an opportunity and a court case and made changes to those.

I hate to think that good, acceptable legislation would be passed over because there might be litigation over it. If you can make the amendments quickly and pass better legislation, that's ideal, but I certainly hope the potential for litigation wouldn't stop the government from governing.

*Meegwetch.*

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** Thank you very much to our witnesses and to everyone who contributed.

Chief Whetung-MacInnes, it's good to see you again.

I know the importance of this conversation, and I'll be very quick with what I need to do here.

This is based on the conversations we're having today about the importance of Bill C-61 and based on the fact that we just had support for an emergency debate tonight in the House of Commons. Looking forward to the agenda for the first couple of months of this session of Parliament, I want to quickly read my motion and have a very brief discussion, if not a quick vote on this, if we can.

I think it's extremely important. I move:

That the committee invite the Minister of Indigenous Services Canada, the Minister of Northern Affairs Canada and the Minister of Crown-Indigenous Relations to appear individually before the committee for no less than two hours each, within 14 days of the adoption of this motion, in relation to their priorities for the return of Parliament and their mandates.

Thank you very much, Chair.

I apologize to our witnesses, but I think it would be nice to have the ministers here to talk about this and many more topics.

• (1635)

**The Chair:** Thank you very much, Mr. Schmale, for providing 48 hours' notice.

Is there any debate on this motion right now?

Mrs. Atwin, you have your hand up. I'll turn the floor over to you.

**Mrs. Jenica Atwin:** Thanks, Mr. Chair.

For me, it's the timeline. We have urgency around Bill C-61. We have more witnesses we want to call and speak to, so it's that 14-day time period that's being presented. We will be hearing from the ministers on this bill. This is the minister's priority. I know that first-hand, as her parliamentary secretary.

I would be open to tweaking it. I don't think I can support it as it stands, because again, I see it as actually delaying our work on Bill C-61, when I know it is her priority to come and speak to us about it.

There are other opportunities that could come after Bill C-61. We would love to hear about those, as well as the estimates. I think that would be a better use of our time.

I wanted to put that out there for the committee to discuss.

**The Chair:** Okay.

Are there any others who would like to get involved in the debate?

[*Translation*]

Mr. Lemire, you have the floor.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

I also feel that the timing is off for this motion. I agree with my colleague Ms. Atwin that it is urgent to move forward with Bill C-61 to ensure access to drinking water. On the other hand, it is also essential to have access to ministers to ask them questions about the government's priorities, particularly in the current context of the Canadian Parliament.

I would like to know whether we might agree to hold a meeting in which we could—

**The Chair:** Excuse me for interrupting, Mr. Lemire, but there is no interpretation. I will keep talking until the problem is resolved.

[*English*]

Okay. We're back.

[*Translation*]

Mr. Lemire, I'm sorry I interrupted you. Please start from the top.

**Mr. Sébastien Lemire:** No problem, Mr. Chair. By the way, your French is excellent. It's very nice to hear that around the table.

I was saying that this motion is a little premature, in my opinion. I agree that it is urgent to pass Bill C-61, or at least to debate it and make the necessary recommendations to guarantee the supply of drinking water to first nations that do not currently have access to it.

I would like to submit an idea for discussion. Are the Conservatives open to the idea of the committee inviting all the ministers to appear at the same meeting? That way, we might waste less time. Actually, it is never a waste of time, obviously, because this is important. It is the very basis of the principle of accountability in our parliamentary system. That said, would all committee members agree to call all the ministers to a single meeting? I would like to hear from the Conservatives in particular.

**The Chair:** Thank you, Mr. Lemire.

[*English*]

I see Ms. Idlout has her hand up.

I'll turn the floor over to you.

**Ms. Lori Idlout (Nunavut, NDP):** [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Chair. I agree with Sébastien and I agree with Jenica. Bill C-61—

[*English*]

**The Chair:** Pardon me, Ms. Idlout. I understand we're having some issues with the French translation.

**Ms. Lori Idlout:** Okay.

[*Member spoke in Inuktitut, interpreted as follows:*]

Shall I continue speaking?

[*English*]

**The Chair:** Please continue.

**Ms. Lori Idlout:** [*Member spoke in Inuktitut, interpreted as follows:*]

I agree with people who are concerned about this issue. They want to see the ministers report to us about Bill C-61—

[*English*]

**The Chair:** I'm very sorry, Ms. Idlout.

We're going to have to take a quick pause to make sure it's coming through in French.

• (1635) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1640)

**The Chair:** Okay, Ms. Idlout, I apologize for this. Perhaps you could restart.

**Ms. Lori Idlout:** Thank you.

[*Member spoke in Inuktitut*]

[*English*]

**The Chair:** Pardon me. We're going to have to take a quick break again, because now we're not getting English translation.

We're going to have to take a quick suspension here.

• (1640) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1655)

**The Chair:** Colleagues, I'm calling this meeting back to order. We were just in the midst of having debates on the motion that was brought forward by Mr. Schmale, and Ms. Idlout has the floor.

I'll turn it over to you, please.

**Ms. Lori Idlout:** Thank you, Chair.

Given the technical difficulties that we're having, I'll speak in English for now.

As I was trying to say in Inuktitut, I am not understanding the timing of this motion, given how important it is that first nations have been waiting for a bill like this. Given that there are too many boil water advisories, too many investments, too many of indigenous people's rights that are not being respected, to interrupt this important study didn't make sense to me.

However, based on my conversations with others, I am willing to consider an amendment to the motion.

*Qujannamiik.*

**The Chair:** Thank you very much, Ms. Idlout.

[*Translation*]

Mr. Lemire, you have the floor.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

I so move. I propose to narrow the scope of the motion so as to hold a single meeting where all the ministers would appear. Under the circumstances, the study we are currently conducting may continue for several weeks. However, I think that the meeting with the ministers could take place soon. Given that indigenous communities have many concerns about a number of issues that affect them, I think it would be worthwhile to discuss them with the ministers in the near future, without delaying the study of Bill C-61 for too long.

**The Chair:** Thank you, Mr. Lemire.

[*English*]

Next, I have Ms. Atwin and then Mr. Schmale.

**Mrs. Jenica Atwin:** I was wondering if that was a formal amendment that Mr. Lemire is proposing. If not, I would like to

amend the motion with the following: "That the committee invite the Minister of Indigenous Services Canada, the Minister of Northern Affairs Canada and the Minister of Crown-Indigenous Relations to appear before the committee for no less than two hours following the study of the first nations clean water act in relation to their priorities for the return of Parliament, their mandate and supplementary estimates (C), should the study conclude after they are tabled."

I can send that around in both official languages.

[*Translation*]

**Mr. Sébastien Lemire:** I have a point of order, Mr. Chair.

First, the proposal was read too quickly for us to be able to get a complete interpretation.

I had already proposed a similar amendment, except that my proposal did not specify that the meeting with the ministers would take place after the study of Bill C-61 .

• (1700)

**The Chair:** Mr. Lemire, I wasn't sure at the time whether you were moving an amendment or debating the motion. Now you're confirming that it was an amendment.

Yes, your amendment was moved before Ms. Atwin's. If you have something to send us in writing, that would be preferable. If not, I know that Ms. Atwin would like to propose something.

[*English*]

Certainly, he could do a verbal amendment, but it would just be easier if we have that written out, or if the analyst—

**Mr. Jamie Schmale:** It was basically changing it to, instead of three meetings, the one meeting. That's all it was, which we're supportive of, so we could probably pitter patter here.

[*Translation*]

**The Chair:** Okay.

Is there any discussion on the amendment proposed by Mr. Lemire?

[*English*]

Mr. Schmale.

**Mr. Jamie Schmale:** Thank you very much, Chair.

Thank you for the amendment from the Bloc and the NDP as well.

We agree that Bill C-61 is extremely important, and we do want to get it done as fast as possible and do the due diligence here. Therefore, we will accept the amended motion as presented:

That the committee invite the Minister of Indigenous Services Canada, the Minister of Northern Affairs and the Minister of Crown-Indigenous Relations to appear before the committee for no less than two hours—

It's one committee meeting.

—within 14 days of the adoption of this motion in relation to their priorities for the return of Parliament and their mandates.

**Mrs. Jenica Atwin:** On a point of order, Mr. Chair, I believe that Monsieur Lemire added as well that it was to take place “after” the end of the study, so it's not that 14-day time period, if we could just get some clarification on that.

**The Chair:** I understand there's some confusion here of the two. I was under the impression that Monsieur Lemire moved a motion for it to be one meeting and then also for it to be after Bill C-61.

**Mr. Jamie Schmale:** No. He was speaking to Jenica's amendment.

[*Translation*]

**Mr. Sébastien Lemire:** Excuse me, Mr. Chair. Two negatives can sometimes amount to a positive. I will try to be clear.

Under the circumstances, I think this study will last a good part of the fall. If we want to be able to address other topics, I'm open to the idea that we could do so as soon as possible. The wording that it would be “within 14 days of the adoption of this motion” seems reasonable to me. That would at least allow us to hear from the ministers very soon.

[*English*]

**The Chair:** I see a thumbs-up. Do we have anybody else who would like to get involved in the debate here?

Okay, I will call this to a vote. Just to be clear, this is on amending the motion.

(Amendment agreed to: 11 yeas; 0 nays)

**The Chair:** The motion is thereby amended.

Is there any debate on the motion as amended before we get to a vote? No. Then I will call this to a vote.

(Motion as amended agreed to: yeas 11; nays 0)

**The Chair:** The motion is adopted.

We will go back to the matter at hand.

We will be going to our second questioner in the second round of questioning, and I have Mr. McLeod. We're going to go back to five minutes, given that we are quite a bit over time.

Mr. McLeod, you have five minutes.

● (1705)

**Mr. Michael McLeod (Northwest Territories, Lib.):** Thank you, Mr. Chair.

Thank you to all the witnesses who have joined us today. It's a very important subject.

I'm from the Northwest Territories. In my former life I was a minister with the Government of Northwest Territories, and one of my responsibilities was to provide a review of the drinking water situation in our communities. We don't have reserves, but we have indigenous communities, public communities that are not reserves. When we took a look at 27 of them, we found quite quickly that there were a number of challenges.

First of all, pretty much every water treatment plant was designed and built in a different country, so that made it really challenging to get parts. That also made it very challenging to share parts, because the neighbouring community might have parts but it wasn't the same model as what was in the other community. We saw that there was a need to make sure all the water plants were made through the same company, with the same design, so that we could get and share parts more easily, design a maintenance program with the people who built these facilities, and lock them into contracts with us so that they could provide training for our membership.

It was very difficult. In some cases there were clean sources of water, but the government would still insist on building a well, because a certification for a well operation was less than getting...from the surface water from the lake or a river, so there were all kinds of things happening. In many cases the sources of water were huge distances away. When you're talking 20 or 30 kilometres from the source water to the community, it becomes a challenge. Governments want to just put in a water truck to run back and forth rather than build an expensive pipeline, and that's challenging. To have proper testing training is another area: It was really difficult to find people to do it and to hang on to people who were trained. Many things were brought forward as issues and challenges.

As I was growing up, I lived on the Mackenzie River—I still live on the Mackenzie River—and we'd be able to go out in our canoe and drink water right from the river. You can't do that now. The water's dirty. It's not safe. There are lots of things that are out there, facing indigenous people. The big thing is to have capacity to run your own operation and to have the resources to do that.

The intention of the bill is to ensure that there's access to clean water and an adequate supply. I think the intentions are really what got my attention to this. However, I ask whether all of you feel that the measures in the first nations clean water act could support indigenous communities' ability to build capacity when it comes to operations, maintenance and training for water treatment plants. That's my first question.

• (1710)

**Mr. John Paul:** Capacity is a critical part of creating, owning and operating these systems over a long period of time. One of the challenges many of our communities ran into a number of years ago was everybody wanting to move to Alberta because of the wage differential in terms of water operators. Working closely with communities, one by one—with a systematic approach to training, certification and commitment by people to stay in their communities for a long period of time—is the foundation for a system and process that can work over decades.

In terms of consistency across systems, having people train locally in the community on the system that is there is another thing. One thing we're dealing with in our communities is trying to achieve that level of consistency across communities in both engineering and design, in order to ensure that an operator from community A can work in community B and community C. There has to be a group to make sure that, as systems grow and challenges arise, enough people are dedicated and committed to staying with what they're doing. Working closely with all of them in our communities has been one of the biggest fundamental commitments our chiefs have made to our water operators: ensuring training and also ensuring ongoing training, because the skills you need now will not be the skills you require in the next decade. This is critical if these systems are going to last for their entire life cycles and benefit each and every community, because we deserve equality across communities in terms of safe water and safe systems that last.

Thank you.

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

[Translation]

Mr. Lemire, you have the floor for two and a half minutes.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

I'm going to continue my discussion with Chief Emerita Whetung-MacInnes.

In our conversation, you talked about the Curve Lake situation. I want to come back to one point. A water filtration plant has been in the works for several decades, maybe even 40 or 50 years, but the main problem is determining who will pay for its construction. Of course, it would have cost a lot less had the project been able to go ahead decades ago. Instead, it dragged on and on, much to the dismay of the people of Curve Lake. Today, the reality is that the project has still not been completed.

Who do you think should pay for it? Is it the federal government's responsibility?

[English]

**Ms. Emily Whetung-MacInnes:** This is absolutely the federal government's responsibility, and thank you for that question.

Through the chair, I've seen across history that Canada, as a government, has taken responsibility for indigenous people and Indians under the Indian Act. The Constitution speaks in section 91 to "Indians, and Lands reserved for the Indians". This is the sole responsibility of the federal government. Therefore, this is a federal issue that needs to be resolved.

I'd like to take a moment on this.

One of the questions asked today was on the urgency of having this legislation, even if it's not perfect. I've come to terms with the fact that we can't find perfect legislation the first time. We need to legislate and enhance this basic human right now, knowing the legislation might not cover all aspects of all things for all indigenous people on all Indian reserves. If we don't start now, the consequences will be extreme. There is an election in October 2025, possibly sooner. If we don't entrench this legislation for indigenous rights to clean drinking water now, the consequences of those delays will be felt by every indigenous person living on an Indian reserve in Canada. Those consequences will be felt more by indigenous mothers, who suffer the consequences of not being able to care for their infant children in the way every other Canadian gets to.

• (1715)

[Translation]

**Mr. Sébastien Lemire:** Let me ask you one last quick question, which you can answer with a yes or no.

Do you think the provisions of the bill should designate waste water treatment as an essential service to be provided? That would associate it with an immediate need and make it an obligation for the government.

[English]

**Ms. Emily Whetung-MacInnes:** Yes, I do, provided it doesn't delay the passing of the legislation.

[Translation]

**Mr. Sébastien Lemire:** *Meegwetch.*

**The Chair:** Thank you, Mr. Lemire.

[English]

For our last questioner, I'll be turning the floor over to Ms. Idlout for two and a half minutes.

**Ms. Lori Idlout:** Given that it is my first opportunity to speak to the witnesses, I thank you for having appeared for this important study.

As I've mentioned, I am quite aware that first nations have been waiting a very long time for this bill to come, as is. It's unfortunate that it doesn't go far enough. In my assessments, I've also noticed that it needs some major amendments to make sure that first nations' rights are being upheld.

My first question will be for Emily, who mentioned to the committee, I believe, that she was part of the class action.



Given the concerns we've heard since this bill was first tabled that the language around jurisdiction is not strong enough, I wonder if you can share with us whether you have any recommendations to amend the bill so jurisdiction for first nations can be stronger.

**Ms. Emily Whetung-MacInnes:** Thank you to Ms. Idlout, through the chair.

Thank you for speaking English. It's wonderful to hear your language in the committee, but I appreciate that you have made accommodations for us.

I believe your question is whether the language around jurisdiction is something that should stop this legislation.

I don't think it is. There are review periods—reports and re-evaluations—built into the legislation every five years in order to make sure we're moving it in a good direction. I think that's one thing that can be fixed over time.

Thank you.

**Ms. Lori Idlout:** Just to clarify, that's not what I was asking.

What I hope to see in the amendments is that when first nations do get their jurisdiction back.... First nations' jurisdiction over water was stolen from them through colonization, so taking it back is such an important process of reconciliation.

I'll ask the question this way: When you read the legislation the way it is, do you have any concerns regarding jurisdiction that it would make it difficult for first nations to exercise their jurisdiction?

**Ms. Emily Whetung-MacInnes:** I think that it is always difficult, historically, for first nations to exercise their jurisdiction, but I think this starts to give some of that back to first nations, whereby we can create our own bylaws about water and access to water in our communities.

It's certainly by no means perfect, but it is definitely a starting point in that direction.

• (1720)

**The Chair:** Thank you very much, Ms. Idlout.

I want to thank all of our witnesses for joining the committee today in person and by video conference. Your testimony has absolutely enriched our study of this. I want to thank you very much for making the time today and also for being flexible as we're working through a number of things in our committee.

With that, we are going to suspend briefly and return in camera. I'd like to excuse the witnesses today.

*[Proceedings continue in camera]*

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