



ASSEMBLY OF FIRST NATIONS

Bill S-8: Safe Drinking Water for First Nations Act - Update May 1, 2012

Bill S-8, *Safe Drinking Water for First Nations Act*, was introduced in the Senate on February 29, 2012. Bill S-8 is currently under study by the Senate Standing Committee on Aboriginal Peoples following second reading.

A similar Bill (Bill S-11) was introduced in the last session of Parliament, but did not proceed past committee review due to the election.

Following work with various First Nations (notably Treaties 6, 7 & 8 in Alberta and the Atlantic Policy Congress of First Nation Chiefs) changes have been made from the previous version, including:

- A commitment in the preamble for First Nation input into the development of regulations.
- The inclusion of a non-derogation/abrogation clause.
- An explicit limitation that the bill does not authorize regulations respecting the allocation of water supplies or issues of permits for the use of water for any purpose other than as drinking water.
- A provision to confer on any person or body any legislative, administrative, judicial or other power that the Governor in Council considers necessary to effectively regulate drinking water systems and waste water systems.

Bill S-8 does not recognize the inherent jurisdiction of First Nations over their lands and resources. As noted, while some regions have engaged in discussion on this Bill, many others have not had this opportunity. The federal duty requires meaningful consultation and accommodation where First Nation rights are affected.

First Nations are primarily concerned with ensuring a safe supply of clean drinking water. Bill S-8 will not guarantee that First Nations have access to safe drinking water. Bill S-8 creates new regulations and standards but does not provide First Nations with any resources to meet those new standards nor is there any commitment in the act to provide certainty of adequate engagement and involvement of First Nations in the development of regulations

Safe drinking water requires more than writing new regulations. Safe drinking water requires infrastructure and facilities, skills, training and resources.

AFN is calling on the federal government to address the capacity gap as well as working towards a regulatory regime that reflects our rights, jurisdiction and delivers equitable and guaranteed access to safe drinking water.

Investments are needed to support capacity for First Nations in this area, and First Nations must be directly involved in the development of associated regulations.

All First Nations are encouraged to provide comments to the Senate Standing Committee on Aboriginal Peoples by contacting Marcy Zlotnick at zlotnm@sen.parl.gc.ca.

For more information contact: **Irving Leblanc, AFN Acting Director, Housing and Infrastructure, 613-241-6789 x 386, ileblanc@afn.ca or visit www.afn.ca** for a legal assessment and other supportive materials.