



Assembly of First Nations

AWWAO 21th Annual General Meeting and Training Conference

AFN Update

January 28, 2016

Holiday Inn, Sudbury, Ontario

Assemblée des Premières Nations

www.afn.ca



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The Assembly of First Nations

- The Assembly of First Nations (AFN) is the national organization representing First Nations citizens in Canada. The AFN represents all citizens regardless of age, gender or place of residence.
- First Nation leaders (Chiefs) from coast to coast to coast direct the work of AFN through resolutions passed at Chiefs Assemblies held at least twice a year.
- Housing and Infrastructure Directorate advocates on behalf of Canada's First Nations in areas of housing, infrastructure, water, wastewater , emergency issues management, and source water protection.

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A New Government

- Real Change – A New Plan for a Strong Middle Class
- First Nations friendly government

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The Prime Minister's Commitment

Liberal Leader Justin Trudeau promised Monday [October 5] to end boil-water advisories on First Nations reserves within five years.

"We have 93 different communities under 133 different boil-water advisories," Trudeau told a town hall hosted by Vice magazine.

"A Canadian government led by me will address this as a top priority because it's not right in a country like Canada. This has gone on for far too long."

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The 2% Cap

“We will expand investment in First Nations communities and work toward forging a new fiscal relationship with First Nations.

For nearly 20 years, investments in First Nations programs have been subject to a two percent cap on annual funding increases. As a result, federal funding has not kept up with population growth and inflation in First Nations communities.

We will immediately lift the two percent cap on funding for First Nations programs and work to establish a new fiscal relationship that gives First Nations communities sufficient, predictable, and sustained funding. Increasing First Nations’ own source revenues, whether through revenue sharing or other mechanisms, will be a priority.”

What will be the new escaltor? 4.5 %? 6.5%? Remains to be seen but very positive news.

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The Liberal Platform

- **“We will invest in sustainable infrastructure that makes our communities safer and more resilient.”**
- **“This includes investments in local water and wastewater facilities; clean energy; climate resilient infrastructure, including flood mitigation systems; and infrastructure to protect against changing weather.”**

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Funding for Water and Wastewater

- Not specifically identified in Liberal Platform
- FNWWAP sunsets in 2016
- AFN has recommended Enhanced FNWWAP plus specific funding to address the DWAs.

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Total DWAs in Canada

As of November 2016

Advisories at the end of the month in 110 Communities

Atlantic	5
Quebec	3
Moose Factory	2
Sioux Lookout	31
Southern Ontario	18
Thunder Bay	29
Manitoba	8
Saskatchewan	21
Alberta	13
<u>British Columbia</u>	<u>27 (December 2016)</u>
Total	157

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Drinking Water Advisories November 2016

As of November 2016

Advisories at the end of the month

Moose Factory	2
Sioux Lookout	31
Southern Ontario	18
<u>Thunder Bay</u>	<u>29</u>
Total	80 (51% of national total)

The National Engineering Assessment there were 807 water systems assessed.

Ontario has 158 Water systems.

20% of total.

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Prime Minister's Mandate letter to Minister of Justice

- “No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.”

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Objections to SDWA

- The main objections to the Bill S-8 has not changed for many regions
 - Lack of adequate consultation
 - Lack of resources to implement regulations
 - Lack of respect for rights

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- “We will undertake, in full partnership and consultation with First Nations, Inuit, and the Métis Nation, a full review of laws, policies, and operational practices.”

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Water Legislation process

- AANDC and Health Canada responsible for development of the regulations
- AANDC has presented several options

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Safe Drinking Water for First Nations Act

- Came into force November 2013
- Development of regulations for Ontario on hold
- AFN SCA Resolution 76/2015 – Directs the AFN to immediately communicate to the Office of the Prime Minister and the Minister of Indigenous and Northern Affairs that the *Safe Drinking Water for First Nations Act* needs to be repealed.

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Health Canada option on Enforcement and Compliance

- Informed SMC that regulations for all nine jurisdictions were to be developed simultaneously and published in Canada Gazette, Part II in two years
- Focus is on finalizing Atlantic's drafting instructions and to publish draft regulations in Canada Gazette Part I by Fall 2015
- As part of drafting instructions, Health Canada and AANDC have to identify a regulatory body that will be responsible for compliance and enforcement functions
- Under the Act, the Minister of Health and the Minister of AANDC have the authority to delegate compliance and enforcement functions to a third party through an agreement

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Health Canada option on Enforcement and Compliance

- The preference is to have First Nations and/or Provinces / Territories take on the compliance and enforcement role
- Until such a time as another body is able/willing, Health Canada would administer either:
 - Minister of Health's authorities only
 - Minister of Health and Minister of AANDC's authorities

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EHOs role

- EHOs already provide compliance-like activities for water and wastewater
- EHOs have established relationships with First Nations
- Option aligns with HC's mandate
- HC would maintain its public health role

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Recommended Position

- Health Canada administers compliance and enforcement functions only for the authorities of the Minister of Health

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AFN response

- Do not use EHOs for enforcement and compliance
- Would break relationship developed between EHO and operators
- Develop other options

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"It's about doing the right thing, about doing the fair thing. And, that's what we're all about as we begin this new mandate" – Prime Minister Trudeau

- In closing, there is optimism that things will change under the new government
- Already we have seen commitment to address Neskantaga First Nation water problems
- “Neskantaga First Nation, in northwestern Ontario, finally has a written commitment from the federal government to build a new water treatment plant in the remote community, which has been without safe tap water for 20 years.”
- And “Shoal Lake 40 First Nation is finally getting road access to the community after three levels of government announced \$30 million in funding ...”

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QUESTIONS?

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