



National Water Security, Canada Water Act Modernization and New Legislation

Environment Sector

2026



@ChiefsofOntario

Overview



- Safe drinking water is a fundamental human right.
 - Ontario First Nations continue to experience a disproportionate number of long-term and short-term drinking water advisories.
 - Despite settlements and federal commitments, progress remains unsatisfactory.
- There are many resolutions that have been brought forward to address ongoing concerns including:
 - Canada's modernization of the Canada Water Act, Water Security Strategy and ongoing engagements related to Water
 - First Nations involvement in Water Legislation

Connection of Water Legislation, National Priorities & COA



- Key Priorities are aligned across all water discussions. Recommendations from November 10, 2021, and January 13, 2022 Priority Setting Meetings:
 - Implementation of Sustained Funding
 - Recognition of the Rights of Indigenous Peoples
 - Value and Support of TEK
 - Support for Research that Considers Cumulative Impacts in First Nations Communities
 - Respect for and Recognition of First Nations Governance
 - Support for Indigenous-led Science

Expert Panel

- 2006 Expert Panel

- First and most critically, the federal government must close the resource gap.
- The legal duty to consult with First Nations is essential in developing regulations.
- High-risk communities must be dealt with immediately.
- New federal legislation, adaptation of provincial standards, or a regulatory system based in customary law are three legitimate routes to regulation, each with drawbacks which would need to be addressed.
- First Nation Water Commission proposed.



Recall – Class Action Settlement on Water



- On December 22, 2021, the Federal Court and the Court of the Queen's Bench of Manitoba issued a joint statement approving an \$8 billion settlement (**minimum**)
- The terms of the national class action lawsuit settlement related to safe drinking water for First Nations, committed the federal government to repealing the SDWFNA and replacing it with new legislation in consultation with First Nations by December 2022.
- The settlement commits Canada to distributing a **minimum** of \$6 billion over nine years to support reliable access to safe drinking water on-reserve.
- It included a **renewed commitment to Canada's Action Plan for the lifting of all long-term drinking water advisories**
- Support for First Nations to develop their **own safe drinking water by-laws and initiative**

Legislative & Settlement Obligations



- Water Settlement Agreement requires closing the water gap for all long-term advisories.
 - Minimum spending commitments do not replace the obligation to ensure safe water access in perpetuity.
 - Canada has not yet met its commitments under the Settlement Agreement.
- Bill C-37 was introduced by the Minister on June 16, 2026 with a 4.6B over 5 year commitment
 - It is similar to the first Bill C-61 introduced, that was subsequently amended by Committee.
 - While much of this bill is similar, it took 15 months to be re-introduced.

Legislation



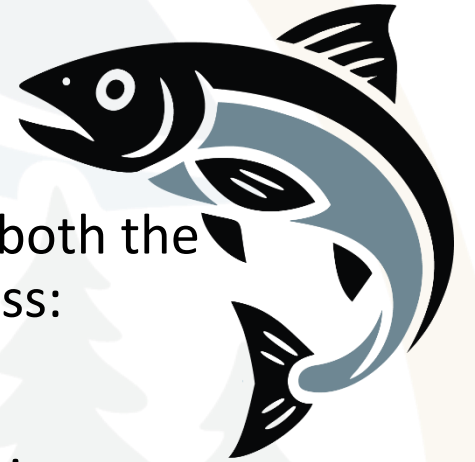
- The Minister indicated that the new legislation will:
 - “ensure that First Nations have the authority and means to deliver safe, reliable drinking water in their communities. By affirming jurisdiction over water sources and by also ensuring drinking water and waste water for first nations, we would be enabling the development of clear, consistent, first nations-led standards. The authority, clear standards, historic funding and sustained support are at the core of the bill. I am proud to have ensured that this government, the only government, has pushed forth the bill to support real jurisdiction over water systems, to create standards, and to govern these systems according to their rights, priorities and lived reality.
- The Bill has important changes to:
 - Clauses related to the affirmation of the inherent right in relation to water, source water in protection zones has been replaced with “lands”
 - The recognition and affirmation of the human right to safe water has been removed.
 - The implementation of UNDRIP had the word “meaningfully” removed

Legislation

The legislative process for a bill like Bill C-61 in Canada involves several stages in both the House of Commons and the Senate. Here is a summarized overview of the process:

House of Commons

- 1. First Reading:** The bill is introduced, and its title is read. No debate occurs at this stage.
- 2. Second Reading:** Members of Parliament (MPs) debate the principle and purpose of the bill. A vote is taken. ~~If it passes, the bill moves to the committee stage.~~
- 3. Committee Stage:** The bill is reviewed in detail by a committee of MPs. The committee can hear from witnesses, examine the bill clause by clause, and propose amendments.
- 4. Report Stage:** ~~The committee reports the bill back to the House with or without amendments. MPs debate the report and can propose further amendments.~~
- 5. Third Reading:** The final version of the bill is debated. MPs vote on the bill. If it passes, the bill is sent to the Senate.



Legislation – next steps

- The Bill will now move through the Parliamentary process again, with reference to committee expected and potential changes through the committee process again.
- Once enacted, there is significant work needed in implementation of the Bill, with regard to the First Nation Water Commission and Funding Framework.





Lack of Progress

- 2025 Report from the Auditor General echoes our concerns, giving ISC an UNSATISFACTORY Progress Report across all elements related to water:
 - *Overall, we found that the department had made unsatisfactory progress in implementing the actions to address 53% (18 of 34) of the recommendations. Despite an 84% increase in the department's spending on programs since the 2019–20 fiscal year, significant challenges remained in improving services and program outcomes for First Nations communities. For instance, as early as 2005, we identified concerns with drinking water quality in First Nations communities. Although the number of drinking water advisories has diminished since our 2021 audit of access to safe drinking water in First Nations communities, we are greatly concerned that 9 long-term advisories have remained in effect for a decade or longer.*
 - *Although the department's operations and maintenance policy was amended to cover 100% of the calculated costs as determined by the funding formula, the funding formula was not amended to consider the state of drinking water systems.*

Lack of Progress



- 2025 Report from the Auditor General echoes our concerns:
 - *In the absence of legislation, the department could not develop a regulatory regime to help ensure access to safe drinking water in First Nations communities.*
 - *Although the number of long-term drinking water advisories decreased since 2021, there were 35 long-term drinking water advisories in effect in First Nations communities as of April 1, 2025. **Nine of these 35 long-term drinking water advisories were added in the 2024–25 fiscal year.** Nine of the 35 long-term drinking water advisories have been in place for a decade or more.*
- *Based on the data available,*
 - **7 new long-term advisories were added in 2025 in Ontario alone.**

Canada's Water Act & Strategy Development



- The CWA was officially launched as a stand-alone agency on October 15, 2024, headquartered in Winnipeg, and is charged with modernizing the Canada Water Act;
- **Resolution 24/34S** calls on the CWA to respect First Nations knowledge systems, relationships, and leadership, and must provide the necessary resources to support a First Nations-led pre-engagement process;
- **Resolution 24/34S** explicitly calls on the CWA to fund the establishment of a First Nations Water Stewardship and Governance Table; To date, the CWA has not committed any funding to the Stewardship and Governance Table;

Reminders



- On World Environment Day (June 5, 2025): Carney reaffirmed his government's commitment to safeguarding Canada's freshwater through the Canada Water Agency. He emphasized that protecting nature, including freshwater systems, is central to Canada's identity and future
- Highlights from the Liberal Environmental Platform:
 - Water Security Technology Fund: A \$100 million investment to support Canadian R&D, AI, monitoring, and data tools for water security.
 - Integration into Diplomacy: Water security will be embedded into Canada's trade and diplomatic priorities.
 - Strengthening the Canada Water Agency: The agency will play a central role in national water stewardship.

Canada's Water Act & Strategy Development



- On World Water Day, the Government of Canada launched efforts to develop a National Water Security Strategy. The Canada Water Agency is leading this effort and seeking to collaborate with federal, provincial, territorial, and Indigenous partners;
- The Government of Canada is looking to engage simultaneously with First Nations across three critical topics including: the modernization of the Canada Water Act; a National Water Security Strategy; and, a data water research strategy;
- To date, the CWA has met with Chiefs of Ontario, and committed only \$180K over 3 years for engagement with Ontario First Nations, despite significant advocacy from Chiefs of Ontario to increase funding;

Public Engagement toward a National Water Security Strategy



- Current Status
 - The engagement period is open until October 25, 2026
 - The Government of Canada is inviting Canadians to share their views to inform the development of Canada's first National Water Security Strategy.
- Engagement feedback will inform the National Water Security Strategy, which could include elements such as a vision, priorities, and key actions. Please note that this engagement is not a consultation on specific legislative or regulatory changes.
- In parallel to this public engagement process, the Canada Water Agency is also engaging directly with provincial, territorial, and Indigenous partners as water stewardship and management in Canada is a shared responsibility.

COO's Activities & Advocacy

- COO supported early engagement any of these priorities.
- Proposal to develop a First Nations' Water Stewardship and Governance Table in Ontario. The Table would be:
 - Advocating for First Nations Water Governance Rights.
 - Making space for First Nations decision-making in water policy.
 - Amplifying First Nations voices in statutory decision-making.
 - Gathering and upholding Indigenous knowledge surrounding water management



Guiding Principles of the Stewardship Table



Respect for Water as a Living Entity:

- Water is viewed as a living entity with spiritual significance. It is essential to honor and protect water through ceremonies and traditional practices.

Interconnectedness and Holistic Approach:

- Recognize the interconnectedness of all life forms and ecosystems. Water stewardship should consider the holistic impact on communities, environments, and future generations.

Indigenous Knowledge and Teachings:

- Be guided by, and led by Indigenous Science, Knowledge, teachings, and traditional practices into water management. This includes respecting the wisdom and experiences of Elders, Women and community members.

Community-Led Stewardship:

- Empower First Nations communities to lead water stewardship initiatives. Ensure that community voices are central in decision-making processes.

Guiding Principles of the Stewardship Table



Sustainable and Equitable Access:

- Promote sustainable and equitable access to clean and safe water for all First Nations communities. Address historical injustices and prioritize long-term solutions, and encompass principles of substantive equality.

Adequate Funding for Full Engagement:

- Ensure minimum funding requirements are met to support comprehensive and meaningful engagement. This includes resources for capacity building, community consultations, and implementation of water stewardship initiatives. We recognize that funding provided to-date has been insufficient.

Fulfillment of Duty to Consult:

- Canada must fulfill its obligations to consult and accommodate First Nations in all water-related decisions. This principle emphasizes the importance of meaningful consultation processes that respect First Nations' rights and perspectives. This is in addition to ensuring meaningful engagement with all First Nations.

Respect for Diversity and Autonomy:

- Recognize and respect the diversity and autonomy of all Ontario First Nations. Each community has unique needs, traditions, and governance structures that must be honored in water stewardship and governance.

Guiding Principles of the Stewardship Table



Capacity Building and Resources:

- Identify the need for capacity building and resources to support effective water stewardship. Include training, funding, and technical support for full participation of First Nations in any and all discussions.

Legal and Policy Frameworks:

- Align the governance table's activities with existing legal and policy frameworks. Advocate for amendments to laws that recognize Indigenous rights and knowledge.

Climate Change Adaptation:

- We must incorporate strategies for climate change adaptation and mitigation. Utilize Indigenous knowledge to address climate-related water issues.

Key Elements of the Stewardship Table



Jurisdiction and Authority:

- Must recognize Nations' jurisdiction and authority in water management. Terms must define the scope of the table's jurisdiction and authority in water management.

Collaborative Decision-Making:

- Must establish mechanisms for collaborative decision-making that include all relevant rightsholders. Ensure transparency and accountability in the process.

Inclusive of Diversity of Perspectives:

- Must establish process for valuing diverse viewpoints across all First Nations.

Reporting and Decision-Making:

- Must not replace the rights of each First Nation, but the Table must also have processes in place to ensure that the Table is effective, and must report back to Chiefs in Assembly annually.