

PRELIMINARY VERSION

UNEDITED

The preliminary version of this legislative summary is made available to parliamentarians, parliamentary staff and the public to ensure timely access to the information, research and analysis needed to study the bill in question. The official version of the legislative summary, which may differ from this unedited version, will replace this document on the Parliament of Canada website.



Legislative Summary

BILL C-61: AN ACT RESPECTING WATER, SOURCE WATER, DRINKING WATER, WASTEWATER AND RELATED INFRASTRUCTURE ON FIRST NATION LANDS

44-1-C61-E

19 March 2024

Brittany Collier and Marlisa Tiedemann

Research and Education

PRELIMINARY VERSION

UNEDITED

AUTHORSHIP

19 March 2024	Brittany Collier	Legal, Social and Indigenous Affairs
	Marlisa Tiedemann	Economics, Resources and Environment

ABOUT THIS PUBLICATION

Library of Parliament legislative summaries summarize bills currently before Parliament and provide background information about them in an objective and impartial manner. They are prepared by Research and Education, which carries out research for and provides information and analysis to parliamentarians, Senate and House of Commons committees and parliamentary associations. Legislative summaries are revised as needed to reflect amendments made to bills as they move through the legislative process.

For clarity of exposition, the legislative proposals set out in the bill described in this legislative summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the Senate and House of Commons and have no force or effect unless and until they are passed by both houses of Parliament, receive Royal Assent and come into force.

Any substantive changes to this Library of Parliament legislative summary that have been made since the preceding issue are indicated in **bold print**.

© Library of Parliament, Ottawa, Canada, 2024

Legislative Summary of Bill C-61
(Preliminary version)

44-1-C61-E

Ce document est également publié en français.

CONTENTS

1	BACKGROUND	1
1.1	Access to Clean Drinking Water and Sanitation in First Nations Communities	2
1.1.1	Jurisdiction for Water and Wastewater in First Nations Communities	3
1.1.2	Roles and Responsibilities for Drinking Water and Wastewater in First Nations Communities	4
1.1.2.1	First Nations' Roles and Responsibilities	4
1.1.2.2	Federal Role	6
1.1.3	Key Challenges	6
1.1.3.1	The Absence of a Legislative or Regulatory Framework for First Nations	7
1.1.3.2	The <i>Safe Drinking Water for First Nations Act</i>	7
1.1.3.2.1	Comparative Analysis of the <i>Safe Drinking Water for First Nations Act</i> and Bill C-61	8
1.1.3.3	Federal Funding	8
1.2	Development of Bill C-61	9
2	DESCRIPTION AND ANALYSIS	9
2.1	Guiding Principles	10
2.1.1	Reliable Access to Water Services	10
2.1.2	Substantive Equality	10
2.1.3	Free, Prior and Informed Consent	10
2.2	Minimum Standards of Water Quality and Minimum Capacity Standards for the Delivery of Water	11
2.3	Transparency	11
2.4	Funding	12
2.5	Voluntary Assumption of Water and Wasterwater Infrastructure by First Nations	12
2.6	Conflicts of Laws and Limitations to Jurisdiction	13
2.7	Regulations	14
2.8	Other Agreements	14
2.9	First Nations Water Commission	15
2.10	Report, Review, Coordinating Amendment and Coming into Force	15

PRELIMINARY VERSION

UNEDITED

LEGISLATIVE SUMMARY OF BILL C-61: AN ACT RESPECTING WATER, SOURCE WATER, DRINKING WATER, WASTEWATER AND RELATED INFRASTRUCTURE ON FIRST NATION LANDS

1 BACKGROUND

Bill C-61, An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands,¹ was introduced in the House of Commons by the Minister of Indigenous Services on 11 December 2023. It received first reading that same day.

Among other things, Bill C-61:

- affirms that First Nations' inherent right of self-government includes jurisdiction over water, drinking water, source water, wastewater and related infrastructure on, in and under lands reserved for First Nations (First Nations lands);²
- establishes principles for decision making regarding water services on First Nations lands;
- establishes minimum standards for water service provision on First Nations lands; and
- establishes a federal regulatory regime regarding water services on First Nations lands.

Bill C-61 is part of a federal government commitment in a recent class action lawsuit settlement agreement to introduce legislation replacing the *Safe Drinking Water for First Nations Act*.³ In 2019, the Neskantaga First Nation and Curve Lake First Nation in Ontario and the Tataskweyak Cree Nation in Manitoba filed national class action lawsuits alleging that Canada failed to provide access to clean drinking water.⁴ On 22 December 2021, the Federal Court and the Court of Queen's Bench of Manitoba⁵ approved a settlement agreement to these class actions (First Nations Drinking Water Settlement Agreement).⁶ The settlement agreement includes:

- compensation for certain First Nations communities and individuals subject to a drinking water advisory lasting at least one year between 20 November 1995 and 20 June 2021; and

- Canada's commitments to:
 - provide funding of at least \$6 billion between 20 June 2021 and 31 March 2030 for the construction, upgrading, operation and maintenance of water infrastructure; and
 - make “all reasonable efforts” to repeal the *Safe Drinking Water for First Nations Act* and introduce replacement legislation by 31 December 2022.⁷

The following sections provide an overview of First Nations relationship with water; drinking water advisories in First Nations communities; and jurisdiction, roles and responsibilities for the provision of water and wastewater services in First Nations communities.

1.1 ACCESS TO CLEAN DRINKING WATER AND SANITATION IN FIRST NATIONS COMMUNITIES

Water is a central part of First Nations cultures and ways of life. First Nations' relationships with water are reflected in their stories and laws.⁸ The British Columbia Assembly of First Nations explains that:

[w]ater sustains all life and runs through our territories as the lifeblood of our lands. It is a sacred resource to our communities, and we rely on access to clean water for health and wellbeing, culture, customs and traditions and sustenance. We have a responsibility to protect and conserve water for our communities and for the generations to come.⁹

Some First Nations women have unique cultural relationships with water as some are water keepers “protecting the knowledge, ceremony, spirituality and cleanliness of water.”¹⁰

Access to clean water and sanitation are related to Aboriginal rights. In Canada, section 35 of the *Constitution Act, 1982* recognizes and affirms the “existing [A]boriginal and treaty rights” of First Nations, Inuit and Métis peoples.¹¹ Aboriginal rights refer to the traditions, practices and customs of distinct Indigenous groups.¹² Treaty rights refer to Aboriginal rights in treaties signed between Indigenous peoples and Canada. Some First Nations assert that they have Aboriginal and treaty rights to clean water.¹³

In 2010, the United Nations General Assembly recognized access to clean water and sanitation as human rights, acknowledging that they are “essential to the realisation of all human rights.”¹⁴ Article 25 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) provides that Indigenous peoples have the right to maintain and strengthen their unique relationships with their traditional territories and

waters while upholding their responsibilities to future generations.¹⁵ In Canada, the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIP Act) affirms that UNDRIP is “a universal international human rights instrument with application in Canadian law.”¹⁶ The UNDRIP Act also provides a framework for the federal government’s implementation of the Declaration, including by requiring the Minister of Justice to develop an action plan to “achieve the objectives of the declaration.”¹⁷ The action plan, released in June 2023, includes references to water; for example, it includes a federal government commitment to continue efforts to transfer water and wastewater services to First Nations communities.¹⁸

Access to clean and safe drinking water is essential to First Nations cultures, economies, health and wellbeing. However, some First Nations continue to lack access to clean drinking water. As of 19 January 2024, there were 28 drinking water advisories lasting more than one year (long-term) related to public systems on reserve in 26 First Nations communities.¹⁹ As of 17 March 2024, there are 29 drinking water advisories on public systems on reserve that have been in effect for less than one year (short term) in First Nations communities south of the 60th parallel and outside of British Columbia.²⁰ In British Columbia, as of 29 February 2024, there were 29 drinking water advisories in effect in 25 First Nations communities.²¹

The territorial governments report on drinking water advisories in all communities across the territory including First Nations communities. As of 19 March 2024, there are no drinking water advisories in effect in Yukon. In the Northwest Territories, there is one long-term advisory in place for Colville Lake, Northwest Territories, where the Behdzi Adha First Nation is located, due to staffing and capacity issues.²²

In some cases, drinking water advisories on First Nations reserves have been in place for many years. However, tracking information about drinking water advisories over time can be challenging. Data from previous years is often not comparable and it may not include information about water systems in all First Nations communities, such as those on privately managed systems.²³ Moreover, there may be multiple drinking water advisories in effect covering different buildings within the same community. These limitations make it hard to get a complete picture of First Nations drinking water advisories over time. The following sections will outline jurisdiction, roles and responsibilities for water and wastewater in First Nations communities.

1.1.1 Jurisdiction for Water and Wastewater in First Nations Communities

Generally, in Canada, provinces and territories have jurisdiction over most areas of water protection and management. Most provinces and territories delegate responsibilities, such as drinking water and wastewater treatment, to municipalities.²⁴ However, the federal government has exclusive legislative authority over “Indians

and lands reserved for the Indians,” pursuant to section 91(24) of the *Constitution Act, 1867*, meaning that it is responsible for managing water on First Nations reserve and lands set aside in Yukon.²⁵ Some First Nations have authority over some aspects of water management (including provision of water services and protection of potential source water) through modern treaties and self-government agreements signed with federal, and often provincial and territorial governments.²⁶

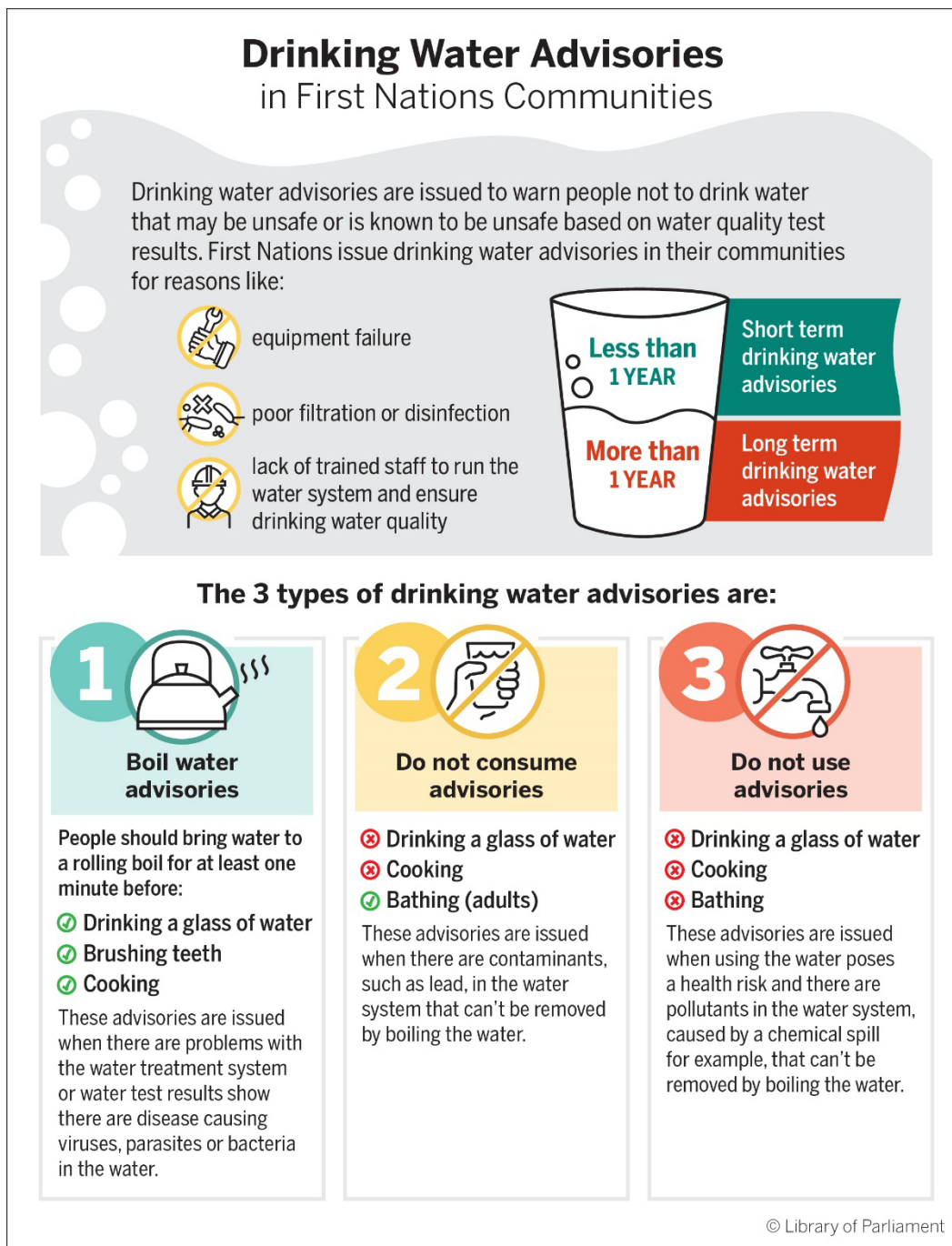
1.1.2 Roles and Responsibilities for Drinking Water and Wastewater in First Nations Communities

Responsibilities for water services in First Nations communities vary based on the location. In the territories, the territorial governments have the responsibility to provide safe drinking water and environmental public health services in all communities, including Indigenous communities.²⁷

1.1.2.1 First Nations’ Roles and Responsibilities

On First Nations reserves south of the 60th parallel, First Nations chiefs and councils manage water and wastewater systems by testing drinking water, issuing drinking water advisories as needed and planning and developing infrastructure.²⁸ Figure 1 provides information about the types of drinking water advisories issued by First Nations chiefs and councils.

Figure 1 – Drinking Water Advisories in First Nations Communities



First Nations have various water and wastewater systems in place in their communities including piped systems and/or those that provide water and collect wastewater by truck. Some First Nations have signed agreements with nearby municipalities for the provision of drinking water and/or wastewater services.²⁹

Some First Nations organizations have taken their own approaches to deliver culturally appropriate water services. For example, the First Nations Health Authority provides environmental public health services and advice on drinking water safety to First Nations in British Columbia.³⁰ The Atlantic First Nations Water Authority is a First Nations water utility responsible for the operation, maintenance and capital upgrades for water and wastewater infrastructure in 12 participating First Nations communities.³¹ Some First Nations organizations provide technical services related to water services in First Nations communities, including the Ontario First Nations Technical Services Corporation in Ontario and the First Nations Technical Services Advisory Group in Alberta.³²

1.1.2.2 Federal Role

Section 6(2) of the *Department of Indigenous Services Act* provides that the Minister of Indigenous Services will ensure that services in various areas, such as health and infrastructure, are provided to Indigenous individuals and governing bodies who are eligible to receive them under federal legislation or a Government of Canada program.³³ The list of service areas does not specifically mention water and wastewater on First Nations reserves.

Through the Capital Facilities and Maintenance Program, Indigenous Services Canada (ISC) provides funding for public water and wastewater infrastructure serving five or more households or other public facilities on First Nations reserves south of the 60th parallel. Other systems such as wells and cisterns that serve individual households are not funded by ISC.³⁴ ISC also provides public health advice and assessments related to drinking water and wastewater through Environmental Public Health Services.

The federal government may provide funding for drinking water related initiatives through modern treaties. For example, under the *2019 Tsawwassen First Nation Fiscal Financing Agreement*, the federal government provides transfer payments for several programs and services including a Drinking Water Safety Program.³⁵

1.1.3 Key Challenges

Some of the challenges First Nations face in accessing safe drinking water, such as high capital and operating costs, are like those in other rural and remote communities with small water systems.³⁶ However, First Nations also face unique challenges such as the absence of a regulatory framework for water and wastewater on reserves.³⁷ Moreover, the adequacy of federal funding for water and wastewater on reserves has been a longstanding concern.³⁸

1.1.3.1 The Absence of a Legislative or Regulatory Framework for First Nations

Over time, provinces and territories have developed regulatory regimes covering matters such as source water protection, water quality standards and water delivery services.³⁹ However, provincial regimes do not apply to First Nations reserves because section 91(24) of the *Constitution Act, 1867* provides the federal government with exclusive jurisdiction over “Indians, and lands reserved for the Indians.”⁴⁰ Through various protocols, ISC recommends that First Nations adhere to the more stringent of either federal or provincial standards for water and wastewater systems.⁴¹ However, there is currently no legislative or regulatory framework for water and wastewater in First Nations communities.

Concerns about the absence of a regulatory framework have been raised in reports and audits by the Office of the Auditor General of Canada for many years.⁴² In 2006, the then Minister of Indian and Northern Affairs established an Expert Panel on Safe Drinking Water for First Nations (the expert panel) to consider options for a regulatory framework for First Nations water and wastewater on reserve. While the expert panel identified several options for a regulatory framework, it noted that “adequate resources – for plants and piping, training and monitoring, and operations and maintenance – are more critical to ensuring safe drinking water than is regulation alone.”⁴³

1.1.3.2 The *Safe Drinking Water for First Nations Act*

In 2013, Parliament enacted the *Safe Drinking Water for First Nations Act* (SDWFNA) (formerly Bill S-8).⁴⁴ The SDWFNA enabled the Governor in Council, on the recommendation of the Minister of Indian and Northern Affairs and, in some cases, the Minister of Health, to make regulations covering a number of matters related to the provision of drinking water and disposal of wastewater on First Nations lands.⁴⁵ The SDWFNA defines First Nations lands as those where the disposition is subject to the *Indian Act* or the *First Nations Land Management Act*, or First Nations lands described in regulations made by the Governor in Council for the purposes of the Act.⁴⁶

First Nations raised concerns about the SDWFNA related to the liability of First Nations governments for actions taken under the regulations; the lack of meaningful consultation on the legislation; and the adequacy of federal funding to meet the requirements of future regulations developed under the legislation.⁴⁷ After the SDWFNA came into force, First Nations called for its repeal and replacement.⁴⁸ In accordance with provisions of the First Nations Drinking Water Settlement Agreement discussed above, the SDWFNA was repealed in June 2022 by the *Budget Implementation Act, 2022, No. 1*.⁴⁹ No regulations were made under the SDWFNA prior to its repeal.⁵⁰

1.1.3.2.1 Comparative Analysis of the
Safe Drinking Water for First Nations Act
and Bill C-61

There are many differences between the SDWFNA and Bill C-61. While both pieces of legislation enable the development of regulations in some similar areas, the approach to regulatory development differs. For example, clause 20(1) of Bill C-61 requires the Minister of Indigenous Services to consult and cooperate with First Nations governing bodies prior to making recommendations for regulations. In contrast, the SDWFNA did not require consultation in the regulatory development process but notes the commitment of the Minister of Indian Affairs and Northern Development and the Minister of Health to work with First Nations to develop proposals for regulations under the legislation.⁵¹

Another difference is the recognition of First Nations jurisdiction and authority. The SDWFNA enabled the development of regulations which could “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.”⁵² Regulations could also be developed to confer on any person or body the power to appoint a manager independent of the First Nation to operate a drinking water or wastewater system on its First Nations lands (section 5(1)(c)(iii)). In contrast, clause 6(1)(a) of Bill C-61 affirms the inherent right of self-government in relation to water, source water, drinking water, wastewater and related infrastructure on, in and under First Nations lands. This jurisdiction includes legislative, administrative and enforcement authority (clause 6(2)).

1.1.3.3 Federal Funding

The federal government provides funding for water and wastewater on the basis of policy, rather than legislation.⁵³ The Office of the Auditor General of Canada has found that delivering programs for First Nations on reserves without a legislative base means that programs and services are not always well defined and there is confusion about federal funding responsibilities.⁵⁴ By providing funding for water and wastewater, the federal government aims to achieve service levels for First Nations on reserve comparable to other non-First Nations communities of similar size and circumstances.⁵⁵ However, a 2021 ISC internal evaluation found that this objective has not yet been achieved.⁵⁶

First Nations and research reports have noted that the adequacy of federal funding for water and wastewater infrastructure, operations and maintenance on First Nations reserves is a long-standing concern.⁵⁷ Insufficient federal funding for operation and maintenance contributes to drinking water advisories, affects the ability to retain

water and wastewater system operators, and reduces the operational lifespan of water and wastewater infrastructure in First Nations communities.⁵⁸ Some First Nations have pursued their claims in court, alleging that the federal government has never provided adequate funding for First Nations drinking water on reserve.⁵⁹

In 2015, the federal government committed to lifting long-term drinking water advisories for public water systems on First Nations reserves by 31 March 2021.⁶⁰ This commitment excludes privately operated systems, where users may still lack access to clean water. While the March 2021 deadline was not met, the federal government has proposed funding for First Nations water and wastewater on reserve in recent federal budgets.⁶¹ In 2021, prior to the signing of the First Nations Drinking Water Settlement Agreement, the Office of the Parliamentary Budget Officer estimated that spending between fiscal years 2016–2017 and 2025–2026 will be sufficient for capital expenditures, but not for operations and maintenance costs.⁶²

1.2 DEVELOPMENT OF BILL C-61

The federal government indicates that it worked with First Nations communities and organizations to develop Bill C-61.⁶³ Engagements to develop Bill C-61 began in 2018. During the process, draft legislative proposals were posted online to solicit feedback.⁶⁴ Some First Nations organizations have welcomed Bill C-61 as the first step in developing standards and regulations for clean drinking water and treatment of wastewater.⁶⁵

However, some First Nations organizations raised concerns about consultation, stating that further discussions were needed prior to the tabling of the Bill C-61.⁶⁶ Some First Nations communities and organizations have also raised concerns about whether Bill C-61 will address challenges First Nations on reserve face with respect to clean drinking water and treatment of wastewater.⁶⁷

2 DESCRIPTION AND ANALYSIS

Bill C-61 contains a multi-page preamble and 44 clauses. As mentioned above, the First Nations Drinking Water Settlement Agreement requires that Canada, in consultation with First Nations, “make all reasonable efforts” to introduce legislation to replace the *Safe Drinking Water for First Nations Act* by December 2022.⁶⁸ This obligation is referred to in clause 33 of the bill, alongside the obligation to meet the terms of the First Nations Drinking Water Settlement Agreement more generally. The term “First Nations lands” is defined in clause 2 as reserve lands (including water and source water on, in and under those lands) and specifically excludes lands over which Aboriginal title is either claimed or has been confirmed by a court.

Key clauses in relation to these and other measures are discussed below.

2.1 GUIDING PRINCIPLES

One of the stated purposes of the bill is to establish principles relating to decision-making under the law (clause 4(d)). Clause 5 lists three guiding principles: reliable access to water services, substantive equality, and free, prior and informed consent.

2.1.1 Reliable Access to Water Services

Clause 5(1) provides that decision-making under the law is to be based on First Nations having reliable access to water services on their lands. Among other things, that clause notes the importance of safe drinking water and effective treatment and disposal of wastewater for the health of the community and the environment. It also notes that reliable access to safe drinking water depends on the effective management and monitoring of all stages of water services delivery.

2.1.2 Substantive Equality

Decisions made under the bill are to be guided by substantive equality.⁶⁹ Specifically:

- First Nations' reliable access to water services must be comparable to that in non-Indigenous communities (clause 5(2)(a));
- First Nations must have control over their water services, including related data (clause 5(2)(b)); and
- First Nations may deliver water services as they see fit, including by using innovative approaches and technology (clause 5(2)(c)).

2.1.3 Free, Prior and Informed Consent

Clause 5(3) provides that the *United Nations Declaration on the Rights of Indigenous Peoples*' principle of "free, prior and informed consent" is to guide decisions made under the bill.⁷⁰

2.2 MINIMUM STANDARDS OF WATER QUALITY AND MINIMUM CAPACITY STANDARDS FOR THE DELIVERY OF WATER

To support sustainable First Nation water and wastewater systems, the First Nations Drinking Water Settlement provides that the legislation to replace the (now) repealed *Safe Drinking Water for First Nations Act* shall include provisions:

- (i) defining minimum standards of water quality for First Nation Water and Wastewater Systems, with reference to standards that are directly applicable to First Nation communities; and
- (ii) defining minimum capacity standards for the delivery of water to First Nation communities, in terms of volume per individual community member;⁷¹

Clause 14 of Bill C-61 provides that a First Nation governing body can choose between two standards for drinking water quality: the Guidelines for Canadian Drinking Water Quality⁷² or the provincial or territorial standards that are in place where the First Nation lands are located. Clause 16 provides that a First Nation governing body can choose between two standards for wastewater effluent:⁷³ the standard set out in the *Wastewater Systems Effluent Regulations*⁷⁴ or the provincial or territorial standards that are in place where the First Nation lands are located. If a First Nation governing body does not choose a standard, the Minister of Indigenous Services (the minister) must make “best efforts”⁷⁵ within 90 days of the law coming into force to consult and cooperate with that governing body to determine which standard is highest (clause 18).

The standards relating to water quality, quantity and wastewater effluent apply to both public and private water systems (clause 17). Water quantity must be based on current and projected needs, including for drinking, sanitation and emergency management (clause 15).

Clause 26 requires that the minister make best efforts to ensure that “all residents, occupants and users of buildings located on the First Nation lands of the First Nation” have access to clean and safe drinking water.

2.3 TRANSPARENCY

The First Nations Drinking Water Settlement Agreement requires that the replacement legislation “create a transparent approach to building, improving, and providing drinking water and wastewater services for First Nations.”⁷⁶ As mentioned above, clause 5 of Bill C-61 sets out the principles that are to guide decision-making under the law. Clause 5(d) notes that transparency and accountability form the basis of effective water service management and monitoring.

2.4 FUNDING

The First Nations Drinking Water Settlement Agreement requires that replacement legislation “confirm adequate and sustainable funding for First Nation Water and Wastewater Systems.”⁷⁷ Bill C-61’s preamble includes references to funding, including that the Government of Canada acknowledges “that First Nations have made multiple calls for water services funding that is adequate, predictable, stable, sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for First Nations.”

As mentioned above, the First Nations Drinking Water Settlement Agreement also requires that the Government of Canada spend at least \$6 billion between 20 June 2021 and 31 March 2030 to meet the commitments under the settlement.⁷⁸ Clause 34 of Bill C-61 reinforces that commitment by specifying that at a minimum, the Government of Canada must provide that stipulated amount of funding.

One of the first steps to be taken in relation to funding is developing a framework to assess needs. To that end, the minister must consult and cooperate with First Nation governing bodies, making best efforts to do so within six months of the law’s coming into force. That same consultation and cooperation is required for making and implementing funding allocation decisions (clause 27(1)). Clause 27(3) lists a number of funding guiding principles, including that funding “be adequate, predictable, stable, sustainable and needs-based;” and that infrastructure funding consider current and future needs. Clause 19(1)(c) provides the Governor in Council with regulation-making authority in relation to the consultation process for funding allocation decisions.

Additional funding requirements established in the bill include: the Government of Canada must make best efforts to (1) provide funding that meets the needs assessed in the framework (clause 30) and (2) meet actual costs so that water services in First Nation lands are comparable to other water services (clause 31). Long-term funding arrangements can include grants (clause 36).

2.5 VOLUNTARY ASSUMPTION OF WATER AND WASTEWATER INFRASTRUCTURE BY FIRST NATIONS

The replacement legislation required by the First Nations Drinking Water Settlement Agreement must “support the voluntary assumption of water and wastewater infrastructure by First Nations.”⁷⁹

Key to the voluntary assumption of infrastructure by First Nations is the affirmation of the inherent right of self-government in relation to water, source water, drinking water, wastewater and related infrastructure on, in and under First Nations lands

(clause 6(1)(a)). This right also applies to water and source water in a protection zone that is adjacent to the First Nation lands of a First Nation, if there is agreement among the First Nation, as well as federal and provincial or territorial governments, on how to coordinate the application of the laws of all three jurisdictions in the protection zone (clause 6(1)(b)). After consultation and cooperation with First Nation governing bodies, federal ministers and provincial and territorial governments, “protection zone” is to be defined in regulations (clause 21).

Jurisdiction explicitly includes legislative, administrative and enforcement authority (clause 6(2)). A First Nation governing body can request to enter into an agreement with the minister in relation to the minister’s support for the governing body’s exercise of jurisdiction (clause 23(1)). The agreement can include fiscal arrangements for water services delivery (clause 23(2)(a)).

Other relevant clauses that support the voluntary assumption of water and wastewater infrastructure by First Nations include the following:

- a First Nation governing body’s ability to enter into an agreement with the minister in support of exercising jurisdiction (clause 23(1)), which can include fiscal arrangements (clause 23(2)(a));
- a First Nation governing body’s ability to delegate jurisdiction to a provincial or territorial government, public body or not-for-profit corporation, provided that the government, public body or not-for-profit corporation consents (clause 10); and
- a First Nation governing body’s ability to enter into an agreement with the Minister or other listed partners, such as provincial or territorial governments, to administer and enforce its First Nation laws (clause 24).

2.6 CONFLICTS OF LAWS AND LIMITATIONS TO JURISDICTION

Clause 11 establishes that where a provision of a First Nation law is inconsistent or conflicts with a federal law or regulations, the First Nation law prevails over federal laws and regulations except for the provisions of clause 11 and:

- the guiding principles relating to decision-making under the bill set out in clause 5;
- the *Canadian Charter of Rights and Freedoms*, which applies to a First Nation governing body exercising its jurisdiction (clause 7);
- the *Fisheries Act*, the *Canadian Navigable Waters Act*, the *Migratory Birds Convention Act, 1994*, the *Canada Marine Act*, the *Canadian Environmental Protection Act, 1999*, the *Canada Shipping Act, 2001*, and the *Species at Risk Act*, as well as their regulations (clause 8);

- the requirement that a First Nation governing body publish a First Nation law as soon as possible after making the law, including by publishing on-line and in the *First Nations Gazette* (clause 9); and
- drinking water quality, water quantity and wastewater effluent standards set out in clauses 14 to 16.

Where provisions of a modern treaty or self-government agreement are inconsistent or conflict with the bill or regulations made under the bill, the provisions of the modern treaty or self-government agreement prevail (clause 12(1)).

Where provisions of an *Indian Act* by-law⁸⁰ are inconsistent or conflict with regulations made under the bill, the provisions of the regulation prevail (clause 13).

2.7 REGULATIONS

Clause 19 authorizes the Governor in Council to make regulations under the bill based on the minister's recommendation. Among other topics, regulation-making authority relates to managing and monitoring water services (clauses 19(1)(a) and 19(1)(f)), protecting source water (clause 19(1)(b)), the disclosure of information (clause 19(1)(i)), and minimum standards for water services (clause 19(1)(l)).

Regulations can also be made in relation to administering and enforcing the regulations (clause 19(1)(j)).

Before making a recommendation relating to a regulation, the minister must consult and cooperate with First Nation governing bodies (clause 20(1)). The minister must make best efforts to begin such consultations within six months of the law's coming into force (clause 20(2)). A First Nation law can opt out of regulations applying to its First Nation lands.

2.8 OTHER AGREEMENTS

Clause 25 allows the minister to enter into an agreement with a First Nation governing body or a public body acting under the authority of a First Nation, in relation to protecting source water, water services, or administration and enforcement of regulations. It also allows the minister to enter into an agreement on those topics with a provincial, territorial or municipal government. If those latter agreements might affect a First Nation, if the First Nation so chooses, it must be a party to the agreement. If a First Nation chooses not to be a party, they must be consulted before the agreement is entered into.

2.9 FIRST NATIONS WATER COMMISSION

Clauses 39 and 40 relate to the future establishment of a First Nations Water Commission. The terms of reference for the not-for-profit corporation must be developed in consultation and cooperation with First Nation governing bodies (clause 39(1)). The minister must make best efforts to begin the consultations within six months of Royal Assent (clause 39(4)). The terms of reference must provide that one of the Commission's purposes is to support Bill C-61's purpose and principles (clause 39(2)(a)). Clause 32 requires the Government of Canada to make best efforts to provide sustainable funding to implement the Commission's terms of reference. The Commission's annual report must be tabled in the House of Commons and the Senate (clause 40).

2.10 REPORT, REVIEW, COORDINATING AMENDMENT AND COMING INTO FORCE

In consultation and cooperation with First Nations, the minister must report annually on the results of consultation and cooperation that are required by the law (clause 41). Clause 42 requires that a review of the law be commenced five years after the law comes into force, in consultation and cooperation with First Nation governing bodies. The review's report must be tabled in each House of Parliament within six years of the coming into force of the law.

Clause 3 specifies that the bill must not be construed as abrogating or derogating from rights recognized and affirmed by section 35 of the *Constitution Act, 1982* (this is commonly referred to as a non-derogation clause). Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts,⁸¹ will add a non-derogation clause that will apply to all federal legislation, making other non-derogation clauses in federal laws redundant. Clause 43 explains that if Bill S-13 comes into force, clause 3 of Bill C-61 will be repealed on the first day that both laws are in force.

NOTES

1. [Bill C-61, An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands](#), 44th Parliament, 1st Session.
2. Bill C-61 defines First Nations lands as First Nations lands as those referred to in section 91(24) of the *Constitution Act, 1867* which refers to "Indians and lands reserved for the Indians." First Nations lands "do not include lands over which Aboriginal title is claimed by a First Nation or has been confirmed by a court." [Bill C-61, An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands](#), 44th Parliament, 1st Session, clause 2.

PRELIMINARY VERSION

UNEDITED

3. [Settlement Agreement between Tatakweyak Cree Nation, Curve Lake First Nation, Neskantaga First Nation and Canada](#), 2021, clauses 9.03(1) and 9.02(2) (First Nations Drinking Water Settlement Agreement); Indigenous Services Canada, [Together with First Nations leadership, Minister Patty Hajdu introduces a Bill to support clean drinking water in First Nations communities](#), News release, 11 December 2023; Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012.
4. [Tataskweyak Cree Nation et al. v. Canada, Curve Lake First Nation et al. v. Canada](#), 2021 MBQB 275, para. 29; and First Nations Drinking Water Settlement, [About](#).
5. Currently the Court of King's Bench of Manitoba.
6. Indigenous Services Canada, [Courts approve settlement agreement to resolve class action litigation related to safe drinking water in First Nations communities](#), News release, 23 December 2021.
7. The settlement specifically excludes members from the following First Nations: Tsuu T'ina Nation (Alberta); Sucker Creek First Nation (Alberta); Ermineskin Cree Nation (Alberta); Blood Tribe (Kainai Nation) (Alberta); and the Okanagan Indian Band (British Columbia). First Nations Drinking Water Settlement, [FAQs](#); and First Nations Drinking Water Settlement Agreement, sections 9.02(2), 9.03(1) and 9.03(2).
8. National Inquiry into Missing and Murdered Indigenous Women and Girls, [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), Volume 1a, p. 158; and Aimée Craft, "Navigating Our Ongoing Sacred Legal Relationship with Nibi (Water)," in Centre for International Governance Innovation, [UNDRIP Implementation: More Reflections on the Braiding of International, Domestic and Indigenous Laws](#), p. 56.
9. British Columbia Assembly of First Nations, [Water](#).
10. National Inquiry into Missing and Murdered Indigenous Women and Girls, [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), Volume 1a, pp. 159 and 570; and Native Women's Association of Canada, [Water Carriers](#).
11. [Constitution Act, 1982](#), Enacted as Schedule B to the [Canada Act 1982](#) (U.K.), 1982, c. 11, section 35(1).
12. [Delgamuukw v. British Columbia](#), [1997] 3 SCR 1010.
13. Olivia Stefanovich, "Prairie First Nations call on Ottawa to rewrite clean water bill," [CBC News](#), 21 December 2023; Assembly of First Nations, [Submission to the United Nations Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation's Call for Input: Indigenous peoples and people living in rural areas](#), 31 December 2021, p. 3; [Tsuu T'ina Nation v. Alberta \(Environment\)](#), 2010 ABCA 137; Senate, Standing Committee on Indigenous Peoples (APPA), [Evidence](#), 3 June 2022 (Byron Louis, Chief, Okanagan Indian Band); and JFK Law, [Kanai/Blood Tribe Submission on Division 3 of Part 5 of Bill C-19](#), Brief submitted to APPA, 31 May 2022.
14. United Nations General Assembly, [Resolution A/RES/64/292 The human right to water and sanitation](#), 28 July 2010. The right is derived from the right to an adequate standard of living under article 11(1) of the [International Covenant on Economic, Social and Cultural Rights](#), to which Canada is a party.
15. [United Nations Declaration on the Rights of Indigenous Peoples](#), 2007, Article 25.
16. [United Nations Declaration on the Rights of Indigenous Peoples Act](#), S.C. 2021, c. 14, s. 4; and Sara Fryer and Olivier Leblanc-Laurendeau, [Legislative Summary of Bill C-15: An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples](#), Publication no. 43-2-C15-E, Library of Parliament, revised on 18 May 2021.
17. [United Nations Declaration on the Rights of Indigenous Peoples Act](#), S.C. 2021, c. 14, s. 6.
18. Government of Canada, [The United Nations Declaration on the Rights of Indigenous Peoples Act: Action Plan](#), 2023, p. 53.
19. Indigenous Services Canada, [Ending long-term drinking water advisories](#); and Government of Canada, [Map of long-term drinking water advisories on public systems on reserves](#).
20. The First Nations Health Authority reports on drinking water advisories in British Columbia. Indigenous Services Canada, [Short-term drinking water advisories](#).
21. First Nations Health Authority, [Monthly Drinking Water Advisories in First Nations Communities in BC – February 2024](#).



PRELIMINARY VERSION

UNEDITED

22. Government of the Northwest Territories, Health and Social Services, [Boil Water Advisories](#).
23. For example, the claim forms for the First Nations Drinking Water Settlement contain data about First Nations long-term drinking water advisories between 20 November 1995 and 20 June 2021. However, not all First Nations communities signed the First Nations Drinking Water Settlement. A sessional paper also provides information about drinking water advisories in First Nations communities from 2006 to 2011. See: First Nations Drinking Water Settlement, [Claim Form for Individuals](#); and Government of Canada, *Inquiry of Ministry*, Q-359, Sessional Paper no. 8555-411-359, 9 December 2011.
24. Government of Canada, [Water governance and legislation: shared responsibility](#).
25. [Constitution Act, 1867](#), 30 & 31 Victoria, c. 3 (U.K.), s. 91(24); and Government of Canada, [Water governance and legislation: shared responsibility](#).
26. See for example: Government of Canada, [Tsawwassen First Nation Final Agreement](#), sections 22–27; and Government of Canada, [Sioux Valley Dakota Nation Governance Agreement and Tripartite Governance Agreement](#), section 15.03.
27. Government of Canada, [Roles and responsibilities](#); and Government of Canada, [Map of long-term drinking water advisories on public systems on reserves](#).
28. Government of Canada, [Roles and responsibilities](#).
29. Office of the Parliamentary Budget Officer, [Budget Sufficiency for First Nations Water and Wastewater Infrastructure](#), 7 December 2017, pp. 11–12; and Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021.
30. First Nations Health Authority, [Drinking Water Safety Program](#).
31. Atlantic First Nations Water Authority, [About Us](#); and Atlantic First Nations Water Authority, [Members](#).
32. [Ontario First Nations Technical Services Corporation](#) and [First Nations Technical Services Advisory Group Inc.](#)
33. [Department of Indigenous Services Act](#), S.C. 2019, c. 29, s. 336, s. 6(2).
34. Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*.
35. [2019 Tsawwassen First Nation Fiscal Financing Agreement](#), section 4.1, schedule B.
36. Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012; and Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*.
37. Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012; and Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021.
38. Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021.
39. Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012.
40. Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012; and Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*.
41. Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*; and Aboriginal Affairs and Northern Development Canada, [Protocol for Centralised Wastewater Systems in First Nations Communities](#), February 2010.



PRELIMINARY VERSION

UNEDITED

42. For example, Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*.
43. [Report of the Expert Panel on Safe Drinking Water for First Nations](#), Volume 1, 2006, p. 22.
44. [Safe Drinking Water for First Nations Act](#), S.C. 2013, c. 21; [Bill S-8, An Act respecting the safety of drinking water on First Nation lands](#), 41st Parliament, 1st Session; and Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012.
45. [Safe Drinking Water for First Nations Act](#), S.C. 2013, c. 21, s. 4.
46. [Safe Drinking Water for First Nations Act](#), S.C. 2013, c. 21, ss. 2(1) and 2(2).
47. Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*; Atlantic Policy Congress of First Nations Chiefs Secretariat, [Policy Initiatives](#); Assembly of First Nations, [Safe Drinking Water Legislation](#); Senate, APPA, [Evidence](#), 8 May 2012 (Eric Morris, Regional Chief, Council of Yukon First Nations); Senate, APPA, [Evidence](#), 8 May 2012 (John Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat); Senate, APPA, [Evidence](#), 8 May 2012 (Madeleine Paul, Chief, Eagle Village First Nation, Kipawa, Assembly of First Nations of Quebec and Labrador); Senate, APPA, [Evidence](#), 8 May 2012 (Roger Redman, Representative, Federation of Saskatchewan Indian Nations); Senate, APPA, [Evidence](#), 8 May 2012 (Guy Latouche, Consultant, Assembly of First Nations of Quebec and Labrador); Senate, APPA, [Evidence](#), 9 May 2012 (Chief Robert Chamberlin, Vice-President, Union of British Columbia Indian Chiefs); Senate, APPA, [Evidence](#), 16 May 2012 (Kevin McKay, Chairperson, Nisga'a Lisims Government); House of Commons, Standing Committee on Aboriginal Affairs and Northern Development (ANNO), [Evidence](#), 23 May 2013, 1105 (Robert Howsam, Executive Director, Ontario First Nations Technical Services Advisory Group); and House of Commons, ANNO, [Evidence](#), 28 May 2013, 0905 (Chief Charles Weaselhead, Chief, Blood Tribe/Kainai).
48. See for example, Assembly of First Nations, Special Chiefs Assembly, 5–7 December 2017, Resolution no. 88/2017, [First Nations led Engagement Process for Safe Drinking Water Legislation](#); Government of Canada, [Government response to the third report of the House of Commons Standing Committee on Public Accounts, entitled Access to Safe Drinking Water in First Nations Communities](#), p. 12; and Indigenous Services Canada, [Bill C-61: First Nations Clean Water Act \(short title\), or an Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands](#), 11 December 2023.
49. [Budget Implementation Act, 2022, No. 1](#), S.C. 2022, c. 10, Part 5, Division 3.
50. Office of the Auditor General of Canada, "[Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada](#)," Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*.
51. [Safe Drinking Water for First Nations Act](#), S.C. 2013, c. 21, Preamble.
52. [Safe Drinking Water for First Nations Act](#), S.C. 2013, c. 21, s. 5(1)(b).
53. For example, see: Government of Canada, [Water and Wastewater Policy and Level of Services Standards \(Corporate Manual System\)](#).
54. Office of the Auditor General of Canada, "[Chapter 4: Programs for First Nations on Reserves](#)," *2011 Status Report of the Auditor General of Canada to the House of Commons*.
55. Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021.
56. Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021.



PRELIMINARY VERSION

UNEDITED

57. For example, see: Tonina Simeone and Shauna Troniak, [Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act](#), Publication no. 41-1-S8-E, Library of Parliament, revised 19 April 2012; Office of the Auditor General of Canada, [“Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada,”](#) Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*; Neal Spicer et al., [“Drinking Water Consumption Patterns: An Exploration of Risk Perception and Governance in Two First Nations Communities,”](#) *Sustainability*, Vol. 12, No. 17, 2020, p. 6851; and Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021; and [Report of the Expert Panel on Safe Drinking Water for First Nations](#), Volume 1, 2006, p. 22.
58. Government of Canada, [Evaluation of the Water and Wastewater On-Reserve Program](#), March 2021.
59. [Tataskweyak Cree Nation et al. v. Canada, Curve Lake First Nation et al. v. Canada](#), 2021 MBQB 275, para. 30.
60. Office of the Auditor General of Canada, [“Access to Safe Drinking Water in First Nations Communities – Indigenous Services Canada,”](#) Report 3 in *2021 Reports of the Auditor General of Canada to the Parliament of Canada*.
61. Department of Finance Canada, [A Plan to Grow Our Economy and Make Life More Affordable: Budget 2022](#), p. 173.
62. Office of the Parliamentary Budget Officer, [Clean Water for First Nations: Is the Government Spending Enough?](#), 1 December 2021.
63. Indigenous Services Canada, [Together with First Nations leadership, Minister Patty Hajdu introduces a Bill to support clean drinking water in First Nations communities](#), News release, 11 December 2023.
64. Government of Canada, [Drinking water and wastewater legislation](#).
65. Nishnawbe Aski Nation, [NAN Statement on First Nations Clean Water Act](#), 11 December 2023; and Noah Rishaug, [“Federal First Nations clean water bill gets mixed reaction in Sask,”](#) *CTV News*, 15 December 2023.
66. Noah Rishaug, [“Federal First Nations clean water bill gets mixed reaction in Sask,”](#) *CTV News*, 15 December 2023; Nishnawbe Aski Nation, [NAN Statement on First Nations Clean Water Act](#), 11 December 2023; Olivia Stefanovich, [“Prairie First Nations call on Ottawa to rewrite clean water bill,”](#) *CBC News*, 21 December 2023; and Shari Narine, [“Alberta chiefs demand treaty table to talk about safe drinking water action,”](#) *Windspeaker*, 20 December 2023.
67. For example, see: Jeanelle Mandes, [“Sask. Indigenous leaders react to federal legislation on water quality,”](#) *Global News*, 11 December 2023; Assembly of Manitoba Chiefs, [AMC Challenges Efficacy of Federal Water Legislation](#), News release, 13 December 2023; Olivia Stefanovich, [“Prairie First Nations call on Ottawa to rewrite clean water bill,”](#) *CBC News*, 21 December 2023; Noah Rishaug, [“Federal First Nations clean water bill gets mixed reaction in Sask,”](#) *CTV News*, 15 December 2023; and Shari Narine, [“Alberta chiefs demand treaty table to talk about safe drinking water action,”](#) *Windspeaker*, 20 December 2023.
68. First Nations Drinking Water Settlement Agreement, section 9.03(1).
69. Substantive equality recognizes that laws can affect groups differently, and that systemic disadvantage can mean that different, rather than identical treatment, is necessary to avoid furthering that disadvantage. See Robert Mason and Martha Butler, [Section 15 of the Canadian Charter of Rights and Freedoms: The Development of the Supreme Court of Canada’s Approach to Equality Rights Under the Charter](#), Publication no. 2013-83-E, Library of Parliament, 1 September 2021.

PRELIMINARY VERSION

UNEDITED

70. It is important to note that “free, prior and informed consent” (FPIC) is not defined in either the [United Nations Declaration on the Rights of Indigenous Peoples](#) or the [United Nations Declaration on the Rights of Indigenous Peoples Act](#), S.C. 2021, c. 14. The Government of Canada’s [Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act](#) contains the following explanation of FPIC:
- FPIC describes processes that are free from manipulation or coercion, informed by adequate and timely information, and occur sufficiently prior to a decision so that Indigenous rights and interests can be incorporated or addressed effectively as part of the decision making process – all as part of meaningfully aiming to secure the consent of affected Indigenous peoples.
- FPIC is about working together in partnership and respect. In many ways, it reflects the ideals behind the relationship with Indigenous peoples, by striving to achieve consensus as parties work together in good faith on decisions that impact Indigenous rights and interests. Despite what some have suggested, it is not about having a veto over government decision-making.
71. First Nations Drinking Water Settlement Agreement, section 9.03(2)(a).
72. Government of Canada, [Guidelines for Canadian Drinking Water Quality – Summary Tables](#), September 2022.
73. The [Wastewater Systems Effluent Regulations](#), SOR/2012-139, under the [Fisheries Act](#), R.S.C. 1985, c. F-14, define effluent as “wastewater that is deposited from a wastewater system.”
74. [Wastewater Systems Effluent Regulations](#), SOR/2012-139.
75. “Best efforts” is a term frequently used in contract law, and among other things, are characterized as going beyond a “reasonable effort,” and “taking, in good faith, all reasonable steps to achieve the objective, carrying the process to its logical conclusion and leaving no stone unturned.” See [Atmospheric Diving Systems Inc. v. International Hard Suits Inc.](#), 1994 CanLII 16658 (BC SC), 1994 CarswellBC 158.
76. First Nations Drinking Water Settlement Agreement, section 9.03(2)(b).
77. First Nations Drinking Water Settlement Agreement, section 9.03(2)(c).
78. First Nations Drinking Water Settlement Agreement, section 9.02(2).
79. First Nations Drinking Water Settlement Agreement, section 9.03(2)(d).
80. Pursuant to section 81 of the [Indian Act](#), R.S.C. 1985, c. I-5, the council of a band can make by-laws in relation to a matter of subjects.
81. [Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts](#), 44th Parliament, 1st Session. The progress of Bill S-13 can be found on [LEGISinfo](#).