

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## **Bill 286**

**An Act to amend the Safe Drinking Water Act, 2002 to require specified actions with respect to safe drinking water for Ontarians living and working on reserves**

**Mr. S. Mamakwa**

**Private Member's Bill**

1st Reading      May 3, 2021

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill amends the *Safe Drinking Water Act, 2002*.

Currently, one of the Act's purposes is to recognize that the people of Ontario are entitled to expect their drinking water to be safe. The Bill amends this purpose to specify that Ontarians living and working on reserves have the same entitlement.

The Bill amends the Act to require the Minister of the Environment, Conservation and Parks to submit to the Minister of Indigenous Services of Canada a comprehensive set of recommended standards respecting the provision of safe drinking water on reserves in Ontario. The Bill sets out consultation and other requirements with respect to the recommended standards. The recommended standards submitted to the federal Minister must be accompanied by a request that the federal Minister recommend them to the Governor in Council as regulations under the *Safe Drinking Water for First Nations Act (Canada)* in respect of reserves in Ontario.

The Minister is required to contact the Minister of Indigenous Services of Canada with respect to the status of the recommended standards. The inquiries must continue until the Minister is satisfied that regulations reflecting the recommended standards have been made under the *Safe Drinking Water for First Nations Act (Canada)* in respect of reserves in Ontario.

The Minister is also required to include, in the annual drinking water report for the province required under subsection 3 (4) of the Act, a summary of the Minister's and the Government's efforts in advocating for, and working with the Government of Canada to ensure, safe drinking water on reserves in Ontario.

**An Act to amend the Safe Drinking Water Act, 2002 to require specified actions with respect to safe drinking water for Ontarians living and working on reserves**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 Paragraph 1 of section 1 of the *Safe Drinking Water Act, 2002* is amended by striking out “the people of Ontario are entitled” and substituting “the people of Ontario, including Ontarians living and working on reserves, are entitled”.**

**2 Subsection 2 (1) of the Act is amended by adding the following definitions:**

“Indian” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“Indien”)

“reserve” means a reserve as defined in subsection 2 (1) of the *Indian Act* (Canada) or an Indian settlement located on Crown land, the Indian inhabitants of which are treated by Indigenous and Northern Affairs Canada in the same manner as Indians residing on a reserve; (“réservation”)

**3 Subsection 3 (4) of the Act is amended by adding the following clause:**

- (a.1) a summary of the Minister’s and the Government’s efforts in advocating for, and working with the Government of Canada to ensure, safe drinking water on reserves in Ontario;

**4 The Act is amended by adding the following section:**

**Recommendations re: safe drinking water on reserves**

**164.1** (1) Within six months after the day the *Inherent Right to Safe Drinking Water Act, 2021* receives Royal Assent, the Minister shall, in accordance with this section, prepare and submit to the Minister of Indigenous Services of Canada a comprehensive set of recommended standards respecting the provision of safe drinking water on reserves in Ontario.

**Consultation with rights holders**

- (2) In preparing the recommended standards, the Minister shall consult community-based First Nations rights holders.

**Minimum content**

- (3) The recommended standards shall contain,

- (a) at least the same levels of protection from drinking water health hazards as are included in the drinking water quality standards in the regulations under this Act respecting drinking water in areas of Ontario other than on reserves; and
- (b) any other matters that may be prescribed.

**Submission**

- (4) The Minister shall submit the recommended standards to the Minister of Indigenous Services of Canada along with a request that the Minister recommend them to the Governor in Council as regulations under the *Safe Drinking Water for First Nations Act* (Canada) in respect of reserves in Ontario.

**Tabling in Assembly**

- (5) The Minister shall lay before the Assembly a copy of the recommended standards and a copy of the request described in subsection (4) at the earliest reasonable opportunity.

**Periodic inquiries**

- (6) The Minister shall make reasonable efforts to contact the Minister of Indigenous Services of Canada to inquire about the status of the recommended standards at least once every six months until the Minister is satisfied that regulations reflecting the recommended standards have been made under the *Safe Drinking Water for First Nations Act* (Canada) in respect of reserves in Ontario.

**Commencement**

**5 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**6 The short title of this Act is the *Inherent Right to Safe Drinking Water Act, 2021*.**