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Chair: Mr. John Williamson





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• (1100)

[English]

**The Chair (Mr. John Williamson (New Brunswick South-west, CPC)):** I call this meeting to order.

Good day. It's great to see everyone here.

Ms. Hogan, on Zoom, it's nice to see you as well.

Welcome to meeting number 25 of the House of Commons Standing Committee on Public Accounts. Pursuant to Standing Order 108(3)(g), the committee is meeting today to undertake a follow-up study on “Report 3: Access to Safe Drinking Water in First Nations Communities—Indigenous Services Canada” in the Auditor General of Canada's 2021 report.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application.

[Translation]

Pursuant to the directive of the Board of Internal Economy of March 10, 2022, all those attending the meeting in person must wear a mask, except for members when they are seated during parliamentary proceedings.

To ensure an orderly meeting, I would like to outline a few rules for witnesses and members to follow.

Before speaking, please wait until I recognize you by name. If you are participating by video conference, click on the microphone to unmute yourself and please keep your microphone muted when you are not speaking.

[English]

For interpretation, those on Zoom have the choice, at the bottom of their screen, of floor, English or French. Those in the room can use the earpiece and select the desired channel.

I remind you that all comments should be addressed through the chair.

[Translation]

Members in the room who wish to speak must raise their hand. Members participating via Zoom must use the “raise hand” function. The committee clerk and I will do our best to maintain a consolidated order of speaking. Thank you for your patience and understanding.

[English]

In accordance with the routine motion, I am informing the committee that all witnesses have completed the required connection test in advance of the meeting.

Before we begin the meeting and go to the witnesses, I'd like to mention that, if there's agreement and members feel we have exhausted all of our questions, I'd like to reserve the last 20 to 30 minutes of the meeting to discuss the report on the public accounts. We will certainly get through the first three rounds and, if there's agreement on letting the fourth round go—it's a shorter round—we'll turn to a discussion on the public accounts report. I will check with everyone when we get to that time in the meeting, probably at half past 12.

I'd like to welcome our witnesses. From the Office of the Auditor General, we have Karen Hogan, the Auditor General of Canada, and Glenn Wheeler, principal. From the indigenous services department, we're welcoming back Christiane Fox, the deputy minister—it's very nice to see you today—and Nelson Barbosa, acting director general, community infrastructure branch, regional operations.

I will now turn to Ms. Hogan. You have the floor for five minutes.

• (1105)

[Translation]

**Ms. Karen Hogan (Auditor General of Canada, Office of the Auditor General):** Mr. Chair, thank you for this opportunity to discuss the access to safe drinking water in First Nations communities. I would like to acknowledge that this hearing is taking place on the traditional unceded territory of the Algonquin Anishinaabe people. Joining me today is Glenn Wheeler, the principal who was responsible for the audit.

As we have not conducted any new audit work since we presented our report to Parliament in February 2021, I will provide today a brief overview of last year's audit findings.

Reliable access to safe drinking water is vital to the health and well-being of all, including the people living in the more than 600 first nations communities across Canada. A key component of reconciliation is eliminating long-term drinking water advisories on public water systems on first nations reserves and addressing community infrastructure needs.

In 2015, the federal government committed to eliminating all long-term drinking water advisories on public water systems on first nations reserves by March 31, 2021. We reported that 60 remained in effect in 41 first nations communities as of November 1, 2020. Almost half had been in effect for over a decade.

[English]

In addition, we found that some long-term advisories were lifted only as a result of interim measures that did not fully address the underlying deficiencies. For some of these water systems, long-term solutions were not expected to be completed until 2025.

We also found that Indigenous Services Canada's efforts had been constrained by an outdated policy and formula for funding the operation and maintenance of public water systems. The department had not amended the funding formula since it was first developed 30 years ago. Until the formula is updated, it is unclear whether funding increases will be sufficient to meet first nations' water infrastructure needs.

Following the tabling of our report, the department presented this committee with a detailed action plan that addressed our recommendations. Many of the milestones that the department had set have passed.

I am pleased to see that the committee is revisiting this report. As I said last week, this is an example of results being slow to follow the department's original commitments. To improve the situation for first nations communities, actions have to catch up to words. The committee's ongoing follow-up is critically important.

The committee may wish to ask the department what progress it has made to eliminate all long-term drinking water advisories. As well, it may wish to inquire about progress on codeveloping a legislative framework for safe drinking water and a long-term strategy for water infrastructure.

Mr. Chair, this concludes my opening remarks. We would be pleased to answer any questions the committee may have.

Thank you.

**The Chair:** Thank you very much, Ms. Hogan.

Turning now to Ms. Fox, you have the floor for five minutes, please.

**Ms. Christiane Fox (Deputy Minister, Department of Indigenous Services):** Thank you very much, Mr. Chair.

*Kwe kwe. Ullukkut. Tansi.* Hello.

[Translation]

Thank you for inviting me here today.

I would like to begin by acknowledging that we come together on the unceded traditional territory of the Algonquin Anishnaabeg people.

I am pleased to give an update on the department's progress regarding the recommendations made by the Auditor General in Report 3, Access to Safe Drinking Water in First Nations Communities.

The department continues to work with and support first nations as the owners and operators of their water systems to address all remaining long-term drinking water advisories as soon as possible.

Since our department last appeared before this committee in April 2021, 43 short-term drinking water advisories have been lifted, preventing them from becoming long-term. In addition, 26 long-term drinking water advisories have been lifted.

As of May 31, 2022, 132 long-term drinking water advisories have been lifted in first nations communities since 2015. In addition, 219 short-term drinking water advisories have been prevented from becoming long term.

Work is under way to lift all 34 remaining long-term drinking water advisories, affecting 29 communities, on public systems on reserves.

● (1110)

[English]

The department continues to work with first nations to implement projects that address the long-term needs of communities affected by long-term drinking water advisories. Where interim measures have been implemented to lift drinking water advisories, long-term solutions are at various stages of implementation. We continue to advocate for a continuation of program funding that ensures support for water and waste-water services in first nations, with the objective of obtaining long-term, stable funding, including targeted funding to enhance capacity training measures and retain water operators.

Since 2016, the Government of Canada has committed over \$5.6 billion to upgrade water and waste-water infrastructure on first nations reserves, better support the operation and maintenance of these systems, improve the monitoring and testing of community drinking water, and support ongoing efforts to eliminate and prevent long-term drinking water advisories. We continue to work with first nations to help with annual performance inspections of water systems.

We also undertook a pilot program for a new asset inspection process, which is now being rolled out on a three-year cycle. In addition to providing a more comprehensive review of asset deficiencies, this new inspection process identifies future capital requirements, allowing communities to proactively plan and undertake major maintenance and asset replacement activities before assets fail. We will continue to proactively work with communities to prevent recurring advisories.

One of the OAG recommendations related to the department identifying how much funding is needed by first nations to operate and maintain drinking water infrastructure, and amending the existing funding formula to provide sufficient operations and maintenance funding in future years. I'm pleased to say the department implemented this recommendation in July 2021. The existing O and M funding formula has been updated to better reflect actual costs. That increase in funding has already started flowing directly to first nations. ISC will continue to cover 100%—up from 80%—of the O and M funding formula for water and waste-water systems.

Another recommendation was that the department work with first nations to develop and implement a regulatory regime for safe drinking water. The recent court-approved class action settlement agreement for safe drinking water in first nations commits Canada to making all reasonable efforts to introduce legislation that repeals the Safe Drinking Water for First Nations Act by March 31, 2022, and to develop and introduce replacement legislation, in consultation with first nations, by December 31, 2022.

[*Translation*]

Canada and the Assembly of First Nations are advancing co-development of a draft framework to inform the development of proposed legislation to replace the Safe Drinking Water for First Nations Act.

Finally, Budget 2022 proposes \$173.2 million over 10 years, starting in 2022-23, to support the transfer of water and wastewater services in 17 communities to the Atlantic First Nations Water Authority.

By putting service delivery into the hands of communities themselves, this first-of-its-kind, first nations-led initiative will help chart the path to self-determination, while strengthening the management of water and wastewater infrastructure on reserves.

I look forward to answering your questions. *Meegwetch. Qujan-namiik. Marsee.*

Thank you.

● (1115)

[*English*]

**The Chair:** Thank you very much.

This committee hearing is a little unusual. We're calling witnesses back, as well as members, to review a previous report because of the importance members around this table give this study. We think this issue is deserving.

I'm going to begin the first round of questions.

MP Schmale, you have the floor for six minutes.

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** Thank you, Chair.

Thank you to our witnesses.

Ms. Fox, it's good to see you again.

As you know, in early February the indigenous and northern affairs committee requested that the PBO do a comparative study based on how much money is being spent. As we know, it's more

than ever, but the results are not the same. As I mentioned, the spending has gone up but the analysis showed that it did not result in an improvement in the ability of first nations, themselves, but also the department to achieve the goals it set for itself. The Parliamentary Budget Officer specifically said this:

This was partly driven by the volatility in the departmental result indicators. Many were added or removed over the course of the period preventing results from being collected due to data collection lags. Some indicators lack target values and completion dates altogether.

Because of that, it was hard to actually locate when these targets would be completed. Going on from that, we have the Auditor General's report showing that as of March 31, all remaining boil water advisories were to be lifted. That was not the case.

Based on this moving of the goalposts, so to speak, which I know we've talked about in the INAN committee quite often, how confident are you that we will be able to achieve these new targets?

**Ms. Christiane Fox:** Thank you for the question. I would have a few comments on that. First, I think it's important to note that the Parliamentary Budget Officer did indicate that on the capital side the funding was there. I think that's an important part of that report.

What I would say is that we have put a lot of emphasis on operations and maintenance, because in order to ensure the long-term sustainability of these water infrastructure systems, that O and M is absolutely fundamental. The shift we made was that we actually moved to an industry standard of how we did the O and M formula. What actual asset is being purchased? What equipment is linked to it? What are some of the factors, like remoteness or proximity to a city, that determine what the appropriate O and M cost is? I would say that a lot of these changes have led to, I think, better supports with 100% funding that is actually more accurate to the asset of a particular community.

I would also say that we have built in some flexibility. If there is a particular asset that falls above the formula base that we have indicated, there is flexibility for us to work with the community and adjust that formula to give them the funding they require.

On the results themselves, we have enormous activity in the department around infrastructure at large and assets, whether it's education, health or water. We have definitely put an emphasis on tracking the results of the long-term drinking water advisories that exist, the 34, but it is not unique to that. In terms of results, we have an action plan for every single community that is on a long-term and short-term drinking water advisory. Beyond that, through the work with communities on their broader infrastructure needs, we are tracking it. What does the community prioritize in terms of their infrastructure needs, and then how do we track builds, completions and homes? I think there is a more rigorous process around results and indicators.

Particular to the water advisory, for every single one of them that exists, we have an analysis of engagement with the community and the work that's being done, some of the short-term measures to address some of the urgent needs, and what the long-term plan is.

**Mr. Jamie Schmale:** Great. Thank you.

I'm short on time, so I might have to interrupt, unfortunately.

As we pointed out, we talked about your action plans. We talked about increased funding. However, in fiscal year 2019-20, 306 out of 718 water systems were still rated as high or medium risk. Judging by exactly what you said—new strategies, new money—why?

**Ms. Christiane Fox:** Why are they still...?

**Mr. Jamie Schmale:** Yes.

**Ms. Christiane Fox:** These new strategies and new systems don't turn over overnight. A lot of operation and capacity needs exist in communities now. Obviously, we are starting to see the benefits of investments and the benefits of the changes we have made, but I do believe it will take a number of years.

I would say that a key consideration is water operators. I was up in Cat Lake and I met with their water operator. There's one person in Cat Lake doing the water operations of their plant. He took me through the plant. The biggest risk he has in his community is that he is the sole water operator. If something happens to him, the system is at risk.

Those are the types of things we have to address. There is training. There is funding. I think through the Atlantic water authority, part of what we're trying to build is that capacity to transform systems.

• (1120)

**Mr. Jamie Schmale:** I'm just asking. I'm not trying to be combative in any way.

**Ms. Christiane Fox:** No. Absolutely.

**Mr. Jamie Schmale:** The number of medium- to high-risk systems has remained the same, relatively, for the past almost 10 years now, but all these new things have been put in place. We're not seeing the results here. I'm very concerned that we're not going to meet those targets.

**Ms. Christiane Fox:** I think some of the results we are seeing.... There are 7,000 homes that have access to water that didn't before. There are 528 community buildings. There are shifts. There are new treatment plants that are operational.

The long-term funding and the additional investments in O and M are going to address some of the new systems that come into play. To be fair, as we build more housing and we build health infrastructure, we need water plants to support these new builds. I think we are seeing some progress, but there is a lot of work left to do.

**The Chair:** Thank you very much, Mr. Schmale. I'm afraid your time is exhausted.

We are turning now to Mr. Fragiskatos.

You have the floor for six minutes, please.

**Mr. Peter Fragiskatos (London North Centre, Lib.):** Thank you, Chair.

Thank you, Ms. Fox and Mr. Barbosa, for being here and for your work, again.

Let's follow up on that point of things that have improved and achievements that you would point to, Ms. Fox, that really stand out. Let's get it on the record for our awareness and understanding. You've mentioned a few things. If you care to repeat them that's fine, or you can add anything you wish to that.

**Ms. Christiane Fox:** I would say it's important to not lose sight of the fact that since 2015, 132 long-term drinking water advisories have been lifted and 219 were also lifted before they became long term. There's been a lot of work to address some of those crisis situations. Yes, some of the results are around 7,000 homes and 528 community buildings.

What is fundamentally a shift and a really important point to make is around the settlement. There are huge trust issues with the government and communities with respect to water, and rightfully so, after all these years.

What does the water settlement do? It allows us to, first of all, compensate. There's \$1.5 billion to compensate those who have been harmed by long-term drinking advisories. We created a \$400-million first nations economic and cultural restoration fund. There is a commitment to lifting the remaining long-term drinking water advisories. We now have a first nations advisory committee that will look at safe drinking water. We have a commitment to support first nations and their bylaws with respect to water. Six billion dollars in forward investment is committed under this settlement, so that gives certainty of longevity in terms of the government's commitment. Repealing the legislation is also part of what first nations have been asking for, which is to replace it with something that has more rigour and respects rights and long-term funding.

That's part of the success. I would say the final piece around success is around transformation. What the department is doing to get away from and out of the business of managing this asset by asset is investing in water authorities, water hubs and community tribal councils that are running the water services for communities. The government is stepping away from that by providing the funding. Part of the success is to transform the capacity in communities.

**Mr. Peter Fragiskatos:** Thank you for that.

In that vein, if I could point to one of the key recommendations in the report in question, it relates to.... I'll read it. This is recommendation 3.61 on page 13:

Indigenous Services Canada should work with First Nations to proactively identify and address underlying deficiencies in water systems to prevent recurring advisories.

That's about collaboration and working together. Of course, the department agreed. I wonder where you would say that recommendation lies in terms of its unfolding.

• (1125)

**Ms. Christiane Fox:** It unfolds in many situations. It unfolds with rights holders and individual communities in terms of the work that we need to do together to train operators to manage the O and M, as well as to forward plan around their capital plans and what the community sees in terms of its needs with respect to water. That's one element of partnership. It's also about the ongoing prioritization of communities and the department, and working very closely with them.

Where the partnerships will bear fruit is with the upcoming legislation. We have a commitment to codevelop with first nations partners, and we have started that. We have been working with the AFN for over three years. We know what the core issues are around rights and legislating that right to safe water. We know about funding, long-term needs, sustainability and source-water protection.

These are all issues that we are going to codevelop, not just with the AFN but with water authorities, first nations-led, tribal councils and individual chiefs. That partnership and that work together allows us to continue this work and show greater results.

What the settlement also did was to recognize the harm and now there is the ability to rebuild that trust and partnership, because there were people who were never at the table with us who are now at the table looking to see how we can collaborate. The challenges remain. I don't want to give the impression that there's still not work to be done, and it's work which we will continue, but these are some examples of progress.

**Mr. Peter Fragiskatos:** That is encouraging.

Finally, with my last question, recommendation 3.77 on page 15 of the report says, "Indigenous Services Canada, in consultation with First Nations, should make it a priority to". My focus is the second bullet point:

amend the existing policy and funding formula to provide First Nations with sufficient funding to operate and maintain drinking water infrastructure

What would you say to that recommendation in terms of progress?

**Ms. Christiane Fox:** As of July 2021, we have updated our formula and that we are making progress. When I speak about operations and maintenance, there are a number of activities, such as water, waste-water systems and equipment. It's the water mains, plants, sewer mains, booster stations and lift stations. These are all part of what it takes to successfully operate a water treatment plant, but it's also the operator, salaries, daily cleaning, testing and inspections.

One of the big commitments is that we now have a formula. I would also note that in addition to being industry standard, it does have consideration for remoteness. It also has an adjustment for inflation that's built into the O and M formula structure to allow for growth. Any sort of new asset that is constructed would also be subject to an update in the formula.

As I mentioned earlier, if there are complexities due to a particular system, or solution, there's flexibility for us to work with first nations to increase that funding, if and when that is required.

**The Chair:** Thank you, Ms. Fox.

**Mr. Peter Fragiskatos:** Thanks very much.

**The Chair:** I always like to think the "and" is the last point, but members and witnesses are good at adding "and" as well.

[*Translation*]

Go ahead, Ms. Sinclair-Desgagné. You have six minutes.

**Ms. Nathalie Sinclair-Desgagné (Terrebonne, BQ):** Thank you, Mr. Chair.

I'm pleased that we have the opportunity to have you with us today, Ms. Fox, Mr. Barbosa and Madam Auditor General, to discuss this report, which is very important.

I'll start with you, Madam Auditor General.

I think your opening remarks were quite revealing. Let me quote part of it:

...this is an example of results being slow to follow the department's original commitments. To improve the situation for first nations communities, actions have to catch up to the words. This committee's ongoing follow-up is critically important.

What could you add to your findings of the last few years? For example, what more could you say about the fact that you made recommendations, that they were accepted and that there was even an action plan, but that, unfortunately, the objectives were not achieved?

What more could you say about that, Ms. Hogan?

• (1130)

**Ms. Karen Hogan:** Frankly, it saddens me to see that the problem is still not solved.

The original commitment was to end all the long-term drinking water advisories by March 31, 2021. Now the deadlines are getting longer, and that still concerns me. The longer we push back deadlines, the more likely it is that another generation of families in first nations communities will grow up without access to safe drinking water. And yet, this is truly a critical need.

As we leave today's meeting, most of us will go to a sink to get a glass of water, without even thinking about it. There are so many first nations communities that can't do that, which is why, when it comes to something so fundamental to the health and well-being of generations and entire communities, action should be taken.

I remain concerned when I see the delays getting longer. I encourage the committee and Indigenous Services Canada not to let these deadlines be pushed further.

**Ms. Nathalie Sinclair-Desgagné:** Thank you very much, Ms. Hogan. You've provided us with some very useful information. It sets the stage for a series of questions that I'm going to ask Indigenous Services Canada next.

I'll try to stick to the facts as much as possible.

The committee has received several requests. We have made recommendations and produced status reports. We also awaited responses from Indigenous Services Canada.

I have some examples of delays in front of me, and I even wonder if we would have gotten an answer if we hadn't invited Indigenous Services Canada again.

For example, according to the OAG report, the status report due March 31, 2022, wasn't received; the status report due April 30, 2022, wasn't received; and the status report due April 30, 2022, wasn't received.

What we did receive was a letter on June 9 in response to the invitation of Indigenous Services Canada.

Ms. Fox, as public servants, how can you justify such a delay for several reports and responses requested by this committee?

**Ms. Christiane Fox:** First of all, we sent information to the committee on June 9. The committee's recommendations were reviewed and each one was taken into account according to the department's action plan and information.

We wanted to make sure that we were providing as complete information as possible. So we felt that certain elements were important for the committee. I am thinking, for example, of the work done on the First Nations Drinking Water Settlement. So we were a little bit late, but it was to make sure that we could give a more complete answer.

I understand that it's frustrating, but the reason for the delays is that we wanted, as much as possible, to be able to look at all of the committee's recommendations rather than just putting words on paper that didn't reflect the state of our work.

I understand that, and we are always prepared, Mr. Barbosa, our team and I, to come and talk to you about the situation.

**Ms. Nathalie Sinclair-Desgagné:** Thank you.

The purpose of my first question was to try to understand why there were so many delays. I understand now that it was to provide us with better answers.

We'll look at those answers together.

With regard to the first recommendation raised, in the letter from Indigenous Services Canada, on page 7, it states:

Over a 10-year period, since 2016 and until 2025-26, the Government of Canada has committed over \$5.2 billion to First Nations to build and repair water and wastewater infrastructure and support the effective management and maintenance of water systems on reserves.

This means that budget 2022 proposes to provide \$398 million over two years, starting in 2022-23, to support community infrastructure on reserve. Of this amount, at least \$247 million will be invested to address water and wastewater infrastructure issues. Thereafter, several amounts are established and are offered.

My question is the following. If first nations used the funds for 873 projects, that means they received an average of \$2,623 per project. Do you feel that these investments are sufficient to deal with a situation like the one before us?

• (1135)

**The Chair:** You have a maximum of 20 or 30 seconds to answer the question. If necessary, you can come back to it.

**Ms. Nathalie Sinclair-Desgagné:** We'll come back to it.

**The Chair:** Thank you.

**Ms. Christiane Fox:** Thank you, Mr. Chair.

I'll answer quickly. Basically, what we provided in the letter is really all the investments by category. We can now tell you how much money the department has set aside for first nations. A certain portion of our funding is allocated from year to year.

If your question is whether first nations received the annual funding we have budgeted, the answer is yes.

**The Chair:** I'll stop you there.

[English]

I try to be generous with time, and if one goes over, I allow others. However, there are limits even to my patience.

[Translation]

You'll have an opportunity to ask further questions for three minutes.

[English]

Mr. Desjarlais, you have the floor for six minutes.

**Mr. Blake Desjarlais (Edmonton Griesbach, NDP):** Thank you very much, Mr. Chair.

I want to thank Ms. Hogan for her words today. I think it really helps frame this discussion on what it really should be. I want to thank all of my colleagues here, particularly Jamie, for his opening comments. Thanks so much.

It's important that we understand that this is a report on a failure. There was the commitment by the government to end these long-term drinking water advisories by March 31, 2021. The government has failed to achieve that. That's a fact. Indigenous communities are left reeling from it.

Ms. Hogan, I really admire your work and your patience in this. I can understand your frustration and my frustration with the fact that there are still so many communities—generations of communities, as you said—that have suffered and will continue to go without clean drinking water. All we're left with is responses of, "We're just going to have to wait". Wait and wait and more delay.

That's unfair for community members. That's not a good answer. That's unfair to people who are waiting right now. It's just not okay. These are real people, relatives of mine, who just don't have clean water.



Ms. Hogan is right. We're all going to leave this committee room and we're all going to enjoy a glass of water, not knowing where it came from or the kind of privilege it is. It's unfortunate that this is the reality we're living in because these communities don't get it. That frustrates me. I'm frustrated and upset that indigenous communities continue to always have to wait. If they were Montreal or Toronto, this would be done in a second. In any of our communities, this would be done overnight. We'd fix these issues. Because these are indigenous communities who have been sounding the alarm forever, we're still not acting fast enough.

This is an emergency. This isn't something that can wait. We can't hear about these continuous delays. What I want to achieve in this committee today is a firm commitment that we're actually going to do this. It's completely unfair.

My question is this: When can these remaining communities expect to get clean water? Some of them can't even afford to continue buying bottled water. When can they actually make sure that these systems are going to work for them? What is the date? It's clearly not March 31, 2021.

Ms. Fox.

**Ms. Christiane Fox:** Thank you.

Mr. Chair, I think I would say the following.

These are extremely difficult issues for all of us. As we work with communities and we see the impacts of what long-term drinking water advisories have done to communities and youth and trust, they are real. They are challenging and they are difficult. I want to absolutely recognize that.

It is an emergency situation. We do need to act in a way that responds to the emergency situation, which is why at times the department not only looks to long-term solutions but at short-term solutions. I know that is not the ideal solution, but at times, in order to respond to a crisis that is kind of....

Actions are happening every day. There is a commitment to get all 34 remaining long-term drinking advisories lifted. However, the commitment can't stop just there because there are communities right now that may not have a long-term drinking water advisory, but I would say they do not necessarily have a system that is appropriate long term. Some of their homes are not connected to a water system.

I was in Pikangikum last summer and saw first-hand how it impacts emergency management in this country.

I think it's important for us to stay focused on the actions required to lift the remaining advisories, while also staying focused on the long-term investment for the sustainability of the water solution, whether it's waste water or treatment plants.

• (1140)

**Mr. Blake Desjarlais:** I'm sorry, Ms. Fox. I have to interrupt. There's limited time.

The question was, when can these communities expect to have clean water? There was obviously thinking that went around the date of March 31, 2021. That's a commitment. This government has a tradition—not just this government but all governments—of com-

mitting to first nations and then just falling flat. That affects the relationship. When you speak of mistrust, that is the mistrust. The not answering of this question is the mistrust.

We need to know when the clean water can actually get to these communities. They want to know when. They don't want to know that we're all committed, because that's a fact. What we want to know is when they will actually have clean water. A portion of that, if you can add this, is perhaps related to the other existing deadlines. My colleague from the Bloc mentioned other existing missing deadlines.

There's a tradition of not being held accountable for when you should be doing these things. Ms. Hogan has been very clear about that. She's concerned, our Auditor General, that we're going to continue to say these things and you're going to continue to lie. When are we actually going to do this?

**Ms. Christiane Fox:** Okay. Thank you.

Mr. Chair, I think I would say that—

**The Chair:** Just one second....

Could you just retract that word, please, or just restate that question?

**Mr. Blake Desjarlais:** Sure. I can restate it.

**The Chair:** We do need to adhere to parliamentary language in this committee room as well as the House.

**Mr. Blake Desjarlais:** Sure.

When we make a commitment to long-term drinking water by March 31, 2021, first nations, Métis and Inuit perceive that as a lie when we don't do it. When can we actually inform them of the truth of when they can expect clean water? That's what we're talking about here.

**Ms. Christiane Fox:** For the long-term drinking water advisories, Mr. Chair, that exist now, we have 45% of those that are anticipated to be lifted by the end of this calendar year, December 2022. We have some of them where no date has been set yet as a result of the ongoing work towards the long-term solution. We will continue to work through both the construction and the design and the testing.

I would say that 88% of those remaining are in either the construction or the final completion stage of the advisories that remain. Only a few are in that first kind of feasibility or design stage. It's 88%, but I cannot give you today a date on every single one because we're still working with the communities to determine the final lift date. I would also say that, at the end of the day, it is the community that decides on the lift, not the government.

**The Chair:** Thank you very much.

I know this issue does hit communities and some individuals very closely, but I would ask that we maintain decorum in this committee, as we try to in the House as well.

Turning now to Mr. Duncan and beginning the second round, you have the floor for five minutes, please.

**Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC):** Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

There are a lot of common themes over my time in the last couple of months on public accounts. With this item being a key priority of the Government of Canada, as alluded to in the reports and the government's response, it is very frustrating.

I'll never malign anybody's intent. I believe that everybody around the table here in committee and the department officials mean well and want to do well. Where I question the government's ability is in the management and leadership to actually effect the change to make the result happen.

As Mr. Schmale was alluding to in his opening as well, what we're seeing time and time again in public accounts is that spending money is not a result. Saying that we're investing  $x$  number of millions of dollars is not an actual result. What we're seeing through the Auditor General and what we're seeing through the PBO is that we're actually spending more money and getting fewer results and less value for money. It speaks to the system. I've given the government a lot of frustration. A repeated line that I've used is that they get an "A" for announcements and a "F" for follow-through on this.

I just want to give an example of the frustration, of the broken cycle or system we find ourselves in, in this report and on the follow-up of this. The report a year and a half ago talked about the inadequacy and the lack of a regulatory regime when it came to drinking water systems and the relationship the department has with first nations communities. It was determined through consultation that the Safe Drinking Water for First Nations Act was to be repealed by March 31, 2022. We're three months past the deadline.

Deputy Minister Fox, can you give me the bill number that's in Parliament right now to repeal this?

• (1145)

**Ms. Christiane Fox:** Mr. Chair, I don't have the bill number, but it's part of the budget implementation act.

**Mr. Eric Duncan:** The replacement act of where it goes.... Because, again, there's going to have to be a specific piece of legislation for how it goes with the replacement. We're months behind on this. When it comes to the replacement being introduced by the end of the year, are you confident that we're going to be able to meet that date based on what I think we've been hearing as well, which is that there might be another deadline missed on this?

**Ms. Christiane Fox:** In terms of our intention to table before December 31, I think one of the elements that will help us achieve our target is the fact that we actually started the consultation process three years ago. We started it with the AFN, so the beginning of the work to draft the replacement legislation was begun through that exercise. I think that's important, because even if the time frame is short, the work we've done in the lead-up will allow us to table legislation that will be codeveloped and will address issues of rights, funding, source-water protection and other key issues from our partners.

**Mr. Eric Duncan:** Can you confirm that you expect the bill to be tabled by December 31 in Parliament?

**Ms. Christiane Fox:** In our settlement agreement we indicated that we would make that effort to table in the fall.

**Mr. Eric Duncan:** I respect that.

I think where I'm going with this is that we're still lacking the assurance. Lots of times we're seeing this delayed in terms of how it's going. Again, I understand the intent and the well-being and the effort for it, but we're constantly missing these deadlines of how they're set up and where we want to go.

I'll say that, when it's introduced, that doesn't necessarily mean that it's enacted. It has to go through the parliamentary process to make sure that we're getting this right. It just speaks, again, to the frustration that here we are, a year and a half from quite a damning report, and we're still having dates and intent there but no actual follow-through on meeting these deadlines.

Ms. Hogan, just based on what you've been hearing today, I know you haven't done a specific audit follow-up from your initial report, but are you getting better confidence that the department and officials and the government are changing the status quo, changing some of those fundamental problems? Are you actually seeing results a year and a half in, or are you still just hearing an intent, a follow-through, a well-meaning approach to this?

Are you fundamentally seeing the change that you think is necessary to change the structure of the system that you deemed to be broken?

**Ms. Karen Hogan:** Mr. Chair, that's really a very difficult question to answer. As the member rightfully noted, I have not looked at the new funding formula to ensure that it addresses all the items we would hope it was updated to look at.

When it comes to an act and legislative framework, more than just an act is needed. There was an act put in place in 2013, but what was missing were the regulations, which is really the way to operationalize that. All of that has to be thought through. If all of those are steps and actions have been taken, then I do believe they are steps in the right direction. However, I do agree with the member that just making commitments doesn't necessarily result in results. It's really whether those actions will have concrete impact on first nations and communities. That will be the measure of success.

**The Chair:** Thank you, Ms. Hogan.

We will turn now to Mr. Dong.

You have the floor for five minutes, please.

**Mr. Han Dong (Don Valley North, Lib.):** Thank you very much, Chair.

Deputy Fox, we've been hearing a lot of frustration, I think, on the focal point of the timeline and why the overall water advisories are still there. I hear my honourable colleagues talking about government spending a lot of time making commitments, making announcements, but being not very good at following through.

I actually think it's the opposite. I think we have not communicated well enough to the public on the latest stage of long-term water advisories. When I knock on doors I get questions from constituents, and they are very frustrated. They see this on the news. When I tell them the latest update of how many have been identified—short term, as you said—and how many have actually been lifted in the last six and a half years, they have no idea and they actually approve of these things happening.

Let me just go back a little bit. I looked around, and I couldn't find when the government started issuing long-term water advisories for the first time. Do you have any idea how long ago that was? I know this is an ancient question.

• (1150)

**Ms. Christiane Fox:** I would have to check. I don't have it off-hand. I'm sorry.

**Mr. Han Dong:** Okay.

Six and a half years ago how many long-term water advisories were there?

**Ms. Christiane Fox:** Mr. Chair, there were 105 long-term drinking advisories when we started this work back in 2015.

**Mr. Han Dong:** That is 105.

**Ms. Christiane Fox:** Yes.

**Mr. Han Dong:** How many have been lifted in six and a half years?

**Ms. Christiane Fox:** That is 132.

**Mr. Han Dong:** That doesn't make sense. You started with 105, and then you get there. Why is that?

**Ms. Christiane Fox:** I can explain that.

If there is an issue with a water advisory in a community, the first step is that it goes to a short-term drinking water advisory in the hope that we resolve that. If it's not resolved within a 12-month period, it becomes a long-term drinking water advisory.

I would say that it's not just about doing the work to lift the long-term drinking water advisory, because if you ignore the balance of the water systems, they will find their way into that. It's about obviously the work to lift them, but also the sustainability of the water infrastructure to avoid systems from going to short-term and then eventually long-term advisories.

**Mr. Han Dong:** Do you have a number for the short-term water advisories six and a half years ago?

**Ms. Christiane Fox:** The number of short-term...six and a half years ago—

**Mr. Han Dong:** I mean November 2015. You can submit this later on.

**Ms. Christiane Fox:** I know that we've lifted 219 since then.

**Mr. Han Dong:** Okay.

I hear a lot of comments about how we have to get this done ASAP. I believe everybody in this room wants this to be lifted ASAP. Can you talk about the complexity in itself?

You have to work with the local indigenous community and make sure that all their concerns are met, and we have to deal with this problem once and for all. I hear that there is a lot of one-time funding to deal with infrastructure. Can you speak a little bit about that and leave me about one minute? I have one more question on this.

**Ms. Christiane Fox:** Mr. Chair, I would say that the complexities are enormous. They are very different depending on what community you are working in. It could be about where the community is located in terms of the ability to even construct a long-term facility on the type of land that may be present in the community. I know that has been a challenge.

There is sometimes a challenge around the remoteness of some of these communities where building seasons are shortened by the fact that they're in the north or in rural parts of the country. Once built, at times there are capacity challenges in communities in order to make sure that trained operators have the right supports in place to maintain these systems. There is—

**Mr. Han Dong:** I'm sorry. Just as a side question, you said about half of the remaining advisories are still to be determined in terms of timeline. When do you think we're going to have a better idea of when the 17 are going to be lifted?

**Ms. Christiane Fox:** That's a great question. It's a question we ask ourselves a lot. I may turn to Nelson just to talk a little bit about our work with the communities.

You are correct. We are expecting that 45% to be lifted by December and some in June and July.

**Mr. Han Dong:** We're not expecting this to be lifted, say, next year?

**Ms. Christiane Fox:** We are projecting at least one for next year, but we want to work with the others to try to see what can be done.

**Mr. Han Dong:** If you have a better idea, you can submit it later.

My last question—

**The Chair:** No, I'm afraid your time is up. I'm sorry.

[Translation]

Ms. Sinclair-Desgagné now has the floor for two and a half minutes.

**Ms. Nathalie Sinclair-Desgagné:** Thank you very much, Mr. Chair.

I'd like to begin by saying that I support what my NDP colleague said. The fact that delays have become the norm feeds into the cynicism of the departments and the distrust of first nations communities have of the federal government. I find this really unfortunate.

The final report isn't due until 2026, but you had agreed to submit a status report by March 31, 2022. As you mentioned, what we received was a letter on June 9. The status report was to include objectives, results and deadlines to achieve a concrete objective and results in 2026. Unfortunately, none of that is in the letter. You say that the letter was more complete, but that's not at all what we see, unfortunately.

Even when we ask for follow-up and when we look more closely at what Indigenous Services Canada is doing, we realize that there is a delay and that we can't even get answers to questions from members of the Standing Committee on Public Accounts.

How do you explain this, Ms. Fox?

• (1155)

**Ms. Christiane Fox:** Thank you, Mr. Chair.

Indeed, the department is focused on the transparency of its results. On our public website, we have posted all the investments, all the current advisories and their status in order to be transparent. We've referenced that in the report, but if anything is missing, we will be happy to follow up to provide more documentation or information.

**Ms. Nathalie Sinclair-Desgagné:** I'll ask a follow-up question.

**The Chair:** You have 35 seconds left.

**Ms. Nathalie Sinclair-Desgagné:** What have you done in the past year, since 2021? Since we submitted this report and the recommendations were accepted, what concrete deadlines have been put in place, for infrastructure plans, for example?

Even on the website there is nothing about this. There are numbers, but they don't guarantee results, as my colleague said.

What have you done in the past year?

**Ms. Christiane Fox:** We have done a lot of work on infrastructure plans, which aren't just related to drinking water. We've implemented an action plan for each community based on their infrastructure priorities.

In addition, we've done work to modernize our infrastructure efforts. There's information on the website. We can certainly provide documentation on the results in education, health centres, and housing. This information is updated very regularly.

**The Chair:** Thank you very much.

[English]

Mr. Desjarlais, you have the floor for two and a half minutes, please.

**Mr. Blake Desjarlais:** Thank you very much, Mr. Chair.

First of all, I want to thank my colleagues for providing good answers. I think that helped to remedy some of my questions, particularly the comments from the Bloc.

Related to the mistrust aspect, I want to make sure, on the record, that we have a full understanding that when indigenous communities bring these concerns forward, just like I am, they're met with almost identical.... It's the exact-same response across the board. Canadians watching this. All they have to do is rewind to my last round of questioning to see how most indigenous people, when they bring up their frustrations, are treated. I'll leave it at that.

Now to the questions at hand, timelines are really important.

**Mr. Peter Fragiskatos:** I have a point of order.

None of us doubt the passion of the member, and he certainly has added a great deal to the committee, that is for certain. To be clear, one cannot call a witness a liar at a committee meeting.

**Mr. Blake Desjarlais:** I didn't say that. You can go back, Peter. You can see it. I didn't say that.

**Mr. Peter Fragiskatos:** That's how I took it. The chair, obviously, called it out as well.

**Mr. Blake Desjarlais:** I didn't say that. That's not on the record.

**Mr. Peter Fragiskatos:** If that wasn't your intent, fine. Clearly, there was something off.

**Mr. Blake Desjarlais:** You're intending to say that to me now and trying to paint that picture.

**Mr. Peter Fragiskatos:** Clearly, there was something off in terms of how you delivered it. Let's just be clear on that.

**Mr. Blake Desjarlais:** I want you to be clear, because it's important that the record shows that it's very clear. I didn't say that.

**Mr. Peter Fragiskatos:** Obviously, something was off if the chair called it out as well.

**Mr. Blake Desjarlais:** John never said that. He never said that I called anyone a liar. He wanted me to use parliamentary language.

**The Chair:** Let me step in, Mr. Fragiskatos.

There was a ping, Mr. Desjarlais, that if you were not over the line, you were very close to it. I understand your frustration. You've always conducted yourself at this committee with both passion and a very good nature. I believe that will continue.

Throwing the word "lie" out there is not parliamentary language. Your correction on that was appreciated. I would ask that you would just maintain the decorum you always have, and we would continue with the questions.

I know everyone around this committee room is seized with this issue. Canadians across the country think it is outrageous, as you do. We might lack the personal experience that you embody and bring to this table. The fact that we have the deputy minister here, answering questions, is a testament to the government's commitment to this on behalf of all Canadians.

I would just ask you not impute motive on the deputy minister and conduct yourself as you always have.

I thought we'd moved off from that last point. I hope we continue to do that.

**Mr. Blake Desjarlais:** In order to preserve my time and be able to have a response, I think that's fair.

My response to you, honourable chair, is the fact that the Auditor General is sitting right here. We could talk about GBA+. This is one of those areas that parliamentarians actually have to learn something about. There has to be some understanding of the systemic barriers that are facing indigenous peoples in this place.

Being able to simply just address the reality that, when you have a commitment from December 21 to first nations people who could die from not having clean water...you find some language to interpret that, then.

• (1200)

**The Chair:** That's fair enough.

**Mr. Blake Desjarlais:** Do you understand what I'm trying to say?

**The Chair:** I do. That's why I'm doing everything I can to give you a lot of latitude.

I can understand, when governments of all stripes make commitments and don't fulfill them, how that is perceived by first nations communities, as well as Canadians across the country.

**Mr. Blake Desjarlais:** Exactly.

**The Chair:** I'm going to give you as much latitude as I can, but I do need to maintain parliamentary language at the committee. You're trying to do that while expressing frustration. I just ask that you continue to do that.

I'm going to turn back the clock, because we're getting off of the point. You have another minute and 48 seconds.

We'll go back to you, Mr. Desjarlais.

**Mr. Blake Desjarlais:** Thank you very much, Chair.

Thanks again to my colleagues for your patience on this. It's something that I hope you can continue to learn more about, and understand more about, regarding the effects this has on indigenous communities. It's not nearly as easy as it is for us here to talk about this as it is for indigenous people to experience this. I'm using far greater language than they will. Trust me on that.

Second, to the point I'm trying to make here, how do we make sure—

**The Chair:** I think you're being far more diplomatic than they would be.

**Mr. Blake Desjarlais:** Exactly, far more diplomatic.

**The Chair:** That's exactly it, and I appreciate that.

**Mr. Blake Desjarlais:** To my question now, it's on dates and timelines.

You mentioned in your former statement, after I had mentioned the failure of the department to reach the government's commitment on timelines, that it's actually the first nations communities that de-

fine the timeline. Why then ever make a commitment to begin with?

**Ms. Christiane Fox:** Thank you.

Maybe I would start my answer by saying that I raised the point around the difficulty and the sensitivity around water issues, and it's not unique to water. Working with a first nations community, when it comes to house fires or emergency management, fire, flooding, these are extremely challenging situations and we do have people, me included, who go on the ground and try to be that support.

I absolutely appreciate the frustration of the committee with respect to this work. That is what drives our resolve: the impact on people. I would just note to the chair that the department is taking this.... I know actions speak louder than any commitments that can be made, but there is action there.

There is also an understanding of the mental health impacts that this has on communities. Rebuilding that trust and investing into mental health specific to water impacts are other things the department takes very seriously and tries to work with partners.

When it comes to the lift, this is about a partnership. Nobody can decide to lift unless they have certainty that they have government funding, government support. I'm not suggesting that the lift is entirely the choice of a first nations band and council in the context of.... If they wouldn't have the funding, how could they make that choice?

What I'm saying is that at the end of the day, and I think this is important, government can't dictate when someone lifts, because if a community does not feel that the conditions are in place to lift, they should not and will not lift. That is important in the context that we have to ensure they have trust in the partnership, trust in the longevity of the commitment and trust that they have the capacity and operations in place to lift their advisory.

**The Chair:** Thank you very much, Ms. Fox. I appreciate that answer.

**Ms. Christiane Fox:** I really wanted to clarify that.

**The Chair:** This is still part of the second round, and we're turning to Mr. Patzer.

You have the floor for five minutes, please.

**Mr. Jeremy Patzer (Cypress Hills—Grasslands, CPC):** Thank you very much, Mr. Chair.

Thanks to everyone for being here.

Getting back to the issue of short-term advisories, are there some that are more likely than others to become long-term advisories?

**Ms. Christiane Fox:** Yes, there are some that have higher risk factors. As we look at short term, is it short term because it's going to be something more significant, like a complete replacement of a water treatment plant? Then obviously we take action accordingly. I would say that all of them have risk and that's as a result of falling into the category of short term, but some would be higher risk than others.

**Mr. Jeremy Patzer:** Okay. How many short-term advisories... I guess maybe you just have a percentage, but if you have the total number, that would be great. How many short-term advisories that are lifted are put back on again? How often are they recurring, these short-term advisories?

**Ms. Christiane Fox:** We don't have the specific numbers, but we could get that to the committee for sure.

**Mr. Jeremy Patzer:** Yes, I think that would be very helpful for sure, if you could follow up with that.

**Ms. Christiane Fox:** Okay.

● (1205)

**Mr. Jeremy Patzer:** I'll move on to another issue. It would be on training.

You referenced one first nation, for example, that only had one operator. I've worked in jobs previously where I was working on reserve and saw the same experience at other first nations as well, where there's only one guy operating.

What is being done to attract and get more people from the local communities engaged and trained in these jobs to make sure there's not just one person, or that there is a contingency plan for retirements or somebody moving on, etc.?

**Ms. Christiane Fox:** Thank you.

Mr. Chair, I think what I would say is that we are investing. We have a program called the circuit rider training program, which is essentially a \$20 million per year program to fund water operators. We have particular outreach to youth in communities or those members of communities who may want to take this on.

There are a lot of considerations, though. It's about training. It's about ensuring the right salary dollars so that water operators, once trained, don't depart and go work for a bigger utility. That's always a risk factor. It's also about investing into the kinds of hubs that can be a bit of a network for those who are working in communities, so they have mentorship and/or expertise that they can go to, to troubleshoot and seek additional supports. I think of the Atlantic water authority, which will essentially provide water supports to a minimum of 17 first nations in the Atlantic Canada context. Through the transformation exercise and funding from the department, they will be able to kind of train in place and do regular continuous training, not just to go into new technologies when it comes to water.

It's a complex issue, and I think that, depending on the health of the community, that's also a consideration. We've talked to chiefs to say that we have more money on the table to perhaps train more operators, but at times their communities are facing significant inter-generational trauma or addictions issues and they're having a hard time mobilizing that workforce.

It's about all of the supports and not just the funding for the water operators. It's about mental health. It's about education. It's about that continuous support system through various services.

**Mr. Jeremy Patzer:** Thank you.

Ms. Hogan, you identified the workforce in your report. I'm wondering if you have any further comments on the workforce side of things.

**Ms. Karen Hogan:** Unfortunately, I can't speak to any of the progress since our report. I can tell you about some of our findings in the report, which covered a period that ended in November 2020. At that time, we noted that 26% of the public water systems lacked trained and certified operators, and approximately 56% lacked backup operators. The need to build that capacity is essential to helping support first nations communities going forward.

I also want to highlight that only about two-thirds of the homes are on public systems, so having that knowledge within a community will help that community going forward.

If you want a bit of information about the circuit training program, I think we looked at it in another audit. Perhaps Mr. Wheeler could add some thoughts if members are concerned and would like to hear about that.

**Mr. Jeremy Patzer:** If you can, say something in 15 seconds, Mr. Wheeler.

**Mr. Glenn Wheeler (Principal, Office of the Auditor General):** From a historical perspective, we saw good things in the circuit rider program. Over the years, it was making an appreciable impact and improving capacity in first nations. However, as the Auditor General said, a lot more needs to be done to bring first nations up to the same level as other communities vis-à-vis capacity.

**The Chair:** Thank you very much.

Turning now to Ms. Shanahan, you have the floor for five minutes.

**Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.):** Thank you very much, Chair.

Let me say that I am very appreciative of the tone and the questions that we are hearing at this meeting. As my colleague Mr. Duncan likes to say, if it was a matter of throwing money at the problem, we could solve it. If it was a matter of setting target dates, I think we'd have something to aim at and we could get there.

However, it's a lot more complex than that, so I would like to hear from the deputy minister on some of those complexities that we're seeing, especially with small communities that sometimes only have a few hundred people. What is the government doing to support these communities in developing expertise and capacity in order to run their waste-water systems?

Chair, I will then give the remainder of my time to my good colleague Mr. Dong.

• (1210)

**Ms. Christiane Fox:** Mr. Chair, overall, I would say there are complexities around remoteness and building seasons, and complexities of programs and existing infrastructure in communities that impact the water system. From a high-level perspective, those are some of the key impacts.

In a post-COVID pandemic situation, we're in a different place where we have communities that were shut down during COVID for the protection of their members. That has brought some different complexities in delays, cost overruns or even the measures that needed to take place to have contractors in and out of the community in a time of a global pandemic. That's another complexity that has come into play.

I would say that, when I look down the list of every single water advisory that is left, I see that sometimes it's a trucking issue, sometimes it's a sewer plant issue and sometimes it's flooding or a fire that has impacted the water treatment plant. Right now, we have a huge issue with labour availability and even some of the parts required for construction.

There are a number of complexities involved. That's why I think that the action plan that goes community by community and paints out the realities of that community and the long-term goal, what some of the potential short-term fixes are and how to move them to final completion, is really important and part of the government's action plan.

**Mrs. Brenda Shanahan:** Thank you.

**The Chair:** Thank you.

Mr. Dong, you have two minutes remaining.

**Mr. Han Dong:** Thank you very much, Chair.

Thank you to Brenda for giving me that time, so that I get to ask my last question.

Deputy, we heard the Auditor General criticize the funding formula that hasn't been updated in forever. Do you have any institutional memory about when the funding formula was first started and how many years it has been since it was updated?

**Ms. Christiane Fox:** Thank you, Mr. Chair.

I think the Auditor General mentioned that it was a 30-year formula, so we did update it in July of 2021 as one of the actions in the recommendations. We tried to look at industry standards in order to change the formula. We looked at the asset cost, the different equipment that is part of the asset, the remoteness factor, as well as adjustments for inflation. We hope that these changes will bring that certainty and predictability of funding.

We also moved from 80% coverage of O and M to 100% coverage. Right now, I think we're at four times the level of funding that we were previously. Perhaps in the early years, the investment in the capital without matching that with the investment in the O and M may have had an impact on how the sustainability of the systems progressed. This is actually a really important initiative to go to 100% and change that formula.

**Mr. Han Dong:** Absolutely, operations and maintenance are very important for long-term sustainability.

You also talked about how we have invested \$5.6 billion and also \$1.5 billion in settlement and also restoration funding. Is all of this money part of the formula or is it additional?

**The Chair:** Give a very brief answer, please.

**Mr. Nelson Barbosa (Acting Director General, Community Infrastructure Branch, Regional Operations, Department of Indigenous Services):** Thank you for the question, Mr. Chair.

Only a part of those resources are related to operations and maintenance. It is a blend of capital, construction, maintenance and capacity resources.

**Mr. Han Dong:** Can you submit to the committee a rundown of all this funding? That would be very helpful. Thank you.

**The Chair:** All right, that's a request. I'm afraid I'm going to have to stop you there.

Mr. Schmale, you have the floor for five minutes, please.

**Mr. Jamie Schmale:** Great. Thank you very much.

I'm going to pick up on the conversation that Eric and Blake were having. I recognize that a lot of these questions should be going to the minister, but unfortunately.... It's fortunate for us you're here, but unfortunate for you at the same time.

Let's continue the conversation regarding the PBO report, the Auditor General report and where we are now.

We have an extraordinary amount of money being spent. We have targets continually not met. I recognize that this has been over 150 years. I do recognize there have been a series of failures along the way. We have strategies and we have action plans, but no implementation. I think anyone in this room has a company in their riding that could make drinking water clean. I know I do.

What is going on?

• (1215)

**Ms. Christiane Fox:** Thank you, Mr. Chair.

I would note that the strategies are yielding progress. We are seeing progress by 132 lifts and by the connections to systems that weren't there previously.

We do get a lot of suggestions from the department, like someone's company could go in and do all of the country for x number of dollars. However, I think it is important to recognize that first nations community leadership have to decide what systems work for them. They then have to rely on government, of course, for funding and supports, but I think it is about the solution coming from the first nations leadership in order to determine what type of wastewater system they would like for their community.

**Mr. Jamie Schmale:** Is the department helping with those decisions, though?

**Ms. Christiane Fox:** We absolutely work in partnership.

**Mr. Jamie Schmale:** Would the government have a preferred list of suppliers and contractors?

**Ms. Christiane Fox:** One thing we're talking to the AFN about is actually maybe a list, but not coming from government because it is a bit odd for us to say that they should use the following 10 people.

If you look at infrastructure at large, if we want to hire someone to do a home project, there's the Better Business Bureau or there's some sort of list that is a credible and reliable source. We're talking to first nations leadership about the production of that because bad actors and bad contractors are in place. I've seen it happen in communities.

**Mr. Jamie Schmale:** Absolutely, I'm not saying that.

The government procures billions of dollars every single year. We have the PBO report that is talking about spending. We're spending more. The department and ISC—which is supposed to be temporary; that's in your departmental plan and I know you know this—is a temporary department, yet it's growing. We keep having report after report of these collapses in fixing an issue that, as has been pointed out at this committee, had it happened in any single community off reserve, would have been fixed by now.

There must be something in the department that is blocking this progress. I know indigenous communities want their own say. I do recognize that. It has to be from the bottom up, not the top down.

Where is this delay? Could we be using more collaboration, where possible, with non-indigenous communities that have a municipal water system that could be connected? There has to be a blockage somewhere because this would be fixed anywhere else.

**Ms. Christiane Fox:** Thank you, Mr. Chair.

I don't think the blockage is within the department. I think that people work in this department because they want to see change. Actually, there are a number of people committed to that. I think you're right that we are sort of no longer going to exist when we transform services, but I think the reason for the growth is that you can't actually transfer something that is not transferable in the context of sustainability. If we need to scale up a little bit to support the Atlantic First Nations Water Authority for a few years, transfer something that is transferable and then step away from it, I think that's perhaps why you're seeing a bit of growth in the department.

In terms of how we could do this better, of course, we have to modernize how we do infrastructure. Part of it perhaps has to be less about asset-by-asset management and more about communities having their infrastructure priorities and having funding that goes through, and then making decisions about what's best for their communities with perhaps fewer program-by-program conversations with us. Those can be a burden between us and other departments that do any type of infrastructure on reserve.

To the question about how we could do this better, I think there are modernization efforts regarding infrastructure that we're learning about and that we can do better. I think the capital investments are key, and I think the PBO noted that they are there.

I think it's about not just the hard infrastructure but also the investments into environmental public health officers and others, be-

cause they test water. I think it's about all of that, under a new legislative framework that could have regulations and standards around water protection and rights to clean water.

● (1220)

**The Chair:** Thank you very much.

We turn now to Ms. Bradford.

You have the floor for five minutes. Go ahead, please.

**Ms. Valerie Bradford (Kitchener South—Hespeler, Lib.):** Thank you very much.

To the deputy minister, I think it's normal when you take on any challenge that you get the easy wins first so that you can have the greatest impact by tackling the more straightforward problems. Is there anything unique about the remaining 34 long-term drinking water advisories? Do these communities have any shared characteristics that have made the situations more challenging to resolve?

**Ms. Christiane Fox:** Mr. Chair, I think that's a very good question.

I would say that, indeed, you try to make progress as quickly as you can. I think that when a water treatment plant exists or is relatively new, further investment can just enhance the service.

I think some common factors among some of the communities include remoteness, a shortened construction season and sometimes the complexity of where we're building. I think we definitely try to do lessons learned as we work with one community, and maybe one solution can be shared. I think that's why these forums with tribal councils and the AFN can really bring people together.

However, yes, there are definitely common themes throughout those that are harder to lift. In fairness, I think some had a lot of mistrust of government since water settlement conversations were not occurring. They're now occurring. That allows us to make progress in some of those communities as well.

**Ms. Valerie Bradford:** That's great.

With respect to the Mohawks of the Bay of Quinte, as of March 15 of this year, a retroactive long-term DWA was issued for the public works garage. Could you explain what a "retroactive DWA" is?

**Ms. Christiane Fox:** Maybe I'll turn to Nelson.

**Mr. Nelson Barbosa:** Thank you for the question.



A retroactive long-term drinking water advisory is one for which an assessment is done after the fact and a determination is made that this water advisory has been in place for some time. It's the scheduling of the test and the determination of when that water issue began.

**Ms. Valerie Bradford:** It wasn't identified earlier, and when the actual testing happens, do you think, okay, this has probably existed for a couple of years or something? How would you determine when the failure had occurred?

**Mr. Nelson Barbosa:** It's like a measured determination. I would say the Mohawks of the Bay of Quinte saw, I think, three to four lifts in the last four months, so this is the last remaining lift in place. I think it's determined not only by time but also sequencing with other water systems or other water-producing facilities in the community.

**Ms. Valerie Bradford:** Okay.

Deputy Minister, is there stable funding for the circuit rider training program? How many workers are there in the program?

**Ms. Christiane Fox:** I think the stable funding is about \$20 million per year. We could get you the number on exactly how many there are.

Nelson, maybe I'll turn to you.

**Mr. Nelson Barbosa:** The circuit rider training program is under grants and contributions. It's a resource that is paid directly to this organization. They have their own stable of employees. That is managed wholly on their part.

As the deputy minister mentioned, the commitment for funding is there. That was a core component of the operations and maintenance review, to ensure that operations were stabilized and that programs like the circuit rider training program but also other training programs, such as those that support youth training and the training of women in order to modernize the operational workspace, were all core components of the operation funding that was highlighted by the Auditor General some time ago.

**Ms. Valerie Bradford:** Okay.

Actually, getting back to these last few remaining ones that are particularly challenging, many first nation communities have a smaller population, sometimes just a few hundred. What is the government doing to support those communities to develop the expertise and capacity in the communities to run their water and waste systems? What is the plan to adjust these challenges? Maybe the circuit program is part of it.

**Ms. Christiane Fox:** Absolutely. In the 29 communities that are still impacted by long-term drinking water advisories, we have data on each community and whether they fall under zero to 100 people, or 200 to 500 people, to determine the scale and scope of the community.

By working with first nation chiefs and councils, we identify what the needs are and how we can support them. The circuit riding training program is an excellent way that we can support them. Also, the additional funding through O and M allows them to provide salary dollars that are competitive in the context of water operators. That's another way to attract and retain.

• (1225)

**Ms. Valerie Bradford:** Great.

**The Chair:** Ms. Bradford, you have time for either a quick comment or the briefest question with a brief answer.

**Ms. Valerie Bradford:** I have a brief question for the Auditor General.

You mention in your brief that "the department presented the committee with a detailed action plan that addressed our recommendations. Many of the milestones that the department had set have passed."

By that do you mean the deadline has passed or that the situations have been resolved? I found that a confusing statement.

**Ms. Karen Hogan:** I meant that the deadline had passed and that those would be certain actions that you should ask the deputy minister of the department about progress against.

**Ms. Valerie Bradford:** It's to follow up on.

Thank you so much.

**The Chair:** Thank you. That will have to wait for another round, Ms. Bradford.

[*Translation*]

Go ahead, Ms. Sinclair-Desgagné. You have two and a half minutes.

**Ms. Nathalie Sinclair-Desgagné:** Thank you, Mr. Chair.

I'd like to come back to my last question. I was asking why we didn't have the recommendations, which Indigenous Services Canada had accepted and was to provide a status report by March 31, 2022, on those recommendations.

Unfortunately, the June 9 letter didn't contain what the status report was supposed to have, which is a deadline, the initial results and so on.

Just before the end of my previous time, I asked what had been done in the past year, but I'd like to know what is planned for the next six months. There are so many things that need to be done. In particular, I know that there was a settlement agreement regarding the first nations' class actions on drinking water. I also know that a bill was supposed to be introduced by March 31, 2022, and that a bill must be introduced in consultation with first nations by December 31, 2022.

Ms. Fox, six months away.

Will the deadlines be missed once again? Are you sure that you'll meet them this time?

**Ms. Christiane Fox:** Mr. Chair, I thank the hon. member for her question.

Through our agreement, we noted that a bill would be introduced by December 31 and that efforts would be made to do so. Obviously, we don't control all elements of the parliamentary calendar.

So it's important to note that not everything was under our control. That said, it is indeed very important that we introduce our bill, through the agreement.

If I'm more confident that we will succeed, it is because we've already started the consultations and work.

The 2013 bill contained no regulations and was non-binding, and first nations felt they were not consulted.

So an important part of this bill is co-development. We don't have a lot of time, that's true. The federal government could introduce a bill that would meet our deadline, but if our partners didn't feel comfortable or if they wanted to work longer, I wouldn't want to ignore the co-development process.

We intend to introduce the bill before the end of the year, but we will also work at the pace of our partners.

**The Chair:** Thank you very much.

I'm sorry, but your time is up.

[*English*]

Mr. Desjarlais, you have the floor for two and a half minutes.

It's over to you.

**Mr. Blake Desjarlais:** Thank you very much, Mr. Chair.

I think this is our last round. Is that correct?

**The Chair:** If there is a will, it will be, yes. I'm going to check back with everyone.

**Mr. Blake Desjarlais:** Thanks.

You mentioned the consultation process, so I want to touch on that. I've worked in this field for half a decade with first nations and Métis communities in the west for a very long time. It's how I know some of my colleagues here, which is fantastic. I know some of you know very well the issues that are present for indigenous communities.

Particular among the issues is consultation. You mentioned AFN. I'm sure you're aware of, by way of tons and tons of correspondence that comes to your office and, likely, other MPs' offices—it comes to my office, at the very least—related to consultation, what some nations perceive as the ignoring of requests for consultation.

I want to speak to one directly in northern Alberta, which is the confederacy of Treaty 8. The Treaty 8 chiefs have a grand chief named Art Noskey. He has communicated to me his overt frustration with his inability to contact persons within the department, particularly about legislation, bills and information that he feels pertinent to the operations of Treaty 8 and, particularly, around their treaty rights. He feels that those treaty rights have been largely ignored.

In relation to this bill, has Treaty 8 been consulted?

• (1230)

**Ms. Christiane Fox:** I would start by saying that, absolutely, we know we have to go and consult beyond the AFN. Many rights holders have told us that no one speaks for them other than them, so I would say, absolutely. I think our consultation will be broader than just rights holders and indigenous political organizations, either national or regional. We will go to water experts and the tribal councils that are doing a lot of this work.

When it comes to Treaty 8, I am familiar with them, not only through the correspondence but in our discussions with them around health legislation. They have been very clear that their treaty right to health has to be part of that dialogue. In the context of this work, we will absolutely work with Treaty 8 and other treaties across the country. I don't know if they've been engaged at this point yet—yes.

**Mr. Nelson Barbosa:** I would say that, as the deputy mentioned, the preconsultation on this has been going on for three years. That is done with AFN and other rights holders. It's paramount to recognize the space of rights holders, as well as the treaty rights.

Post-repeal is when we will begin drafting the new legislation in earnest. That will be done in concert with the AFN, rights holders, tribal councils and organizations that have voices in this space. That would include treaty organizations and treaties in the Alberta context.

**The Chair:** Thank you very much, Mr. Barbosa.

Turning now to Mr. Duncan, I believe you are splitting your time. You and your colleague have five minutes.

**Mr. Eric Duncan:** Thank you very much, Mr. Chair.

I want to speak a bit about statistics and the analysis. I hate using the words “data” and “stats” when we're dealing with something so personal in the context of the situations we're in.

This is a bit of a high-level question, but we know the short-term and long-term dates, when they come into effect and when they're removed. One of the things I find lacking in the information we have—I think Mr. Patzer alluded to this—is the context of how these boil water advisories or drinking water advisories come into effect. Is it a repetition? Are communities going through it repeatedly? Is it aging communities? Is it that water operators are not available to manage a good infrastructure system?

Do you keep statistics? We know the number that are outstanding, and I'll agree with you that it's a bit depressing. The work is never going to be done in the sense that, when you get down to zero drinking water advisories, your work is done. It's keeping communities from going into those as well.

Do you keep statistics or a breakdown of ones that are in effect? Is it because of a lack of water operators? Is it a lack of infrastructure? Is it a combination of both? Also, on repetitiveness, if it's a community that's going into this for the fourth or fifth time, do you keep that kind of data to understand how you have the ones that are getting to this level?

It's a bit of a reflection point, but I'm trying to see if that's something the department does. If not, is that something for us to understand, the context of where the repeated challenges are coming from and whether they are new or outstanding?

I'll leave it at that and pass it over to Mr. Bragdon.

**Ms. Christiane Fox:** We have some statistics and data on what you've outlined, particularly on why some of them would be in effect and short term or long term. Is it an infrastructure gap? Is it an operations gap? There is data around that.

We also have quite a bit of data.... We have quite a big regional footprint across the country, so our regional offices working with communities would know whether or not it's a community that has had many short-term.... We could come back to you with a bit more of a breakdown, if that's helpful for the committee.

**Mr. Eric Duncan:** I think it would be helpful in that regard, too, just to understand the repetition of a problem or the type of problem that's there in terms of how we do that.

I appreciate the time. I'll pass it over to Mr. Bragdon.

**The Chair:** Thank you.

Mr. Bragdon, you have two and a half minutes.

**Mr. Richard Bragdon (Tobique—Mactaquac, CPC):** Thank you, Mr. Chair.

To you, Ms. Fox, thanks for your time today. This is a challenge that we're all taking about, and everyone around this room agrees on the urgency of this matter. That's what I want to pick up on here.

I think the frustration that Canadians are feeling from coast to coast—and this goes beyond any particular government of whatever stripe—is that this is a situation that has been neglected for far too long, through all kinds of governments. As Mr. Desjarlais pointed out, that neglect, that lack of adequate response to that crisis, to this ongoing crisis, is extremely frustrating for Canadians from coast to coast.

In my region, I hear about it: Why can't we, in Canada, with the kind of water reserves we have, not just get this fixed? I know that seems very simplistic in a very complex circumstance, but I think Canadians want to hear assurances now, not, “Oh, in 2023 or 2024,” or “Yes, we're going to set another deadline and make another announcement.” They want to know that the government is going to respond with the urgency this situation requires. When there's a national emergency, they can move amazing numbers of things in a hurry and can get things done when they choose to make it a priority.

Why can't this government make this an absolute priority? If they have to borrow from other departments and bring resources.... I'm talking about human resources, because it doesn't look like it's a funding issue. It looks like we have to get the right people in place.

Can you speak to that, Ms. Fox? What is the government doing to show that this is an absolute number one priority? It needs to be. Canadians are demanding it.

• (1235)

**Ms. Christiane Fox:** Thank you, Mr. Chair.

I would agree about why we are where we are. It's because of decades of underfunding and neglect, so now we find ourselves trying to address very concerning situations. I think you're also absolutely right that there is a push from all Canadians to see an urgency to this matter.

I think the government, through several budget cycles, has committed funding, and I think you are correct that it's a hard conversation to have with Canadians in the context of “why can't we do this right away and what more can we do?” What we've tried to do over the last few years is to work on what that “more” is. It's O and M, and it's funding, but the reality is that, if I were to say tomorrow, “Let's hire 700 more people to go to work and fix all of them”, the materials may not be there and the building season may be only three months, so it has to be spread over a couple of years.

There are a lot of realities on the ground that make these issues more challenging. It doesn't take away the urgency or the emergency to deal with them. In fact, at times, we have to put in place shorter-term measures to bridge that gap between those and the longer-term solution, and I think that's part of the challenge.

**The Chair:** Thank you very much.

We'll turn now to Ms. Yip.

You have the floor for five minutes, please.

**Ms. Jean Yip (Scarborough—Agincourt, Lib.):** Thank you.

There are 12 water and waste-water hubs supporting 86 first nations in Ontario. I'm just wondering if you could elaborate on the hub model and whether it is working.

**Ms. Christiane Fox:** Yes, absolutely.

I think the hub model does work, because it provides an integrated set of expertise that can then support individual communities.

The investment into the hub, in addition to investments into communities directly, acts as a direct line of support. It acts as a direct line of training. It acts as a direct line of solutions and orientation and trying to bring people together over different issues that surface in water plants in multiple communities. There are times, especially in the northern Ontario context, where having that hub, that support system for the community that's more 24-7 than just relying on their own individual community members, can allow for a quick response and for access to contractors.

I think the hub model is just like an extra support system for chiefs and band councils, so that, when there's something off, they have somewhere to go to get that additional support that the community may need. For us, it also allows us to develop that capacity and that expertise to allow for better governance, for better training and for better results.

We feel that it's a good investment in capacity building and then chiefs feel supported by the hubs that operate and support their communities.

• (1240)

**Ms. Jean Yip:** Are there any plans to expand that across Canada, since it's going so well in Ontario?

**Ms. Christiane Fox:** That's a great question, because when we look at our transformation exercises across the country, what works in one part of the country may not necessarily work in all parts of the country. Through regional pilots or models, you can get best practices. What we're seeing emerging out of the Atlantic First Nations Water Authority is this kind of hub and beyond, where it's really going to take control over water services for those communities that want to work through the authority.

The hubs are having an impact in terms of the ability to transform the service. Do we want to look at hubs across the country? Yes, but it's got to work for what's right in communities.

I was recently in Saskatchewan meeting with the Saskatoon Tribal Council and some of the communities. They feel that their tribal council is well equipped to support them, and as such maybe they would not necessarily want a hub model. We really try to work with partners to determine what's best for them.

I would say the hub has definitely led to a better support system and helps in our transformation of services.

**Ms. Jean Yip:** Thank you.

Ms. Hogan, I have a question about trust among the communities, and what's being done here with these water advisories. What do you feel needs to be done?

**Ms. Karen Hogan:** It's a complex question that I think is linked to one of the issues of meaningful reconciliation. Other witnesses have appropriately testified that first nations criticized the way the original act in 2003 was put in place, that it lacked meaningful engagement and consultation. Recognizing the need for first nations' self-determination, the need to collaborate and meaningfully engage with them is essential.

I do believe we see it in other audits that we've looked at. There is mistrust at times between certain first nations communities and governments.

When you have repeated, long-term advisories, or even repeated short-term advisories, a community can lose confidence in its own

water system and then turn to other solutions that are not better for their health. It is time for it to be actioned in a sustainable way with communities, so that trust can be rebuilt and re-established.

**Ms. Jean Yip:** Thank you.

Ms. Fox, could you comment on the trust factor?

**Ms. Christiane Fox:** Yes, absolutely. It's one of our biggest challenges when we talk about partnerships and decades of not being listened to in this process. It has to start with, first of all, action in terms of investment and support.

That's why the legislation being codeveloped is absolutely key. If legislation can recognize rights, funding and long-term commitments, then you move the discussion away from just one long-term drinking water advisory over another, to access to clean drinking water for long-term sustainable solutions across this country.

That's what Canadians are focused on. You can only achieve that through meaningful action, like legislation that has regulations around standards for water on reserves across the country.

Trust has to come with action and then with continued partnership that doesn't end when you lift. The partnership continues. For us, it continues well beyond water. It continues with education investments, health infrastructure and nursing stations. It's all about the relationship. If we don't commit to action, that relationship will not have solid ground.

**The Chair:** Thank you very much. I'm afraid that is all the time we have.

As I said, I was going to just survey the room to see if there's agreement that we end today's hearing and turn to the public accounts report, which we'll do in camera. Fortunately, all of the members are here, so that will be quick.

I'm your servant so I'm looking for unanimous consent on this—which I have. That's very good.

I thank the witnesses very much for attending here today, both in person and virtually. Thank you very much for being here, Ms. Fox, Mr. Barbosa, Ms. Hogan and Mr. Wheeler.

I will suspend the meeting until we clear the room and come back to discuss the draft report. The meeting is suspended.

*[Proceedings continue in camera]*







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