



Assembly of First Nations (AFN) Bulletin

Bill C-37, *The First Nations Clean Water Act*

Summary:

- On June 16, 2026, Minister of Indigenous Services Canada Mandy-Gull Masty tabled Bill C-37, *The First Nations Clean Water Act*, which would legislate provisions to ensure clean drinking water for First Nations.
- Much of the proposed legislation is similar to the previously tabled Bill C-61, which died on the order paper due to the prorogation of Parliament in January 2025.
- Key components of the Bill include recognition of First Nations law-making authority, protection zones, and provisions supporting a future First Nations-led water commission.
- The Minister also announced funding of \$4.6 billion for implementation of the Bill.
- Key concerns with the Bill based on preliminary analysis by Assembly of First Nations (AFN) technicians include the lack of commitment to the full achievement of the human right to water, limited definition of First Nations lands, weakened co-development and consultation provisions, reliance on “best efforts” language, and uncertainty regarding the interaction between the right to water supply and existing provincial water allocation regimes.
- The AFN will continue to provide information on the Bill, including the opportunity for dialogue at the upcoming AFN Annual General Assembly July 14-16.

On June 16, 2026, the Honourable Mandy Gull-Masty, Minister of Indigenous Services Canada, tabled Bill C-37, *The First Nations Clean Water Act*, legislation that aims to ensure provisions for First Nations clean drinking water, wastewater treatment and source water protection. Bill C-37 is similar to Bill C-61, *An Act respecting water, source water, drinking water, wastewater, and related infrastructure on First Nations lands*, which was co-developed with the AFN. The AFN Executive Committee previously voted unanimously to support Bill C-61 in 2024 before the Bill died on the order paper.

Preliminary Analysis

AFN technicians and legal staff have conducted a preliminary analysis of the Bill. The analysis finds that the Bill includes key provisions in line with the AFN mandated critical requirements from AFN resolution 47/2023 *Proposed Federal First Nations Drinking Water and Wastewater Legislation*:

- Recognition of First Nations rights and jurisdiction over lands and waters, including legislative authority and the ability to establish source water protection zones in collaboration with other jurisdictions.
- Mandatory requirements for Canada to provide water and wastewater treatment that meets minimum national standards

- Requirements for adequate and sustained funding, including a requirement to consult and cooperate in respect of a framework for assessing needs.
- Liability protection for owners and operators
- Authority for federal enforcement of First Nations water laws within protection zones through regulation.
- Consultation on the establishment of a First Nations-led water commission.
- A legislated review of the Act within 5 years of implementation.

One key difference between Bill C-61 and the current legislation is the removal of collaboration and co-development requirements for the Governor in Council to work with First Nations to develop any regulations. The Bill does, however, require consultation with First Nations; free, prior and informed consent; and a non-application clause for regulations on First Nations lands.

The Bill has some key weaknesses, including:

- The Government developed Bill C-37 with no consultation or input from First Nations or the AFN, although the AFN did co-develop Bill C-61.
- The Bill fails to affirm access to clean water as a fundamental human right.
- Several provisions rely on “best efforts” language rather than mandatory obligations, which may weaken federal accountability for implementation funding, source water protection and service delivery.
- The definition of First Nations lands is limited to reserve lands and does not include title lands or lands subject to claims processes, potentially limiting First Nations jurisdiction and source water protections across traditional territories and watersheds.
- The legislation does not define co-development, creating uncertainty regarding First Nations decision-making authority in the development of regulations, funding and implementation frameworks.
- The legislation does not clearly address how First Nations can protect source waters where protection zone agreements cannot be reached or where upstream activities authorized by other governments affect water quality and quantity.
- A provision within the legislation that the Bill would come into effect one year after Royal Assent, adding an increased delay to an already urgent need.

Funding Announcement

When tabling the legislation, the Minister also announced \$4.6 billion in funding for implementation of the Bill. Budget 2025 announced \$2.3 billion over 3 years for First Nations water programming, where program funding set at that annualized amount was about to sunset. This brings the total investment from Canada to almost \$7 billion. Although funds are much needed, AFN’s *Closing the Infrastructure Gap* report estimates the total cost of closing the water and wastewater gap at approximately \$44 billion. Canada’s investment represents less than 20% of the actual funding required.

Continued Engagement and Next Steps

The AFN will continue to share information about this Bill as more analysis is conducted. A Virtual Briefing for Chiefs and Leadership will take place on Thursday, June 25, 2026, from 2:00-3:00 pm EDT. To register for this event, please visit www.afn.ca/events.

There will be an opportunity for information sharing and discussion at the upcoming AFN AGA July 14-16 in Ottawa, ON.

For additional information and updates, please visit our website at www.afn.ca.