Proposed Cree Nation Government Law Concerning the Quality of Drinking Water

Presentation to Board/Council of the GCC(EI)/CNG

Monday, September 11, 2017
Nemaska, Eeyou Istchee
The Cree Nation Governance Agreement (2017)

Effect on Cree Nation Government by-laws

- Governance Agreement provides that the by-laws of the Cree Nation Government enacted or adopted pursuant to the *Cree-Naskapi of Québec Act* shall be deemed to be laws of the Cree Nation Government which will remain in force until replaced or repealed.

- The Cree Governance Agreement is a mirror of the Cree-Naskapi of Quebec Act (CNQA)

- Drinking Water Quality by-law will become a law of the Cree Nation Government once federal legislation has passed.

- An exercise of our right as Eeyou to govern ourselves in Cat 1A lands.
The Cree-Naskapi of Quebec Act (1984)

Powers of the CNQA

• Cree Nation Government acts as a regional government authority on Category 1A land

• By way of by-laws, part of its mission includes to “regulate essential services including water and sewer services, drainage and solid waste management” (s.62.01.b)
Limitations of the CNQA

• Standards established in by-laws of the Cree Nation Government be be be at least equivalent in their effect to any standards established by federal or provincial laws of general applications.

• If the by-laws adopted by a Cree Band are more stringent in their effect than the standards established by a Cree Nation Government by-law, the provisions of the by-law adopted by the Cree Band shall prevail.
Quebec’s Regulation Respecting the Quality of Drinking Water (2001)

What does Quebec regulate for the province?

• Requirements for thousands of entities in charge of drinking water distribution systems, including municipalities, waterworks enterprises, educational institutions, health and social services institutions and tourist establishments.
• Quality control of public drinking water
• Non-compliance with standards of quality
• Competence requirements

* Quebec’s Regulation referenced here available in agenda
Proposal to Incorporate by Reference a Provincial Regulation

What does this involve for the Cree Nation Government?

• Legal mechanism for including in a statute or regulation, material that is found in another document (ex: law of a different jurisdiction) without reproducing that material word for word in the new statute or regulation

• In the event of a conflict with respect to the application of a provincial regulation, Council may amend the by-law at any time.
Incorporation by Reference of a Provincial Regulation

Other Cree Nation Government by-laws applying this method

• Cree Nation Government Building By-Law (2014)
• Cree Nation Government By-Law concerning Establishment, Maintenance and Operation of Community Fire Departments (2013)
• Key is to adapting regulations to realities of our territory with respect to Cree-Naskapi Quebec Act provisions.
Adapting Quebec Regulation to the Cree Nation Government By-Law Concerning Quality of Drinking Water

Considerations for Eeyou Istchee

- Use of on-site testing methods (ex: Colilert) to reflect geographic location realities of certain communities.
- Ensuring proper channels between Cree Bands, Cree Nation Government, and the Cree Board of Heath & Social Services of James Bay
- Assessment of new by-law within 5 years and adapt where necessary
- Recommendations may be received during review period of proposed law
- Role of “Person in Charge”
New Position to be created within Cree Nation Government

• Position suggested to be posted under Capital Works & Services with close ties to Environment & Remedial Works of the Cree Nation Government and Cree Board of Health and Social Services of James Bay

• Direct link to Cree Nation Government for local Water Operators and LEAs

• Job description and budgetary provisions to be tabled in time for Fall budgetary exercises of the Cree Nation Government
Some Functions of the Water Quality Officer*

- Develop and distribute programs, codes and related guidelines, procedures and forms
- Public registry of data
- Annual action plan and report
- Monitor and review of federal and provincial legislative and regulatory amendments
- Evaluation of risks, emergency response procedures
- Interpretation of results
- Audits
- Training and technical support for local Operators
- Public awareness and education campaigns

*To be finalized with Human Resources Department of Cree Nation Government*
Next Steps:

Tabling the Proposed By-Law Concerning the Quality of Drinking Water

Board/Council Review Protocol

• 1<sup>st</sup> reading of proposed by-law
  • September 12-13, 2017
• 2<sup>nd</sup> reading of proposed by-law
  • November 21-22, 2017
• 3<sup>rd</sup> reading and possible adoption of proposed by-law
  • December 5-6, 2017

• During this period, local authorities and operators are encouraged to review the proposed by-law. Comments and recommendations are welcome.
Next Steps:

Directors of Operations and Treasurers Meeting

Follow-up from July 2017

• In July 2017, brief presentation to the DOs & Treasurers’ Meeting of overview of proposed By-Law Concerning Quality of Drinking Water

• Positive reception of intentions to draft and present by-law by Fall 2017

• October 24-25: presentation and discussion on Proposed Cree Nation By-Law Concerning Quality of Drinking Water
Next Steps:

Regional Meeting of Local Water Operators and LEAs

Presentation to Local Water Operators and LEAs

• Late October (TBD): presentation and discussion on Proposed Cree Nation By-Law Concerning Quality of Drinking Water
After the By-Law Concerning Quality of Drinking Water is Adopted by Board/Council

Implementing a new by-law

- Vote on By-Law by Members of Board/Council
- Posting and hiring of position for Water Quality Officer
- Development of supporting tools and documents
  - Templates for reporting
  - Guidelines adapted to communities
  - Interpretation guide on by-law requirements
- Info sessions for local public workers
Where to Review the Proposed Cree Nation Government By-Law Concerning Quality of Drinking Water

Under Review until December 2017

- Proposed by-law will be “under review” for the next 3 months as of September 2017.
- To consult and review proposed by-law: www.creegovernment.org/under-review