



FIRST NATIONS ADVISORY COMMITTEE
ON SAFE DRINKING WATER

**MINUTES OF MONTHLY MEETING FOR THE FIRST NATIONS
ADVISORY COMMITTEE
(the “Committee”)**

(10 June 2026 – TD TOWER, 66 WELLINGTON STREET WEST, T’KARONTO)

Reference: CHAIR

Chief Emily Whetung acted as chair, John P. Brown (“**Executive Director**”) acted as chair, and John P. Brown (“**Executive Director**”) as secretary for the meeting.

Reference: NO QUORUM

A quorum of the Members of the Committee was not present in person or virtually as set out in Schedule A.

Reference: MATTERS DISCUSSED

Those in attendance discussed the matters set out in the Agenda attached as Schedule B.

Reference: ADJOURNMENT

There being no further business, the meeting then adjourned.

Schedule A

Members of the First Nations Advisory Committee (“FNAC”)		
Name	Email	Community
Chief Emerita Emily Whetung (present)	emilieee.whetung@gmail.com	Curve Lake First Nation Southern Ontario
Councilor Doreen Spence (absent)	doreenspence@tataskweyak.com	Tataskweyak First Nation Northern Manitoba
Chief Chris Moonias (absent)	chris.moonias@neskantaga.com	Neskantaga First Nation Northern Ontario
Richard Inkster (absent)	rinkster@kitsumkalum.com	Kitsumkalum Band Council British Columbia
Wesley Bova (present)	wesbova@shaw.ca	Akwesasne First Nation Ontario
Kathleen Padulo (present)	kathleen.padulo@coo.org	Oneida Nation of the Thames Ontario
Mario Swampy (absent)	mario_73@hotmail.com	Nipisihkopahk (Samson Cree Nation) Alberta
Maggie Stothart, P. Eng., FEC (absent)	maggiestothart@nsmtc.ca	New Brunswick
Cheyenna Hunt (present)	Cheyenna.hunt@desnedhe.com	English River First Nation, Saskatchewan
Katrina Maurice- Eaglechild (absent)	Katsakic2014@outlook.com	English River First Nation, Saskatchewan

Schedule B

Agenda – 10 June 2026		
	Time	Description
1	12:00 to 12:05	Opening
2	12:05 to 12:10	Approve Minutes of May Meeting – 13 May 2026 (Tab 2)
3	12:10-12:40	Motion re: Replacement Legislation • Letter from Minister requesting postponement of motion re: Replacement Legislation (Tab3) • Letter from Class Counsel denying postponement (Tab 4) • Letter from FNAC denying request for postponement (Tab 5) • Email from Class Counsel reporting on motion (Tab 6) • Email from Executive Director reporting on motion (Tab 7) • Email from Class Counsel to Counsel for Canada re Replacement Legislation (Tab 8) • Email from Executive Director to Counsel for Canada re Replacement legislation (Tab 9) • Discussion on next steps when Replacement Legislation is introduced
4	12:40-12:50	Discussion re posting of FNAC's correspondence on FNAC website
5	12:50 to 12:55	Report on upcoming events • AFN Regional Water Operator's meeting June 12th • Ontario Chief's Assembly June 15-18th • AFN Chief's Committee on Housing and Infrastructure June 25th
6	12:55 to 1:00	Other Business
7	1:00	Closing

Schedule C

Ministre des
Services aux Autochtones



Minister of
Indigenous Services

Ottawa, Canada K1A 0H4

May 8, 2026

Chief Laurie Hockaday
Curve Lake First
Nation

chief@curvelake.ca

Chief Doreen Spence
Tataskweyak Cree Nation

doreenspence@tataskweyak.com

Curve Lake First Nation and Chief Emily Whetung v. AGC
Court File Number: T-1673-19

Tataskweyak Cree Nation and Chief Doreen Spence v. AGC
Court File Number: CI 19-01-24661

Dear Chiefs,

Waachiye! I understand that you, as the plaintiffs from the First Nations drinking water national class action, have brought forward a motion to compel Canada's compliance with section 9.03 of the 2021 First Nations Drinking Water Settlement Agreement as a previous bill was terminated when Parliament was prorogued in 2025, and new drinking water legislation has not yet been introduced into Parliament.

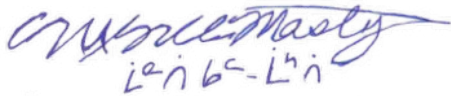
In light of the Prime Minister's and my strong and public commitments to introduce legislation this spring, and the advanced state of work on new legislation, I have instructed Justice Canada to work with your counsel to seek an extension to the May 11, 2026 filing deadline and May 21, 2026 hearings.

.../2

I can assure you that legislation will be introduced no later than June 19, 2026, before Parliament rises for the summer. This work is well advanced; however, additional time is required to finalize the bill.

I appreciate your

cooperation. Yours sincerely,



The Honourable Mandy Gull-Masty, P.C., M.P.

c.c.: Sheila Read, General Counsel, Department of Justice

Schedule D



McCarthy Tétrault LLP
Suite 5300
66 Wellington St. W.
Toronto, ON M5K
1E6 Canada
Tel: 416-362-1812
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H. Michael Rosenberg
Partner | Associé
Direct Line: 416-601-7831
Email: mrosenberg@mccarthy.ca

May 11, 2026

Via Email

Sheila Read, K.C.
General Counsel
Department of Justice
Prairie Regional Office
National Litigation Sector
601-400 St. Mary
Avenue Winnipeg, MB
R3C 4K5

Dear Ms. Read,

Re: *Curve Lake First Nation and Neskantaga First Nation et al. v. AGC*, Federal Court File Number: T-1673-19, and *Tataskweyak Cree Nation et al. v. AGC* Manitoba Court of King's Bench File Number: CI 19-01-24661

I write further to our telephone conversations of Friday evening and this afternoon. As discussed, I have reviewed the letter from the Honourable Minister Gull-Masty dated May 8, and my colleagues and I have worked to obtain instructions from our clients. You impressed upon me the urgency of this matter, so we moved with all dispatch over the weekend.

We are instructed to respectfully decline the Minister's request for an adjournment of the upcoming motion to enforce the parties' settlement agreement. Accordingly, we ask that you serve your responding brief today, as contemplated by our consent timetable. As discussed, we understand that you will file your brief with the courts tomorrow. Our clients expect that the motion will be heard on May 21, as scheduled.

We are instructed to provide some explanation for our clients' decision. As you know, the parties' 2021 settlement called for the repeal of the *Safe Drinking Water for First Nations Act* and the introduction of replacement legislation that would build on the commitments in the settlement agreement. The existing legislation was repealed, but replacement legislation was delayed, and First Nations were left in a vulnerable position without enforceable standards for water on reserve. It was in that context that the prior Minister of Indigenous Services engaged with our clients to craft the replacement legislation that ultimately became Bill C-61, the *First Nations Clean Water Act*.

Albeit somewhat delayed, these engagements were frequent and substantive, and they built a relationship of trust among the parties. Our clients provided comment on, and ultimately proposed changes to, the draft legislation. While the parties maintained some respectful disagreements, several of our clients' changes were incorporated in the bill, and our clients felt that the amendments had the effect of better addressing the challenges they face.

Our clients contrast that level of engagement with the current process, in which they learned on Friday that a new bill is forthcoming, but they have never seen a draft, nor have they been consulted in any way. Our clients feel wholly excluded from a process in which they have valuable perspectives to contribute. Having been excluded, they cannot simply put their faith in the Minister's commitment to introduce legislation before the end of the Parliamentary session.

We are instructed to invite the Minister to engage with our clients to build the relationship that will be necessary for the success of the new legislation. Specifically, she should engage Chief Emerita Emily Whetung, on behalf of Curve Lake First Nation, Chief Doreen Spence, on behalf of Tataskweyak Cree Nation, and Chief Emeritus Chris Moonias, on behalf of Neskantaga First Nation.

We ask as well that you include John Brown, Executive Director of the First Nations Advisory Committee on Safe Drinking Water ("**FNAC**"). Section 9.04(4)(a)(i) of the parties' settlement agreement specifically designates the FNAC to "work with First Nation Class Members to provide oversight, guidance, and recommendations to Indigenous Services Canada to support the development and implementation of...the Replacement Legislation". FNAC cannot discharge this important function if it is left in the dark.

The courts remarked that the settlement of the underlying litigation in 2021 was a "hopeful turning point" and "a step down the long trail towards healing the relationship between Canada and First Nations". Some of that hopeful sentiment seems to have been lost in the ensuing years. But this seems like a good opportunity to restore the relationship so that the parties can work together to advance First Nation water rights.

Thank you for your attention to these matters.

Sincerely,

McCarthy Tétrault LLP



Michael Rosenberg
Partner | Associé

e.c. Kosta Kalogiros, Stephanie Willsey, Alana Robert, McCarthy Tétrault LLP
Bryce Edwards, Kevin Hille, James Shields, Olthuis Kleer Townshend
LLP Scott Farlinger, Department of Justice

Schedule E



FIRST NATIONS ADVISORY COMMITTEE ON SAFE DRINKING WATER

11 May 2026

Via Email (mandy.gull-masty@parl.gc.ca)

The Hon. Mandy Gull-Masty
Minister of Indigenous
Services **House of Commons**
Ottawa, Ontario,
Canada
K1A 0A6

Dear Minister Gull-Masty:

Re: Canada has not Consulted with FNAC Regarding Replacement Legislation

We are the Co-chairs of the First Nations Advisory Committee on Safe Drinking Water ("FNAC").

We have reviewed your letter dated May 8 to Chief Laurie Hockaday and Chief Doreen Spence, and the reply of today's date from class counsel Michael Rosenberg sent to Canada's counsel, Sheila Read.

For the reasons that follow FNAC joins class counsel in respectfully declining the Minister's request for an adjournment of the upcoming motion to enforce the parties' settlement agreement in the Safe Drinking Water Class Actions (the "**Settlement Agreement**").

Under the Settlement Agreement Canada is obligated to consult and work with FNAC in the development of any proposed legislation intended to replace Bill C-61. In line with those obligations FNAC has previously worked well with ISC in developing Bill C-61. ISC shared draft versions of the bill and sought and accepted input from FNAC that was reflected in its final form.

In contrast, FNAC has been unable to obtain any meaningful developments of the new proposed replacement legislation now being developed by your ministry (the "**Replacement Legislation**"), nor have we been able to influence discussions to ensure it matches the needs of First Nations across Canada. There has not been any consultation with or input sought from FNAC. Moreover, we understand that significant aspects of Bill C-61 such as source water protection, water as a human right, and liability protection are not being included in the Replacement Legislation. Trust is built on consultation and collaboration, neither of which have occurred here. This approach

disrespects FNAC and its mandate, and the interests of the First Nations that you have a duty of good faith to protect.

In our view this is a breach of the Settlement Agreement. The *Terms of Reference* governing FNAC state that:

7. The mandate of the FNAC (the “**Mandate**”) is as follows:

- a) work with Class Members and Affected Persons to provide oversight, guidance, and recommendations to Canada to support the development and implementation of forward-looking policy initiatives and transformational services, including:...
- i. the development of legislation (the “**Replacement Legislation**”) to replace the *Safe Drinking Water for First Nations Act*, S.C. 2013, c. 21, including by reviewing proposals related to the Replacement Legislation and providing feedback thereon;

The *Terms of Reference* also require the following from Canada:

68. No less than quarterly, the Indigenous Services Canada Liaison will report to FNAC in writing with respect to: ...

- b. progress in the development of the Replacement Legislation.

Canada has not met these obligations.

FNAC requests that you engage with our committee to foster a relationship that will assist in developing new legislation that will be received in a good way and that will be successful. Without this we are concerned that any Replacement Legislation will be met with concern, given the amount of work that has previously gone into the development of Bill C-61.

Yours Truly,

First Nations Advisory Committee on Safe Drinking Water

Per:	Per:
	
Wes Bova Co-Chair	Chief Emerita Emily Whetung Co-Chair

cc: Prime Minister Mark Carney
(mark.carney@parl.gc.ca) Michael Rosenberg
(mrosenberg@mccarthy.ca)

Schedule F

MR

From: Rosenberg, Michael mrosenberg@mccarthy.ca
Subject: RE: "Privileged and Confidential" [EXT] Tataskweyak Cree Nation and Curve Lake First Nation et al. v. AGC [MT-MTDOCS.FID3637563]
Date: May 21, 2026 at 7:12 PM
To: Doreen Spence doreenspence@tataskweyak.com, Christopher Moonias chris.moonias@neskantaga.com, Emily Whetung emilywhetung2019@gmail.com, John P. Brown john.b@thefnac.ca, Brown, John P. JBROWN@MCCARTHY.CA
Cc: Kevin Hille khille@oktlaw.com, Kalogiros, Kosta kkalogiros@mccarthy.ca, Bryce Edwards bedwards@oktlaw.com, Willsey, Stephanie SWILLSEY@mccarthy.ca, Robert, Alana alrobert@mccarthy.ca, James Shields jshields@oktlaw.com

I write to report on today's appearance before the Federal Court and the Manitoba Court of King's Bench, sitting together in Ottawa. We were ready to argue our motion to enforce the settlement agreement.

Unfortunately, Canada sought to adjourn the motion to give the government a further chance to make good on its promise to introduce legislation by June 19, immediately before the summer recess.

The judges indicated that they felt uncomfortable ruling on Canada's compliance with the settlement agreement before seeing the legislation that Canada plans to introduce. We argued that there had already been a breach of the obligation to develop legislation in consultation with First Nations. Whatever is introduced in the coming weeks will simply be further off-side, and everyone would benefit from a declaration of your rights.

I spent about an hour on my feet trying to bring the judges around. In the end, they granted Canada's adjournment, but cautioned that their silence today should not be taken as acceptance of Canada's position that it has complied with the settlement agreement.

Today's motion was a significant lift by our whole litigation team. While the adjournment is a disappointing development in the near term, it keeps up the pressure on the Minister.

Canada has mused that it may give us a draft of the bill 48 hours before it is introduced. Whatever happens, we should review the bill once it becomes available. If the bill does not meet the requirements of the settlement agreement, we recommend writing to the Minister to seek her commitment to introduce the necessary amendments. The request should be time-limited.

If we do not receive a satisfactory response from the Minister, we recommend bringing your settlement enforcement motion back on for a hearing. That seems like the best way to maximize your leverage and press for strong legislation.

As always, we would be pleased to speak further.

Regards,
Michael.

mccarthy
tétrault

Michael Rosenberg

Partner | Associé

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Schedule G

MR

From: Rosenberg, Michael mrosenberg@mccarthy.ca
Subject: Follow-up re consultation on new legislation, re Tataskweyak Cree Nation and Curve Lake First Nation v. Canada [MT-MTDOCS.FID3637563]
Date: May 31, 2026 at 11:10 PM
To: Read, Sheila sheila.read@justice.gc.ca
Cc: John P. Brown john.b@thefnac.ca, Kevin Hille khille@oktlaw.com, Kalogiros, Kosta kkalogiros@mccarthy.ca, Farlinger, Scott (he him il lui) scott.farlinger@justice.gc.ca

Hi Sheila,

I hope you had a good weekend. I wanted to reach out because the Canadian Press reported today that the Honourable Minister Gull-Masty “has scheduled meetings with some First Nations leaders in the coming days to discuss the water legislation”. The story is [available here](#), and attached.

To date, I am not aware of any effort to engage our clients, or the First Nations Advisory Committee (FNAC). I have copied John Brown, Executive Director of the FNAC, for visibility. As you know, our clients take the position that the replacement legislation contemplated by the parties’ settlement agreement must be developed in consultation with class members and the FNAC.

Class members have the lived experience of grappling with long-term drinking water advisories. Our clients are particularly well placed to speak to the content of a legislative response. As you know, they worked collaboratively with the government to ensure that Bill C-61 would address their needs.

Given that the Minister intends to introduce legislation before the House of Commons rises in less than three weeks, and given that our clients have not seen a draft bill, it is too late to engage in the sort of consultation contemplated by the settlement agreement. However, there is still time to begin a dialogue and build a relationship.

At the risk of sounding like a broken record, I am hopeful that you will convey to the Minister our clients’ sincere desire to work with her office in advancing replacement legislation that accords with the settlement agreement.

Can you advise as to whether the Minister wishes to consult our clients or the FNAC?

Thank you for your attention to this matter.

Regards,
Michael.



Michael Rosenberg

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Schedule H

From: John P. Brown john.b@thefnac.ca 
Subject: Fwd: Follow-up re consultation on new legislation, re Tataskweyak Cree Nation and Curve Lake First Nation v. Canada [MT-MTDOCS.FID3637563]
Date: June 1, 2026 at 11:48 AM
To: John Brown john.b@thefnac.ca

JB

----- Forwarded message -----

From: **John P. Brown** <john.b@thefnac.ca>
Date: Mon, Jun 1, 2026 at 10:44
Subject: Re: Follow-up re consultation on new legislation, re Tataskweyak Cree Nation and Curve Lake First Nation v. Canada [MT-MTDOCS.FID3637563]
To: Rosenberg, Michael <mrosenberg@mccarthy.ca>
CC: Read, Sheila <sheila.read@justice.gc.ca>, Kevin Hille <khille@oktlaw.com>, Kalogiros, Kosta <kkalogiros@mccarthy.ca>, Farlinger, Scott (he him il lui) <scott.farlinger@justice.gc.ca>

Good Morning Sheila;

I am writing regarding the email Michael Rosenberg sent you last night, on which the First Nations Advisory Committee on Safe Drinking Water ("FNAC") was copied.

The FNAC agrees with the facts and sentiments in his email and is also well placed to speak to the content of a legislative response. Please convey to the Minister our sincere desire to work with her office in advancing replacement legislation that accords with the settlement agreement.

Kw'as hoy,
John

John P. Brown (he/him)
Executive Director

First Nations Advisory Committee on Safe Drinking Water
T: 416 601-7719

john.b@thefnac.ca

