

# A Legislative Framework to Improve Fire Prevention and Fire Protection on First Nations Reserves

## BACKGROUND

Most Canadians and their communities are provided with legally mandated fire prevention and protection services based on standards established through complimentary federal and provincial legislative frameworks. First Nations communities are the exclusive responsibility of the Government of Canada but there is no legislative framework to mandate fire prevention and protection standards in these communities, which represent a population base of more than 600,000.

### ISSUE 1: BUILDING CODES

There is no legislative framework for the application of the National Building & Fire Code in First Nations communities. This legislative vacuum is dangerous as there are no applicable building or fire code standards that govern fire prevention and protection in First Nations communities.

#### CAFC and AFAC Recommendations:

- The Canadian Association of Fire Chiefs (CAFC) and the Aboriginal Firefighters Association of Canada (AFAC) recommend the introduction of federal legislation to apply federal or provincial building and fire codes to First Nations communities.

### ISSUE 2: FIRE INSPECTIONS AND INVESTIGATIONS

Human Resources and Skills Development Canada (HRSDC) currently undertakes fire inspections within First Nations communities on behalf of Aboriginal and Northern Affairs Canada (AAND). HRSDC will be ceasing these activities in 2014. Since there is no legislative framework for fire inspections, there is no requirement to conduct them or to enforce code violations. The same is true for fire investigations, which are only sporadically conducted in communities at the voluntary initiative of the responsible fire department.

#### CAFC and AFAC Recommendations:

- The CAFC and AFAC recommend that the federal government create a legislative framework mandating fire inspections, an enforcement protocol to address code infractions and the process of conducting fire investigations.
- AAND and HRSDC should provide AFAC with the appropriate capacity and mandate to carry out these inspections through regional First Nations partners.

### ISSUE 3: FEDERAL FIRE MARSHAL'S OFFICE:

Each province has a Fire Marshal and/or Commissioners office. Since First Nations Reserve status fall under federal responsibility, there is no Fire Marshal responsible for fire safety and prevention within Canada's First Nations communities.

#### Recommendation:

- AFAC and the CAFC recommend the creation of an independent Federal Fire Marshal for First Nations communities to provide oversight and ensure adherence to legislated standards.