

MEDIA RELEASE

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Public trust provides the key to water protection

Report shows how B.C. can lead with a modernized Water Act

VANCOUVER – A new report released by Ecojustice and POLIS Water Sustainability Project outlines how the B.C. government can become leaders in responsible freshwater management by embracing the Public Trust Doctrine in a modernized version of the province’s *Water Act*.

The Public Trust and a Modern B.C. Water Act urges the provincial government to recognize that a modern water act and the public trust doctrine go hand-in-hand in ensuring the protection of ecological values, public engagement, and public uses of shared water resources.

“A modern water act is one that includes the public trust,” said Oliver M. Brandes of POLIS. “If B.C. is serious about updating the *Water Act*, it needs to recognize the public trust as a legitimate tool for managing our water.”

Including the public trust would make water management a fiduciary duty, strengthen water protection and provide a clear mandate for government to preserve and protect B.C.’s water in the public interest.

“The public trust would prevent private interests from attempting to control the most basic of public resources,” said Ecojustice staff lawyer Randy Christensen. “It is a matter of acknowledging that water is a collective resource, not something to be parcelled up and sold for a quick buck.”

Incorporating the public trust in a modern *Water Act* would be consistent with tradition in Canadian and international law. Elements of the public trust are already recognized in Canadian law, specifically in regard to national parks and B.C.’s Gulf Islands.

The briefing outlines proposed amendments to the *Water Act* to demonstrate how the public trust doctrine could help the government achieve the stated goals of the province’s *Living Water Smart* plan – the guiding framework for the modernization of the *Water Act*.

“Water is a critical public resource and we need to adopt the best practices to protect it for future generations,” Christensen said.

“Including public trust in as a part of that protection ensures that it is applied consistently and for the greatest benefit to the long-term health of British Columbians and the BC environment.”

For more information, please visit: ecojustice.ca



The briefing was done as part of the University of Victoria's Water Sustainability Project's *Future of Water Law and Governance* series.

Ecojustice is Canada's leading non profit organization using the law to protect the Canadian environment.

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