



**Canadian Union of Public Employees**

**CUPE BC Division**

**Response to *A Water Sustainability Act for B.C.*  
*Legislative Proposal***

**November 2013**

## **Introduction**

The Canadian Union of Public Employees BC Division (CUPE BC) is the largest union in the province, representing some 85,000 members in diverse sectors including water and wastewater services. CUPE BC members have a long and proud history of providing and protecting public services in British Columbia.

In 2011 CUPE BC expressed significant concerns regarding the potential creation of tradable water rights. CUPE BC commends government for its clearly articulated position that “[a]lthough water markets are emerging in a number of jurisdictions, government has no intention of enabling water markets in the *Water Sustainability Act*.”<sup>ii</sup>

CUPE BC calls for strong public policy and regulation in the proposed *Water Sustainability Act* (WSA) that:

- enshrines the principles of the Public Trust Doctrine to ensure the protection of water as a commons for future generations
- encourages the development of local economies
- ensures public control and accountability
- protects the environment, and
- explicitly prohibits the creation or growth of water markets.

CUPE BC’s commitment to the environment, to public services and to social, cultural and economic justice for all British Columbians informs the following response to the legislative proposal for a *Water Sustainability Act* for British Columbia.

## **Water is a commons**

Water, like the air we breathe, is essential to human life and cannot be “owned”. The principles of the Public Trust Doctrine protect water as a commons. These principles must be enshrined in and must drive the development of a *Water Sustainability Act*. CUPE BC calls for legislation that affirms that any private water rights established under existing or future water licenses or approvals are subject to be managed in the interest of present and future generations.

## **Oversight, transparency and accountability**

Oversight, transparency, accountability and increased public participation in decision-making are crucial in ensuring that water is managed in the public interest. CUPE BC calls for legislation and regulations that include:

- provisions for public notice of applications
- public hearings where appropriate
- increased access to participation in adjudications
- the right of any resident of BC to object prior to licence issuance
- the ability of the public to appeal the granting of licenses, and
- robust, independently audited monitoring and reporting processes.

## Implementation and enforcement

All levels of government must be sufficiently resourced to enforce a *Water Sustainability Act*. A new Act must ensure that costs of enforcement are not downloaded to local governments.

## Groundwater fees and uses

CUPE BC supports full cost recovery through fees and water-use rentals in order to adequately resource effective implementation of a new legislative regime, with the understanding that there may necessary exemptions for agricultural purposes.

The *Water Sustainability Act* Legislative Proposal does not include measures to address water use in specific sectors (e.g., hydraulic fracturing, power production). CUPE BC calls for legislation that ensures that other Acts do not have supremacy over the principles of public trust that must be enshrined in the *Water Sustainability Act*.

CUPE BC calls for a new Act that requires more than just “consideration” of environmental flows in the granting of new licenses and that robust protection of environmental flows be extended to existing licenses.

In closing, CUPE BC reiterates priorities for a *Water Sustainability Act* that will serve current and future British Columbians. CUPE BC calls on the BC government to amend the Water Act to include provisions that:

- recognize water as a public trust
- enshrine water as a human right
- facilitate robust public oversight and public participation
- facilitate collaboration with First Nations
- prohibit the development or growth of water markets
- ensure that other Acts do not have supremacy over the *Water Sustainability Act*, and
- establish groundwater fees for commercial and industrial users that accurately reflect the value of the resource to commercial and industrial enterprises.

Respectfully submitted:

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<sup>i</sup> [http://engage.gov.bc.ca/watersustainabilityact/files/2013/10/WSA\\_legislative-proposal\\_web-doc.pdf](http://engage.gov.bc.ca/watersustainabilityact/files/2013/10/WSA_legislative-proposal_web-doc.pdf)