

1983 BILL 246

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First Session, 20th Legislature, 32 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 246

RIGHT TO CLEAN WATER ACT

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MR. R. SPEAKER

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 246*  
*Mr. R. Speaker*

## **BILL 246**

1983

### **RIGHT TO CLEAN WATER ACT**

*(Assented to , 1983)*

Preamble

WHEREAS every Albertan has the right to the continued use of the traditional drinking water source in his area and not to have that source of water contaminated, polluted or adulterated; and

WHEREAS a means of protecting that right should be provided; and

WHEREAS the responsibility for any pollution should be borne by the polluter and if he cannot be identified, by the Crown;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Right to bring  
action

**1** Where a traditional source of clean drinking water is contaminated, polluted or adulterated to the extent that it is no longer safe for drinking, any person who has been a traditional user of that source may commence an action against the person responsible in the Court of Queen's Bench and the Court may order that the contamination, pollution or adulteration be stopped, that the person responsible pay damages in the amount of the expense of restoring the water source to its traditional level of purity and the expense of the provision of a temporary source of clean drinking water in the interim or any proportion of the expense as the Court deems appropriate.

Costs

**2** The Court may make such order as it sees fit apportioning any damages and costs arising from an action commenced under the provisions of section 1, between 2 or more parties.

Crown responsible

**3(1)** Where the person commencing the action, after diligent inquiry, has been unable to identify the person responsible for the contamination, pollution or adulteration, he may commence the action against the Crown and the Crown may settle or defend the action or join any other party whom it believes, on reasonable grounds,

to be wholly or partly responsible for the contamination, pollution or adulteration, as co-defendant.

(2) Any liability of the Crown under this section shall be payable only if money has been appropriated to that purpose by the Legislature.

Coming into force **4** This Act comes into force on Proclamation, which shall not be earlier than the date of the first appropriation of money for the purposes of section 3.