

1988 BILL 230

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 230

AN ACT TO AMEND THE
ALBERTA BILL OF RIGHTS

MR. TAYLOR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 230
Mr. Taylor

BILL 230

1988

AN ACT TO AMEND THE ALBERTA BILL OF RIGHTS

(Assented to , 1988)

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

1 The Alberta Bill of Rights is amended by this Act.

2 The following is added after section 1:

1.1(1) Every person has a right to a healthy environment and to its protection, and to the protection of the living species inhabiting it, to the extent provided for by this Act and any other act.

(2) Notwithstanding any other Act, every person has standing to commence proceedings

(a) to enforce any right established in law to protect the matters referred to in subsection (1);

(b) to seek the imposition of any penalty provided for in law against any person who abrogates any matter referred to in subsection (1);

(c) to seek damages or other remedy or an injunction provided for in law with respect to the matters referred in subsection (1)

Explanatory Notes

1 This Bill will amend chapter A-16 of the Revised Statutes of Alberta 1980.

2 New section establishes a paramount right to a healthy environment and grants standing to bring actions to enforce the provisions of the law. Permits compensation, even where the activity complained of has been authorized by order or regulation if damage is being done.

where the issue arises on or relating to land in which the person commencing the proceedings has a legal or equitable interest or land in which the Crown has a legal or equitable interest.

(3) In any action commenced pursuant to this section, the court may order that the Crown be made a party to the action, whether or not an application has been made on behalf of the Crown to be made a party.

(4) In any action commenced pursuant to this section, if the court finds that the act or omission which founds the basis for the action has been authorized by any order or regulation pursuant to any Act, it may nevertheless award damages to the plaintiff if it is satisfied that

(a) actual harm has been done or is likely to be done to the plaintiff or the plaintiff's property;

(b) it is in the public interest to do so.