

A) Wording

There is wording in the draft which might be improved. For instance, there are two kinds of sustainability – long-term sustainability and sustainability.

[34. (1), 2.(c)]

As well there are two kinds of affordable water – reasonably affordable and affordable.

[2.(b), 2.(f)]

On page 1 of the draft it mentions ‘all organic and inorganic matter’ which pretty much covers it but it might be better to add synthetic matter or just leave it as ‘matter’. [1. (i)]

I think that ‘abandonment’ requires a definition as there are many scenarios for the abandoning of a sewage or water delivery system.

In the definition of ‘environmental flow needs’ the words volume and time usually combine to form a rate e.g. volume/time = flow rate. I think a better word than ‘timing’ would be appropriate. [1.(l)]

Could the words ‘science’ and ‘scientific’ be left out of the Act? In an attempt to express the Precautionary Principle, ‘scientific’ gets wrapped up in the mind-warping ‘lack of scientific certainty should not be used as a reason for postponing measures to prevent degradation of water resources’. [page 5]. The Precautionary Principle is deserving of a more elegant statement.

On the next page [page 6] it is stated that decisions are to be made by ‘applying consistent science-based assessment processes’. Although ‘science-based’ is fashionable and trendy it does not elevate the language in a legislative act.

B) Government of Canada jurisdiction

In the draft and associated documents there is no acknowledgement of the role of federal involvement in water e.g. fishkill prosecutions or waterways.

C) Access to information

There are two references to access to information in Part VIII of the draft:

- 1) establishing fees [73.g(i)] and
- 2) respecting access [73.(k)].

Does not the FOIPP Act cover these?