

## **Water Privatization 'Unconstitutional'**

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Legislation that would allow the privatization of drinking-water systems in Ontario could violate the Constitution given their critical importance to the public, an environmental group said Wednesday.

The group noted that two key pieces of proposed legislation envisage the sale of municipally owned water systems, which in turn raises questions about access to the water itself.

"There is a public trust to water and access to it," said Christine Elwell of the Canadian Institute for Environmental Law and Policy.

One of the bills in question is the Safe Drinking Water Act, a product of recommendations made in the Walkerton water inquiry.

However, the proposed law files in the face of the inquiry's preference that ownership of water systems remain in public hands, said Elwell.

A second bill, the Sustainable Water and Sewage Act, requires municipalities to devise plans to ensure end users pay the entire cost of operating and maintaining their water and sewer systems.

One provision could allow the government to demand a municipality turn its waterworks over to the private sector, said Elwell.

Of crucial importance is that the measures threaten public access to the water itself because the legislation extends to extraction, whether from wells, rivers or lakes, said Elwell.

Environment Minister Chris Stockwell said the public-privatization issue was a "red herring".

"Even if the municipality contracts or sells their system to the private sector, they are not relieved of all their obligations. They are still the responsible body," said Stockwell.

"They can't get out of their responsibility by privatizing."