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Number	1				Date	6/4/92	

# AN ENVIRONMENTAL BILL OF RIGHTS FOR ONTARIO

ONTARIO MINISTRY OF THE ENVIRONMENT JUNE 1992

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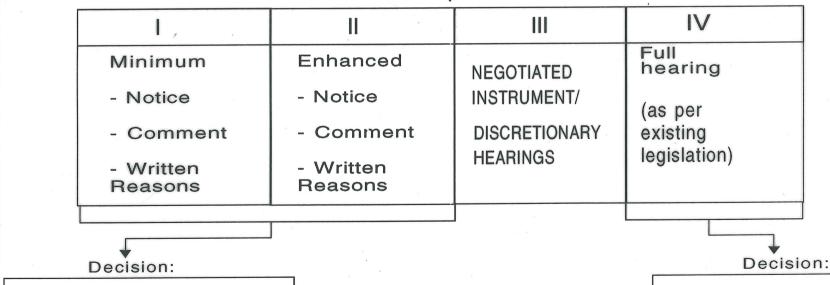
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### TASK FORCE CONSENSUS (BUSINESS, GOVERNMENT, ENVIRONMENTAL GROUPS)

- GOVERNMENT AND PUBLIC ARE PARTNERS IN ENVIRONMENTAL PROTECTION, BUT GOVERNMENT HAS PRIME RESPONSIBILITY
- "TRANSPARENT", PARTICIPATIVE PROCESS FOR SIGNIFICANT ENVIRONMENTAL DECISIONS
- FORMALIZED RIGHT TO REQUEST REVIEW AND INVESTIGATION
- ENHANCED ACCESS TO COURTS WHERE GOVERNMENT FAILS TO PROTECT PUBLIC RESOURCES
- EXPANDED PROTECTION FOR WHISTLEBLOWERS
- APPOINTMENT OF ENVIRONMENTAL COMMISSIONER TO OVERSEE IMPLEMENTATION, UNDERTAKE PROACTIVE EDUCATIVE ROLE, AND PROVIDE BIENNIAL REPORT
- EBR TO WORK IN CONJUNCTION WITH COMPLEMENTARY REFORMS:
   CLASS PROCEEDING ACT; INTERVENOR FUNDING ACT

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Subject EBR Date 6/4/92 Number \_\_\_\_\_3 APPENDIX X PUBLIC PARTICIPATION OTHERS (AS DECIDED BY OMAF MNDM MNR CABINET) (PHASE IN/TRANSITION) EACH MINISTRY DEVELOPS STATEMENT OF ENVIRONMENTAL VALUES 1. POLICIES/GUIDELINES - ON REGISTRY AT MINISTER'S DISCRETION. 2. REGULATIONS - REGULATORY IMPACT STATEMENT IS DISCRETIONARY. 3. INSTRUMENTS - EACH MINISTRY CLASSIFIES INSTRUMENTS ACCORDING TO APPROPRIATE LEVEL OF PUBLIC PARTICIPATION. PROPOSED INSTRUMENTS PLACED ON REGISTRY IV П Ш Full Enhanced Minimum hearing **NEGOTIATED** - Notice - Notice



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APPEAL TO TRIBUNAL

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APPEAL TO COURT

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## ENHANCED ACCESS TO COURTS

#### PROCESS:

- FORMAL REQUEST SUBMITTED BY TWO ADULT ONTARIO RESIDENTS
- WHERE GOVERNMENT FAILS TO ACT, RESIDENT MAY SUE PERSON CAUSING HARM THROUGH NON-COMPLIANCE WITH PROVINCIAL STATUTE, REGULATION OR INSTRUMENT
- ATTORNEY GENERAL MUST BE INVOLVED
- REMEDIES INCLUDE INJUNCTION, RESTORATION PLAN. NO DAMAGES.

#### ADDITIONAL ACCESS FOR "NUISANCE":

- PERSONS SUFFERING LOSS DUE TO PUBLIC NUISANCE OF ENVIRONMENTAL NATURE MAY SUE PERSON CAUSING NUISANCE
- RULES INHIBITING ACTIONS IN PUBLIC NUISANCE TO BE REMOVED

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Subject <u>EBR</u>

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# EXPANDED PROTECTION FOR WHISTLEBLOWERS

 PROTECTION AGAINST HARASSMENT, DISMISSAL FOR WORKERS WHO REPORT EMPLOYERS WHO DEGRADE THE ENVIRONMENT

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### INTEGRATION / IMPLEMENTATION

- PHASED-IN IMPLEMENTATION ESSENTIAL
- MANY IMPLEMENTATION ISSUES TO BE ADDRESSED DURING PUBLIC CONSULTATION PERIOD
- EVERY EFFORT TO CONDUCT THOROUGH PUBLIC CONSULTATION, INCLUDING SPECIAL INTERESTS

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### RECOMMENDATIONS

- 1. RELEASE TASK FORCE REPORT AND DRAFT BILL FOR A 90-DAY PUBLIC CONSULTATION PERIOD.
- 2. FOLLOWING THE PUBLIC CONSULTATION PERIOD, THE MINISTRY WILL DEVELOP AN ENVIRONMENTAL BILL OF RIGHTS FOR CABINET APPROVAL.
- 3. LEGISLATION TO BE DEVELOPED IN CONSULTATION WITH THE TASK FORCE AND AN INTER-MINISTERIAL EBR COMMITTEE.
- 4. WHEN PRESENTED TO CABINET, THE LEGISLATION TO BE ACCOMPANIED BY DETAILS OF FINANCIAL/RESOURCE AND ECONOMIC IMPLICATIONS AND AN IMPLEMENTATION PLAN.

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