

THE HONORABLE WILLIAM G. NEWMAN
MINISTER OF THE ENVIRONMENT

STATEMENT

ON THE INTRODUCTION OF
THE ENVIRONMENTAL ASSESSMENT ACT
FOR SECOND READING

July 2, 1975

MR. SPEAKER:

TODAY, I AM PRESENTING TO THIS HOUSE FOR SECOND READING "THE ENVIRONMENTAL ASSESSMENT ACT". THIS BILL AND ITS AMENDMENTS REFLECT THIS GOVERNMENT'S CONTINUING COMMITMENT TO ENVIRONMENTAL PROTECTION WHICH WAS RECENTLY REAFFIRMED IN THE SPEECH FROM THE THRONE.

THE PROCESS OF ENVIRONMENTAL ASSESSMENT IS A MEANS OF ENSURING THAT ULTIMATELY ALL UNDERTAKINGS CAN BE COMMENCED AND COMPLETED WITHOUT UNDESIRABLE EFFECT ON THE ENVIRONMENT. THIS BILL WILL ACCOMMODATE THIS VITAL OBJECTIVE BY PLACING THE RESPONSIBILITY ON THE PROPONENT OF AN UNDERTAKING TO DRAW UP AND SUBMIT AN ENVIRONMENTAL ASSESSMENT TO MY MINISTRY AT THE VERY EARLIEST STAGES.

SINCE FIRST READING, THIS BILL HAS BEEN SUBJECTED TO INTENSIVE EXAMINATION BY ENVIRONMENTALLY CONCERNED CITIZENS, ORGANIZATIONS AND INDUSTRY. WE HAVE RECEIVED SUBMISSIONS AND RECOMMENDATIONS FROM MANY SOURCES AND HAVE TAKEN THESE INTO CONSIDERATION IN DRAFTING AMENDMENTS TO OUR ORIGINAL BILL.

WE HAVE NEVER BEEN DOCTRINAIRE IN OUR THINKING AND WE ARE ALWAYS PREPARED TO LISTEN TO AND THEN ADOPT IN OUR PLANNING IDEAS WHICH WE CONSIDER TO HAVE MERIT.

ACCORDINGLY, WE ARE PRESENTING TODAY FOR SECOND READING AN AMENDED BILL WHICH WE ARE CONFIDENT WILL PROVIDE THE PEOPLE OF THIS PROVINCE WITH EFFECTIVE LEGISLATION WITHOUT PRECEDENT IN CANADA.

I WOULD LIKE TO OUTLINE THE PROCEDURE WHICH WILL BE ESTABLISHED BY THIS AMENDED BILL.

1. THE PROPONENT OF AN UNDERTAKING WHICH IS SUBJECT TO THE ACT WILL PREPARE AN ENVIRONMENTAL ASSESSMENT AND SUBMIT THIS TO MY MINISTRY.

2. THE PUBLIC WILL BE NOTIFIED OF THE PLACE WHERE DOCUMENTS MAY BE INSPECTED.

3. ANY PROPONENT OR INDIVIDUAL WHO MAKES A WRITTEN SUBMISSION CAN REQUIRE A PUBLIC HEARING ON THE UNDERTAKING. THE MINISTER CAN, AT HIS DISCRETION, ORDER SUCH A HEARING OR DENY THE REQUEST. A HEARING WOULD NOT BE CALLED IF THE MINISTER CONSIDERED THE REQUEST TO BE FRIVOLOUS, VEXACIOUS, OR IF, IN HIS JUDGEMENT, A HEARING WOULD BE UNNECESSARY OR COULD CAUSE UNDUE DELAY IN THE PROCESS OF THE UNDERTAKING.

4. SHOULD A HEARING BE HELD, IT WILL BE HELD UNDER THE PROVISIONS OF THE STATUTORY POWERS PROCEDURE ACT WITH EXCEPTIONS RELATING TO PROCEDURE AT A HEARING TO BE ESTABLISHED AT THE DISCRETION OF THE ASSESSMENT BOARD.

5. FULL NOTIFICATION OF HEARINGS WILL BE PROVIDED TO ALL INTERESTED PARTIES.

I MENTIONED EARLIER THAT MANY SUGGESTIONS AND RECOMMENDATIONS REGARDING THIS BILL HAVE BEEN RECEIVED SINCE FIRST READING. ONE RECOMMENDATION CONSIDERED CALLED FOR THE GRANTING TO THE ENVIRONMENTAL ASSESSMENT BOARD THE AUTHORITY TO MAKE THE FINAL DECISION.

THIS GOVERNMENT CANNOT ACCEPT THIS SUGGESTION. OUR AMENDED BILL, HOWEVER, AUTHORIZES THE BOARD TO MAKE DECISIONS BUT THE MINISTER AND CABINET HAVE THE JURISDICTION TO VARY, TO REJECT, SUBSTITUTE THEIR DECISION FOR THAT OF THE BOARD OR TO REQUIRE THE BOARD TO RECONSIDER ITS DECISION AND TO HOLD NEW HEARINGS.

THE MINISTER AND CABINET MAY EXERCISE THIS AUTHORITY WITHIN 28 DAYS OF THE RECEIPT OF A DECISION OF THE BOARD. IF NO ACTION IS TAKEN THE DECISION OF THE BOARD IS FINAL. QUESTIONS OF LEGAL JURISDICTION WILL, OF COURSE, BE DEALT WITH BY THE COURTS. THE PROPONENT CANNOT PROCEED WITH THE UNDERTAKING UNTIL THE DECISION BECOMES FINAL.

I WILL BRIEFLY REVIEW THE PROCEDURE WHICH WILL BE ESTABLISHED UNDER THE ENVIRONMENTAL ASSESSMENT ACT AND ITS AMENDMENTS:

WE INTEND TO APPLY COMMON SENSE, FLEXIBILITY AND CAUTION IN THE IMPLEMENTATION OF THIS BILL, WHEN PROCLAIMED.

TO APPLY THIS BILL AT ITS INCEPTION, TO ALL UNDERTAKINGS WOULD RESULT IN ADMINISTRATIVE CHAOS WHICH COULD DEFEAT THE PURPOSES OF THE BILL.

WE WILL PROCEED WITH CAUTION AND RESTRAINT.

INITIALLY, ALL UNDERTAKINGS OF THE ONTARIO GOVERNMENT, ITS AGENCIES AND MUNICIPALITIES WILL COME UNDER THIS ACT. HOWEVER, TO GIVE OUR MUNICIPALITIES A FURTHER OPPORTUNITY TO EXAMINE THE TOTAL RAMIFICATIONS OF THIS BILL AND TO PRESENT ANY QUESTIONS WHICH THEY MAY WISH TO DISCUSS WITH MY MINISTRY, WE WILL BE EXEMPTING THE MUNICIPALITIES FROM THIS BILL AT THE OUTSET. BUT THEY WILL BE BROUGHT UNDER ITS PROVISIONS AT A LATER TIME. UNDERTAKINGS BY THE PRIVATE SECTOR SIMILARLY WILL BE BROUGHT UNDER THE BILL AT A TIME DEPENDENT UPON OUR ADMINISTRATIVE CAPABILITY AND EXPERIENCE.

THIS ACT IS DESIGNED TO REGULATE AND NOT TO BLOCK OR TO HINDER ENVIRONMENTALLY ACCEPTABLE ACTIVITY IN ONTARIO AND THAT INTENT IS CLEARLY SPELLED OUT.

MR. SPEAKER, I AM ASKING THIS HOUSE TO REFER THIS BILL TO THE STANDING COMMITTEE OF THE LEGISLATURE FOR A REVIEW OF THE BILL AND THE PROPOSED AMENDMENTS. THIS WILL ALSO PERMIT CONCERNED MEMBERS OF THE PUBLIC TO MAKE SUBMISSIONS AND REPRESENTATIONS TO THE COMMITTEE.

WE BELIEVE THAT FURTHER PUBLIC INPUT AND PARTICIPATION IN THIS MOST IMPORTANT ENVIRONMENTAL UNDERTAKING WILL SERVE THE PUBLIC NEED AND PROVIDE THE ENVIRONMENTAL PROTECTION DESIRED BY THIS HOUSE AND THE PEOPLE OF ONTARIO.