

**MEMBER'S STATEMENT — KEVIN O'REILLY, MLA FRAME LAKE**  
**IMPLEMENTATION AND PROMOTION OF ENVIRONMENTAL RIGHTS ACT**

**March 3, 2020**

**MR. O'REILLY:** Merci, Madame la Presidente. The original Environmental Rights Act was passed as a private Member's bill by the Assembly in 1990. That legislation went through its first and only review in the last Assembly. There have been only four requests under the act in 30 years, so it's obviously not very well used or promoted. Of the four requests filed, there has only ever been one investigation actually carried out.

Unfortunately, the new Environmental Rights Act only made some minor improvements to what was already in place. The basis for investigations was extended to include acts of omission, but there is now a significant harm test; you have to show that something has significant effects on the environment before an investigation or a court action might be permitted. There is to be a state of the environment report and a statement of environmental values. Those are improvements, but it's not a rights-based approach.

What was promised were things like an environmental registry, a method for the public to propose policies, programs, agreements, initiatives, and a period for public comment on those items, and, in some cases, even a response required from the department. There was to be a definition of the "right to a healthy environment," "public trust" was to be defined, and an obligation placed on our government to basically take care of the environment. There was to be a dispute-resolution mechanism incorporated into the bill, and investigations would initially be carried out by inspectors.

Most of the changes proposed by the committee were incorporated into the bill. Unfortunately, there was never a response to the recommendations from the committee that were approved by this House. Noteworthy recommendations included following:

- anti-SLAPP legislation for introduction during the life of the 19th Legislative Assembly, and I will explain that term a little later;
- a registry be created to capture all reporting requirements found in the various environmental and resource management bills, allowing the public a one-window access point to information;
- coordination of reporting with other environmental legislation; and
- a public awareness campaign around the Environmental Rights Act.

I will have questions later today for the Minister of Environment and Natural Resources on the implementation and promotion of the new Environmental Rights Act. Mahsi, Madam Speaker.