

NEW FEDERAL ENVIRONMENTAL ENFORCEMENT LEGISLATION TABLED

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Federal Environment Minister Jim Prentice tabled Bill C-16 in the House of Commons on March 4. It will affect nine federal statutes, including the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Canada Wildlife Act*. It proposes to amend the penalty provisions of all nine statutes by:

- creating minimum fines for more serious offences;
- increasing the maximum fines available;
- specifying ranges of fines for individuals and smaller companies; and
- doubling the fine amounts applicable to repeat offenders.

The Bill also proposes to set out the aggravating factors that require the courts to apply higher fines against offenders. It also includes revenue stripping provisions which would have the effect of compounding fines levied against offenders by the amount of any profit obtained by the commission of an offence. Publicly traded corporate offenders will also be required to advise their shareholders as to the details of their convictions.

The Bill will also provide the foundation for the use of administrative monetary penalties for more minor offences. The defence of all reasonable care (due diligence) would be unavailable as a defence to contraventions dealt with by way of administrative monetary penalty.

We will report again on the Bill's progress through Parliament.

The Bill is available on the Federal Government website: www2.parl.gc.ca/HousePublications.