

2007



Report of the
**Commissioner of the
Environment and
Sustainable Development**
to the House of Commons

OCTOBER

The Commissioner's Perspective

Chapter 1
Sustainable Development Strategies

Chapter 2
Environmental Petitions



Office of the Auditor General of Canada

The 2007 Report of the Commissioner of the Environment and Sustainable Development comprises two chapters and The Commissioner's Perspective. The main table of contents is found at the end of this publication.

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Commissioner of the Environment and Sustainable Development of Canada
Commissaire à l'environnement et au développement durable du Canada

Office of the Auditor General of Canada • Bureau du vérificateur général du Canada

To the Honourable Speaker of the House of Commons:

On behalf of the Auditor General of Canada, I have the honour to transmit herewith my Report to the House of Commons for 2007, which is to be laid before the House in accordance with the provisions of section 23(3) of the *Auditor General Act*.

A handwritten signature in black ink, appearing to read 'Ron Thompson'.

Ron Thompson, FCA
Interim Commissioner of the Environment
and Sustainable Development

OTTAWA, 30 October 2007

To the reader:

I welcome your comments and suggestions on this Report and other issues related to the environment and sustainable development. I can be reached at the following address:

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**The Commissioner's
Perspective—2007**

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The Commissioner's Perspective—2007



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Ron Thompson, FCA
Interim Commissioner of the Environment
and Sustainable Development

Introduction

I am very pleased to present my 2007 Report of the Commissioner, which includes chapters on sustainable development strategies and environmental petitions. Reporting on these issues is required by section 23(3) of the *Auditor General Act*. The other environmental audit work that we have done this year will be presented in our February 2008 Status Report, which will deal exclusively with follow-ups on previous reports of the Commissioner. February is normally when the Office reports on follow-up audits.

I have had the great pleasure of working with the Office of the Auditor General of Canada for over 30 years, 20 years at the Assistant Auditor General level. During that time, I have seen the introduction of the *Auditor General Act*, the development of performance auditing, and, in 1995, the creation of the position of Commissioner of the Environment and Sustainable Development.

At the Auditor General's request, I have agreed to serve as Interim Commissioner until the next Commissioner is appointed, which we expect will be sometime next spring.

A word of thanks to previous commissioners

Beginning in 1996, with the appointment of the first Commissioner of the Environment and Sustainable Development, Brian Emmett, the Office of the Auditor General began a recruitment campaign to attract a core group of highly trained and motivated environmental specialists. These individuals joined an existing team of auditors that had been conducting environmental audits within the Office for many years. Mr. Emmett's group quickly grew to over 40 people, and has remained at that level.

I worked closely with the first Commissioner as a member of our Office's Executive Committee and in various international forums. Thanks to his creative and dedicated leadership, the Commissioner's group was established as a driving force for environmental auditing within our Office, with a keen desire to serve Parliament in this relatively new and expanding area of our legislative audit practice.

Mr. Emmett was succeeded by Ms. Johanne G  linas, who continued to refine our environmental work and, where appropriate, to expand it. I also worked closely with Ms. G  linas throughout her term. Over that period, she co-chaired—with the Auditor General—a major international working group on environmental auditing and directed highly relevant audits of the government's management of environmental issues for reporting to Parliament. Perhaps the best example was last year's report on climate change, which continues to be referenced frequently within Canada and abroad.

The Commissioner's group today

I am pleased to report that the Commissioner's group is well equipped and positioned to continue serving Parliament in the years ahead. Our staff of seasoned professionals bring to their work a sense of creativity, dedication, and enthusiasm that is a pleasure to be part of. We have a number of audits that are nearing completion and will be reported to Parliament in the next few months. We have a solid work plan for the years ahead.

Our audit of sustainable development strategies was expanded this year in order to determine whether the strategies are serving the purpose for which they were introduced. We conclude that they are not, and we call on the government to find out why and to determine what needs to be done.

Our review of environmental petitions was also expanded this year in order to find out whether this interesting process is actually working as intended. The review is presented as a retrospective of 11 years of administering the petitions process. We conclude that the process is working well and we have also identified ways for making it better.

Sustainable development strategies

In 1995, Parliament amended the *Auditor General Act* to require most federal departments to prepare, and table in Parliament, formal accountability documents called sustainable development strategies. The strategies must be tabled at least once every three years and are intended to inform Parliament of the significant **social, economic, and environmental** impacts associated with the departments' policies and programs and how each department would address them. The goal was to ensure a better future for all Canadians, where government policies

Social, economic, and environmental—
The integration of these three considerations is often referred to as sustainable development.

Our Common Future—The United Nations World Commission on Environment and Development (often referred to as the Brundtland Commission), released its report *Our Common Future*, in which it outlines a global prescription for “sustainable development” that recognizes the connections between economic growth, human development and environmental protection.

and programs would “meet the needs of the present without compromising the ability of future generations to meet their own needs.” (source: *Our Common Future*) The requirement to tell Parliament how sustainable development would be achieved was seen as a strong motivator for departments to take into account environmental issues when making decisions at their management tables.

The government has the responsibility to ensure that its departments and agencies carry out Parliament’s intent. Departments have been creating sustainable development strategies every three years since 1997. Commissioners of the Environment and Sustainable Development have examined four sets of strategies over the past decade and have reported annually to Parliament on their implementation. The commissioners’ reports have consistently noted significant weaknesses in the content and implementation of departmental strategies and made many recommendations for improvement. We have noted that available guidance has been ambiguous and that it has had little impact on the quality of the strategies. In the absence of what the government should have provided, commissioners have twice suggested guidance on elements of good management practice that should be incorporated in sustainable development strategies.

As my report indicates this year, many of the significant weaknesses that have been noted over the past decade persist. It is clear that the strategies are not helping or encouraging departments to take environmental issues into account, as was envisioned when the government set the process in motion in 1995.

The ambition and momentum that existed in the early stages of the government’s sustainable development strategy initiative has faded. In our view, the preparation and tabling of the strategies have become little more than a mechanical exercise, required to fulfill a statutory obligation. Departments may be meeting the letter of the law with their strategies but most are certainly not responding to the spirit of it.

The fact that sustainable development strategies have not achieved their intended purpose has been a major disappointment. For the most part, senior managers in departments have not demonstrated that they take the strategies seriously, and few, if any, parliamentary committees have considered them.

If these strategies are to help the government implement sustainable development—for example, to anticipate future environmental challenges and to mitigate existing ones—the government needs to do

more to ensure that departments and agencies adopt an approach that will deliver. This is particularly important as the government grapples with how best to deal with significant issues, such as climate change.

What needs to change? The government has indicated that sustainable development is a government-wide initiative, not just a departmental one. Therefore, in order to bring departmental strategies to life, the government needs to clearly articulate what its sustainable development goals are, for the government as a whole, and how individual departments are expected to contribute to achieving them. Successive governments have committed to producing a federal sustainable development strategy that would do so, but this has not yet been done.

In their scrutiny of departmental performance reports, parliamentary committees could, for example, review the progress reported there against the departments' commitments in the previous sustainable development strategies and ask departments to account for any discrepancies.

With the Auditor General, I call on the government to carry out a thorough review of its current approach to preparing and using sustainable development strategies and to act on the results.

The review should

- specify the government's sustainable development plans and priorities,
- consider how departments' sustainable development strategies should fit with and contribute to achieving those plans and priorities,
- determine the key opportunities for improving the existing approach, and
- identify who needs to do what in order to ensure that opportunities for improvement are acted on and government expectations are met.

Environmental petitions

Environmental petitions are letters that Canadians send to the Auditor General, to present their environmental questions and concerns to specific ministers of the federal government. Ministers are required to respond to these petitions in writing within 120 days. Since 1995, commissioners of the Environment and Sustainable Development have

managed the petitions process, on behalf of the Auditor General, and reported on the process to Parliament annually, as the Act requires. Over 250 petitions have been received, and over 450 responses have been issued, since the process began.

This year, we wanted to find out whether the petitions process has had an impact on the federal government's management of environment and sustainable development issues. We also wanted to identify opportunities to make the process better and any unintended adverse effects that might require attention. To do so, we surveyed petitioners and department officials who prepared responses, we interviewed officials in the departments that received the most petitions, and we reviewed other organizations with similar processes.

Overall, we have concluded that the petitions process is a good news story. Although it is not always possible to attribute specific government action to any one source, both petitioners and department officials told us they believe that petitions have had an impact on the government's management of certain environment and sustainable development issues.

Opportunities to improve the petitions process include making Canadians more aware of it and providing better guidance to petitioners. Helping them to structure petitions more clearly would facilitate consideration by department officials and responses from ministers.

The volume and complexity of petitions has increased significantly in recent years. As a consequence, some of the departments that receive the most petitions are facing increased workloads, and it may be time to consider how this can be managed in the years ahead.

Conclusion

In summary, we can find little, if any, evidence that sustainable development strategies are serving the purpose for which they were introduced. If these strategies are to help the government implement sustainable development, something must be changed. Specifically, there is a need for a thorough review by the government to determine what must be done. As the government has indicated on several occasions, there is also a need for a federal strategy that would guide the efforts of individual departments and clearly indicate what is expected of them. There is also a need for oversight by parliamentary committees to hold departments to account for

appropriately integrating environmental issues when making decisions at their management tables.

On a positive note, the environmental petitions process does seem to be working, although it may not be particularly well known. Parliamentary committees may wish to consider our chapter on petitions in this report in order to become more familiar with this process and how it is used.

In February 2008, we will present parliamentarians with a status report on the government's progress in addressing selected recommendations and issues raised by commissioners over the past decade. This report will give parliamentarians information to hold departments and agencies accountable and to encourage them to develop practical and specific work plans for what they have not yet done.

As always, we would be pleased to appear before committees at any time, and to assist them in their work to the extent that we can.

Appendix *Auditor General Act*—Excerpts

An Act respecting the Office of the Auditor General of Canada and sustainable development monitoring and reporting

INTERPRETATION

Definitions	2. In this Act,
“appropriate Minister”	“appropriate Minister” has the meaning assigned by section 2 of the <i>Financial Administration Act</i> ;
	...
“category I department”	“category I department” means <ul style="list-style-type: none"> (a) any department named in Schedule I to the <i>Financial Administration Act</i>, (b) any department in respect of which a direction has been made under subsection 24(3), and (c) any department, set out in the schedule;
“Commissioner”	“Commissioner” means the Commissioner of the Environment and Sustainable Development appointed under subsection 15.1(1);
	...
“sustainable development”	“sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs;
“sustainable development strategy”	“sustainable development strategy”, with respect to a category I department, means the department’s objectives, and plans of action, to further sustainable development.

DUTIES

Examination	5. The Auditor General is the auditor of the accounts of Canada, including those relating to the Consolidated Revenue Fund and as such shall make such examinations and inquiries as he considers necessary to enable him to report as required by this Act;
Annual and additional reports to the House of Commons	7. (1) The Auditor General shall report annually to the House of Commons and may make, in addition to any special report made under subsection 8(1) or 19(2) and the Commissioner’s report under subsection 23(2), not more than three additional reports in any year to the House of Commons <ul style="list-style-type: none"> (a) on the work of his office; and, (b) on whether, in carrying on the work of his office, he received all the information and explanations he required.

- Idem** (2) Each report of the Auditor General under subsection (1) shall call attention to any thing that he considers to be of significance and of a nature that should be brought to the attention of the House of Commons, including any cases in which he has observed that
- (a) accounts have not been faithfully and properly maintained or public money has not been fully accounted for or paid, where so required by law, into the Consolidated Revenue Fund;
 - (b) essential records have not been maintained or the rules and procedures applied have been insufficient to safeguard and control public property, to secure an effective check on the assessment, collection and proper allocation of the revenue and to ensure that expenditures have been made only as authorized;
 - (c) money has been expended other than for purposes for which it was appropriated by Parliament;
 - (d) money has been expended without due regard to economy or efficiency;
 - (e) satisfactory procedures have not been established to measure and report the effectiveness of programs, where such procedures could appropriately and reasonably be implemented; or
 - (f) money has been expended without due regard to the environmental effects of those expenditures in the context of sustainable development.

STAFF OF THE AUDITOR GENERAL

- Appointment of Commissioner** 15.1 (1) The Auditor General shall, in accordance with the *Public Service Employment Act*, appoint a senior officer to be called the Commissioner of the Environment and Sustainable Development who shall report directly to the Auditor General.
- Commissioner's duties** (2) The Commissioner shall assist the Auditor General in performing the duties of the Auditor General set out in this Act that relate to the environment and sustainable development.

SUSTAINABLE DEVELOPMENT

- Purpose** 21.1 The purpose of the Commissioner is to provide sustainable development monitoring and reporting on the progress of category I departments towards sustainable development, which is a continually evolving concept based on the integration of social, economic and environmental concerns, and which may be achieved by, among other things,
- (a) the integration of the environment and the economy;
 - (b) protecting the health of Canadians;
 - (c) protecting ecosystems;
 - (d) meeting international obligations;

- (e) promoting equity;
 - (f) an integrated approach to planning and making decisions that takes into account the environmental and natural resource costs of different economic options and the economic costs of different environmental and natural resource options;
 - (g) preventing pollution; and
 - (h) respect for nature and the needs of future generations.
- Petitions received** 22. (1) Where the Auditor General receives a petition in writing from a resident of Canada about an environmental matter in the context of sustainable development that is the responsibility of a category I department, the Auditor General shall make a record of the petition and forward the petition within fifteen days after the day on which it is received to the appropriate Minister for the department.
- Acknowledgement to be sent** (2) Within fifteen days after the day on which the Minister receives the petition from the Auditor General, the Minister shall send to the person who made the petition an acknowledgement of receipt of the petition and shall send a copy of the acknowledgement to the Auditor General.
- Minister to respond** (3) The Minister shall consider the petition and send to the person who made it a reply that responds to it, and shall send a copy of the reply to the Auditor General, within
- (a) one hundred and twenty days after the day on which the Minister receives the petition from the Auditor General; or
 - (b) any longer time, where the Minister personally, within those one hundred and twenty days, notifies the person who made the petition that it is not possible to reply within those one hundred and twenty days and sends a copy of that notification to the Auditor General.
- Multiple petitioners** (4) Where the petition is from more than one person, it is sufficient for the Minister to send the acknowledgement and reply, and the notification, if any, to one or more of the petitioners rather than to all of them.
- Duty to monitor** 23. (1) The Commissioner shall make any examinations and inquiries that the Commissioner considers necessary in order to monitor
- (a) the extent to which category I departments have met the objectives, and implemented the plans, set out in their sustainable development strategies laid before the House of Commons under section 24; and
 - (b) the replies by Ministers required by subsection 22(3).

Commissioner's report	<p>(2) The Commissioner shall, on behalf of the Auditor General, report annually to the House of Commons concerning anything that the Commissioner considers should be brought to the attention of that House in relation to environmental and other aspects of sustainable development, including</p> <ul style="list-style-type: none"> (a) the extent to which category I departments have met the objectives, and implemented the plans, set out in their sustainable development strategies laid before that House under section 24; (b) the number of petitions recorded as required by subsection 22(1), the subject-matter of the petitions and their status; and (c) the exercising of the authority of the Governor in Council under any of subsections 24(3) to (5).
Submission and tabling of report	<p>(3) The report required by subsection (2) shall be submitted to the Speaker of the House of Commons and shall be laid before that House by the Speaker on any of the next fifteen days on which that House is sitting after the Speaker receives it.</p>
Strategies to be tabled	<p>24. (1) The appropriate Minister for each category I department shall cause the department to prepare a sustainable development strategy for the department and shall cause the strategy to be laid before the House of Commons</p> <ul style="list-style-type: none"> (a) within two years after this subsection comes into force; or (b) in the case of a department that becomes a category I department on a day after this subsection comes into force, before the earlier of the second anniversary of that day and a day fixed by the Governor in Council pursuant to subsection (4).
Updated strategies to be tabled	<p>(2) The appropriate Minister for the category I department shall cause the department's sustainable development strategy to be updated at least every three years and shall cause each updated strategy to be laid before the House of Commons on any of the next fifteen days on which that House is sitting after the strategy is updated.</p>
Governor in Council direction	<p>(3) The Governor in Council may, on the recommendation of the appropriate Minister for a department not named in Schedule I to the <i>Financial Administration Act</i>, direct that the requirements of subsections (1) and (2) apply in respect of the department.</p>
Date fixed by Governor in Council	<p>(4) On the recommendation of the appropriate Minister for a department that becomes a category I department after this subsection comes into force, the Governor in Council may, for the purpose of subsection (1), fix the day before which the sustainable development strategy of the department shall be laid before the House of Commons.</p>
Regulations	<p>(5) The Governor in Council may, on the recommendation of the Minister of the Environment, make regulations prescribing the form in which sustainable development strategies are to be prepared and the information required to be contained in them.</p>

SCHEDULE
(Section 2)

Atlantic Canada Opportunities Agency

Agence de promotion économique du Canada atlantique

Canada Revenue Agency

Agence du revenu du Canada

Canadian International Development Agency

Agence canadienne de développement international

Economic Development Agency of Canada for the Regions of Quebec

Agence de développement économique du Canada pour les régions du Québec

Parks Canada Agency

Agence Parcs Canada

