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A Bill of Rights to Protect Children's Health from Environmental Hazards

Preamble

WHEREAS the government of New Brunswick recognizes that children are entitled to live and develop in an environment free from environmental hazards;

WHEREAS scientific research demonstrates that children, particularly the very young (0-6 years), are much more vulnerable to environmental hazards than adults;

WHEREAS prevention of exposure is an effective means of protecting children from environmental hazards;

AND WHEREAS New Brunswick has obligations under the United Nations Convention on the Rights of the Child and recognizes that children have rights and freedoms, and have special guarantees of their rights and freedoms;

NOW THEREFORE...

Interpretation

1 In this Act

"child" means persons who have not yet attained the age of majority for the purposes of this Act;

"environment" includes the air, land, water, soil, plant life, animal life, ecological systems and built environments of New Brunswick;

"environmental hazard" means a hazard that impairs or damages the environment or changes the environment in a manner that may threaten human health, including physical and mental well-being, and includes a "contaminant" as defined by the Clean Environment Act;

Purposes

2(1) The Purposes of this Act are,

(a) To support the health and development of children in New Brunswick;

(b) To protect children from environmental hazards;

(c) To guarantee that children in New Brunswick have a right to live and thrive in an environment free from environmental hazards.

2(2) This Act shall be broadly construed so as to best ensure the purposes set out in section 2(1).

Application of the Act

3 Her Majesty in right of New Brunswick is bound by this Act.

Conflict

4 Where there is a conflict between this Act and any other enactment, this Act prevails.

Right to be protected from environmental hazards

5(1) Every child has the right to protection from environmental hazards.

5(2) The Government of New Brunswick has an obligation, within its jurisdiction, to ensure it does not expose a child or allow a child to be exposed to an environmental hazard.

5(3) Any child whose right to protection from environmental hazards, as guaranteed by this Act, has been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

5(4) For the purposes of this section a parent or legal guardian of a child may apply to a court of competent jurisdiction on that child's behalf to obtain such remedy as the court considers appropriate and just in the circumstances.

Prohibition

6 No person may subject any child to an environmental hazard.