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Mining Watch Canada News Release

Government Sidesteps Supreme Court Ruling on Environmental Assessment

Budget Bill Ignores Court Instruction to Streamline Process

(Ottawa) Only weeks after the Supreme Court of Canada issued a strong ruling reinforcing the federal role in assessing the environmental impacts of industrial development projects, the plaintiffs in that case say the government is using the budget implementation bill introduced on Tuesday to violate that ruling.

“The government is trying to sneak in previously unannounced measures to severely limit the application of the Canadian Environmental Assessment Act,” says MiningWatch Canada spokesperson Jamie Kneen.

On January 21, the Supreme Court of Canada unanimously decided a case brought by MiningWatch over the federal government's handling of the proposed Red Chris copper-gold mine in British Columbia. The Court ruled that the federal government cannot assess only part of a project, or split projects into artificially small parts to avoid rigorous environmental assessments. The ruling guaranteed that the public would be consulted about major industrial projects, including large metal mines and tar sands developments. The Budget bill includes amendments to the Canadian Environmental Assessment Act that would effectively reverse the Supreme Court ruling.

“The Supreme Court gave clear direction on how to minimise overlap and duplication, and if the ruling were applied properly it would also go a long way to reduce delays - yet the government has chosen to completely ignore that ruling and pursue a damn-the-torpedoes approach to development,” says Kneen.

MiningWatch is also disturbed by the secrecy surrounding the government initiative, given that the Environmental Assessment Act is required to undergo a Parliamentary review in just a few months. Says Kneen, “I am shocked at this. When the Supreme Court rendered its decision, we assumed that the government would respect the ruling, and pursue legislative change through the parliamentary review. The Government is clearly just as eager to avoid public scrutiny of its policies as it is to avoid public scrutiny of major industrial projects. Most of these changes were not even hinted at in the Throne Speech or even the Budget speech.”

“The irony,” says Kneen, “is that environmental assessment is one of the most

important tools we have to balance economic interests, the environment, and the public interest. The government is not destroying that tool completely, but they're essentially breaking off the handles.”

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For more information please contact: Jamie Kneen, MiningWatch Canada, (613) 569-3439 (office) or (613) 761-2273 (cell)