

Appendix A:

List of Consultation Questions

Consultation Question 1:

Does the *EBR*'s emphasis on political accountability remain appropriate, or should there be greater emphasis on legal accountability? If so, should legal accountability focus on ministries' compliance with *EBR* procedural requirements, or should legal accountability be broader, potentially including provisions to ensure the *EBR* achieves its stated purpose?

Consultation Question 2:

Should Statements of Environmental Values (SEVs) be strengthened to improve the provincial government's environmental accountability? For example,

- Should Ontario adopt the model of sustainable development strategies in the *Federal Sustainable Development Act*?
- What other measures are required to ensure that the SEVs are strengthened and integrated into environmental decision-making?

Consultation Question 3:

Are the *EBR*'s restrictions on judicial review and restricted remedies appropriate? For example,

- Should the privative clause in section 118(1) be modified or repealed?
- Should section 37 be modified or repealed to incentivize government compliance?
- If a legal accountability framework is adopted, what legal remedies should be available for non-compliance with the *EBR*?

Consultation Question 4:

Should access to information be improved under the *EBR*? If so, how?

Consultation Question 5:

Should the public trust doctrine be included in the *EBR*? If so, how should the law address:

- Types of resources subject to the public trust doctrine
- Potential defences and defendants
- Threshold of harm needed to invoke the public trust doctrine
- Most effective forum for adjudicating the public trust doctrine
- Legal remedies

Consultation Question 6:

Are amendments or changes required to the role of the Environmental Commissioner to help strengthen government accountability?

Consultation Question 7:

Is it necessary to improve access to justice under the *EBR*? If so, how should the law, policies, or rules address:

- Section 38 standing rules
- Public nuisance standing under section 103
- Intervenor funding
- Leave to appeal
- Other amendments or reforms to promote access to justice

Consultation Question 8:

Should the right to sue for harm to a public resource be modified? If so, how?

Consultation Question 9:

Should additional ministries, including the Ministry of Finance, be subject to the *EBR*?

Consultation Question 10:

Are specific criteria required for section 30 of the *EBR*? If so, how should they be defined?

Consultation Question 11:

Should section 32 of the *EBR* be amended? If so, how?

Consultation Question 12:

Do the purposes and governing principles of the *EBR* remain appropriate? Are there other principles or purposes that should be explicitly recognized in the *EBR*? If so, why?

Consultation Question 13:

How should the *EBR* be modified to meet new obligations regarding the rights of Indigenous Peoples? For example,

- How can Indigenous law and perspectives be recognized and applied in the context of the *EBR*?
- What are the barriers for Indigenous people participating in the *EBR* process and how should they be addressed?
- Are there additional methods of notice that would bring forward Indigenous rights and interests?
- What are the best ways to meet Indigenous consultation requirements?

Consultation Issue 14:

Should the *EBR* be amended to include a substantive RTHE? If so, how should the law address the following issues:

- Definition
- Adjudication forum
- Applicability and Enforceability
- Standing
- Evidential standard
- Defences
- Remedies

Consultation Question 15:

Should the *EBR* address environmental justice? If so, should the *EBR* impose a statutory duty on government ministries to ensure engagement with low-income and marginalized communities in environmental decision-making?

Consultation Question 16:

Should the *EBR* recognize the rights of nature? If so, how?