

SNL2007 CHAPTER S-34

SUSTAINABLE DEVELOPMENT ACT
[To be Proclaimed]

Amended:

CHAPTER S-34

AN ACT RESPECTING THE SUSTAINABLE DEVELOPMENT OF NATURAL RESOURCES IN
THE PROVINCE

(Assented to June 14, 2007)

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Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the Sustainable Development Act .

2007 cS-34 s1

Definitions

2. In this Act

(a) "department", unless the context indicates otherwise, means a department created under section 5 of the Executive Council Act ;

(b) "local authority" includes a municipality as defined in the Municipalities Act, 1999 and a city established under the City of Corner Brook Act , the City of Mount Pearl Act or the City of St. John's Act ;

(c) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(d) "natural resources" includes air, water, land, animal, plant, mineral, geologic, landscape and other renewable and non-renewable resources;

(e) "plan" means the Strategic Environmental Management Plan established under section 11;

(f) "procurement" means the acquisition of goods, services, public works and the lease of space;

(g) "public body" includes a department and a board, commission, association or similar body, whether incorporated or not, all the members of which or all the board of management, board of

directors or other governing board of which, are appointed under an Act or by the Lieutenant-Governor in Council, to which this Act has been made applicable by regulation;

(h) "round table" means the Newfoundland and Labrador Sustainable Development Round Table established under section 5;

(i) "sustainable" and "sustainability" means the capacity of a thing, action, activity or process to be maintained indefinitely in a manner consistent with the future use, enjoyment and development of natural resources; and

(j) "sustainable development" means meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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Crown bound

3. This Act is binding on the Crown.

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Labrador Inuit rights

4. This Act and regulations made under this Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement Act and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the Labrador Inuit Land Claims Agreement Act, the provision, term or condition of the Labrador Inuit Land Claims Agreement Act shall have precedence over the provision of this Act or a regulation made under this Act.

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PART I

ROUND TABLE ON SUSTAINABLE DEVELOPMENT

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Round table on sustainable development

5. (1) There is established a Newfoundland and Labrador Sustainable Development Round Table.

(2) The round table shall consist of not fewer than 10 and not more than 15 members who shall be appointed by the Lieutenant-Governor in Council for a term of 5 years.

(3) Notwithstanding subsection (2), of the members first appointed by the Lieutenant-Governor in Council, one third, or as near one third as is possible, shall be appointed for a term of 4 years and the remaining members shall be appointed for a term of 5 years.

(4) A member appointed to the round table under this section may be reappointed for a second term of 5 years.

(5) The Lieutenant-Governor shall appoint a member appointed under subsection (2) to be the chairperson of the round table and that person is not eligible for reappointment as chairperson.

(6) The chairperson may appoint another member of the round table to act as chairperson in his or her absence.

(7) Notwithstanding subsections (2), (3) and (4), a member shall continue as a member of the round table until he or she is reappointed or replaced.

(8) A quorum of the round table shall be a majority of its members.

(9) The members of the round table shall meet not fewer than 3 times in a calendar year.

(10) A member of the round table is not entitled to remuneration for his or her services but may be reimbursed for reasonable expenses incurred in the performance of his or her duties in accordance with the scale for expenses for public employees.

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Duties of round table

6. The round table shall

- (a) promote the sustainable development of the natural resources of the province;
- (b) provide advice and make recommendations and report to the Lieutenant-Governor in Council and the minister in accordance with this Act;
- (c) consider the use of and access to natural resources by residents of the province when consulting, making recommendations and reporting under this Act;
- (d) endeavour to create awareness and understanding of the sustainable development of natural resources in the province;
- (e) cooperate in the sharing of knowledge and experience with respect to the sustainable development of natural resources among public bodies, private industry, non-governmental organizations and residents of the province;
- (f) advise the minister on the development of a natural resource sustainable development strategy for the province;
- (g) advise the minister on the development of sustainability indicators for natural resources in the province;
- (h) at the request of the minister, review legislation, policy, and programs for consistency with natural resource sustainable development principles and guidelines; and
- (i) carry out another direction that the minister may require with respect to natural resource sustainable development.

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Powers of round table

7. The round table may

- (a) establish from among its members one or more committees to carry out those duties that the round table may direct;
- (b) establish rules of procedure for its operations and the operations of its committees;
- (c) identify, promote and encourage projects and activities that exemplify sustainable development practices for the natural resources of the province;
- (d) initiate, sponsor and support seminars, workshops and conferences related to the sustainable development of natural resources;
- (e) make recommendations to and advise the minister with respect to sustainability and the sustainable development of natural resources;
- (f) consult with persons having the expertise necessary to carry out the work of the round table;
- (g) publish reports and other materials on the sustainable development of natural resources in the province; and
- (h) do all those things necessary to carry out its powers and duties under this Act.

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Tabling of report

8. (1) The round table shall annually submit to the minister a report on its activities for the preceding calendar year.

(2) The report submitted under subsection (1) shall be made public by the minister not later than 3 months after the beginning of the first fiscal year of the government of the province after the period covered by the report and shall be presented to the House of Assembly.

(3) Where the House of Assembly is not in session at the time a report is required to be presented under subsection (2), section 19.1 of the House of Assembly Act applies as if the report were a report of an officer of the House of Assembly.

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Department responsibilities

9. (1) The minister shall, from money voted by the Legislature for the purpose,

- (a) provide to the round table secretarial, administrative, consultant and research support;
- (b) develop and review the plan as required by the Lieutenant-Governor in Council;
- (c) coordinate the implementation of this Act with respect to public bodies; and

(d) carry out other duties required under this Act or as required by the Lieutenant-Governor in Council with respect to the sustainable development of natural resources.

(2) The minister may direct the round table to undertake studies and report on those matters that he or she considers necessary for the purposes of this Act.

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PART II SUSTAINABLE DEVELOPMENT STRATEGIES

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Sustainability indicators

10. (1) The minister shall assess and develop a statement of indicators on the state and condition of the natural resources of the province from which sound decisions and reports may be made on the sustainable development of natural resources in the province and shall provide that statement of indicators to the round table.

(2) After receiving the statement of indicators under subsection (1), the round table shall,

(a) consult with members of the public and experts as it considers advisable with respect to those indicators; and

(b) prepare and submit to the minister a report on those indicators and issues related to them and setting out recommendations it considers appropriate.

(3) The minister shall, after receipt and consideration of a round table report submitted under paragraph (2)(b), establish sustainability indicators for the province and prepare a sustainability report for the province based upon those indicators.

(4) A sustainability report prepared under subsection (3) shall include procurement goals for public bodies and shall assess their compliance with those proposed goals.

(5) The minister shall attach a copy of the report prepared under this section to the report required to be provided to the House of Assembly under section 8.

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Strategic environmental management plan

11. (1) The Lieutenant-Governor in Council shall, in consultation with the round table, and not more than 2 years after the coming into force of this Act, establish a Strategic Environmental Management Plan for the province.

(2) The plan shall establish

(a) sustainable development goals for the natural resources of the province;

(b) in accordance with principles and guidelines established by regulation, natural resource sustainable development policies and implementation strategies; and

(c) those other natural resource sustainable development requirements that the Lieutenant-Governor in Council considers necessary, or that are recommended by the round table.

(3) The round table shall review the plan not more than 5 years after its establishment and every 5 years thereafter.

(4) After reviewing the plan as required under this section, the round table may

(a) consult with the public on policies, recommendations and proposed implementation strategies contained in the plan;

(b) based upon the consultations referred to in paragraph (a), prepare and publish draft policies, recommendations and proposed actions;

(c) report to the minister with respect to the results of consultations referred to in paragraph (a) and policies, recommendations and actions referred to in paragraph (b); and

(d) make recommendations to the Lieutenant-Governor in Council as it considers appropriate.

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PART III IMPLEMENTATION

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Financial management guidelines and reporting

12. (1) The Lieutenant-Governor in Council shall,

(a) following consultation with public bodies, establish natural resource sustainable development procurement goals and implementation guides for those public bodies; and

(b) direct the implementation of the sustainable development procurement goals by public bodies in accordance with the goals and guides developed under paragraph (a).

(2) The Lieutenant-Governor in Council shall require departments to integrate into their annual reporting processes information respecting progress made in incorporating natural resource sustainable development into their activities.

(3) The Lieutenant-Governor in Council may, in consultation with the round table, review and revise the sustainable development procurement goals, guides and implementation after their establishment and subsections (1) and (2) shall apply to those revised guidelines, goals and that implementation.

(4) The Lieutenant-Governor in Council may require public bodies to incorporate the plan and goals and guides referred to in this section into their financial, operational, administrative and other operations.

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Review of implementation

13. (1) The Lieutenant-Governor in Council may

(a) direct a department to undertake an internal review and provide a report of its progress in implementing natural resource sustainable development practices and activities; and

(b) request that a public body other than a department undertake an internal review and provide a report of its progress in implementing natural resource sustainable development practices and activities.

(2) The Lieutenant-Governor in Council may, in consultation with local authorities and school boards, establish by regulation natural resource sustainable development procurement, financial and other practices, policies and programs for implementation by those bodies.

2007 cS-34 s13

PART IV REGULATIONS AND COMMENCEMENT

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Regulations

14. The Lieutenant-Governor in Council may make regulations

(a) defining, for the purposes of this Act, a word or term used but not defined in this Act;

(b) designating a department, board, commission, association or other body as a public body for the purposes of this Act;

(c) respecting the adoption of sustainable development financial management and procurement practices;

(d) respecting review procedures for the plan, sustainability indicators and procurement practices;

(e) respecting the guidelines and principles that are to be considered in planning, reporting and carrying out the requirements of this Act;

(f) respecting the development and establishment of indicators for the purpose of this Act;

(g) for the purposes of section 13;

(h) respecting the times by which plans, reports, indicators, goals and other requirements of this Act are to be carried out or submitted;

(i) respecting agreements that may be entered into by the minister with organizations, persons and other bodies respecting the implementation of natural resource sustainable development planning and goals; and

(j) generally to carry out the purpose of this Act.

2007 cS-34 s14

Commencement

15. This Act shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council.

2007 cS-34 s15

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