

# How is Waste Governed?

The Regulatory Gap, Land Management  
and By-laws

The background features a dark grey-green central area on the left, transitioning into a complex pattern of overlapping, semi-transparent green triangles and polygons on the right. The colors range from a deep forest green to a bright, vibrant lime green.

# Pam Johnson

Env. Specialist - Waste Coordinator

# Definitions

## Legislation/ Act

- ▶ • Legislation refers to written laws, often referred to as Acts or statutes, which are enacted by Parliament, the legislative arm of government. Draft legislation, called a bill, is introduced to Parliament and requires the assent of the House of Commons, the Senate and the Crown to become law.
- ▶ Example - CEAA, CEPA, Fisheries Act, Transportation of Dangerous Goods Act, Indian Act

## Regulation

- ▶ A law or administrative rule, issued by an organization, used to guide or prescribe the conduct of members of that organization.
- ▶ Example - Federal Halocarbon Regulations, Microbeads in Toiletries Regulations, Indian Reserve Waste Disposal Regulations

# Definitions

## By-Law

- ▶ Laws set out as standards, procedures and principles that must be followed.
- ▶ Bylaws are secondary laws that are established by an organization, community that allows it to regulate itself.

## Guidelines

- ▶ Guidelines are departmental documents that are used to interpret legislation and/or regulation.
- ▶ Although they may be derived from legislation and are often used to advise how one might comply with a regulation, guidelines do not have the force of law.
- ▶ example - CCME -Canada Wide Standards on Petroleum Hydrocarbons in soil, “CCME Soil Quality Guidelines”

# Definitions

## Framework

- ▶ a prescriptive and comprehensive methodology or structure underlying a system, concept, or text.
- ▶ Example - land management framework

## Policy

- ▶ A set of ideas that is used as a basis for making decisions
- ▶ A direction or principle of action adopted or proposed by a government, business or individual to achieve long-term goals (similar to guidelines)
- ▶ Example - Draft Policy Respecting First Nation Solid Waste Management Initiative Investments in Solid Waste Management

# Legislation

## Indian Act (1876)

- ▶ Section 81- by-law creation
- ▶ Indian Reserve Waste Disposal Regulations (1978)
  - ▶ Permit required
  - ▶ Issued by Minister
  - ▶ Do not burn
  - ▶ Fine or imprisonment

The image shows two overlapping pages from the Canadian government website. The top page is the 'Indian Act (1876)' page, which includes the Canadian coat of arms and the text: 'CONSOLIDATION', 'Indian Act', 'R.S.C., 1985, c. I-5', and 'Current to May 7, 2019'. The bottom page is the 'Indian Reserve Waste Disposal Regulations' page, which includes the Canadian coat of arms and the text: 'CONSOLIDATION', 'Indian Reserve Waste Disposal Regulations', 'C.R.C., c. 960', and 'Current to April 25, 2019'. The bottom page also features a 'Table of Contents' section with 14 items.

### Table of Contents

- [Indian Reserve Waste Disposal Regulations](#)
  - 1 - [Short Title](#)
  - 2 - [Interpretation](#)
  - 3 - [Prohibitions Respecting the Disposal or Storage of Waste](#)
  - 5 - [Permits](#)
  - 10 - [Burning of Waste Prohibited](#)
  - 11 - [Orders and Cancellation of Permits](#)
  - 12 - [Violation of Sections 3 and 10](#)
  - 13 - [Compliance with Orders](#)
  - 14 - [Penalties](#)

# Legislation Cont'd

## Indian Act Amendment and Replacement Act (2014)

- ▶ Section 82 - repealed
- ▶ Section 86
  - ▶ Setting out publication of by-laws guidance
  - ▶ First Nations Gazette
    - ▶ “...to provide public notice of First Nation laws, by-laws land codes and other First Nation legislation.....the authoritative reference for First Nation law in Canada.....”
- ▶ <http://www.fng.ca/>

The screenshot shows the homepage of the First Nations Gazette. At the top, there is a logo with a quill pen and the text "First Nations Gazette". To the right of the logo, the date "17<sup>th</sup> May 2019" and a language dropdown menu set to "English" are visible. Below the logo is a navigation menu with links for Home, Part I, Part II, Part III, About us, About notices, About Laws, FAQ, and Contact us. The main content area features a welcome message, a search bar, and several sections: "Browse for Documents" with dropdown menus for Part I - NOTICES, Part II - LAWS and BY-LAWS, and Part III - POLICIES, PROCEDURES and STANDARDS; "News and Announcements" with a list of recent updates; "Quick Links" with links to documents modified in the last 30 and 60 days; and "Part I Notices - Archived Issues". At the bottom, there is a "First Nations Name Search" section, a "User Login" section with fields for User Name and Password, a "Want to Register?" section, and a "Placing a Notice" section with links to a Submission Guide and Terms and Conditions. The footer contains a navigation menu and copyright information: "Designed and managed by S M A R T Copyright © First Nations Gazette 2019 All Rights Reserved".

# 3 additional frameworks to work from

## RLEMP

- ▶ Delegated Land Management Authority under the Indian Act
- ▶ Implement land, resource and environment sections of the Indian Act

## FNLM

- ▶ Act passed in 1999
- ▶ the ability to have complete control and exclusive law-making authority over lands and resources
- ▶ The sections of Indian Act dealing with land, resource and environment no longer apply

## Comprehensive Self-Government

- ▶ Canada's Inherent Right Policy launched in 1995
- ▶ Each self-government agreement be accompanied by a separate implementation plan.
- ▶ Ex. Sioux Valley
- ▶ Ex. Tlicho Land Claims and Self Government Act





Truth and  
Reconciliation  
*Commission of Canada*



National Centre *for*  
Truth *and* Reconciliation

UNIVERSITY OF MANITOBA

## 94 Calls to Action

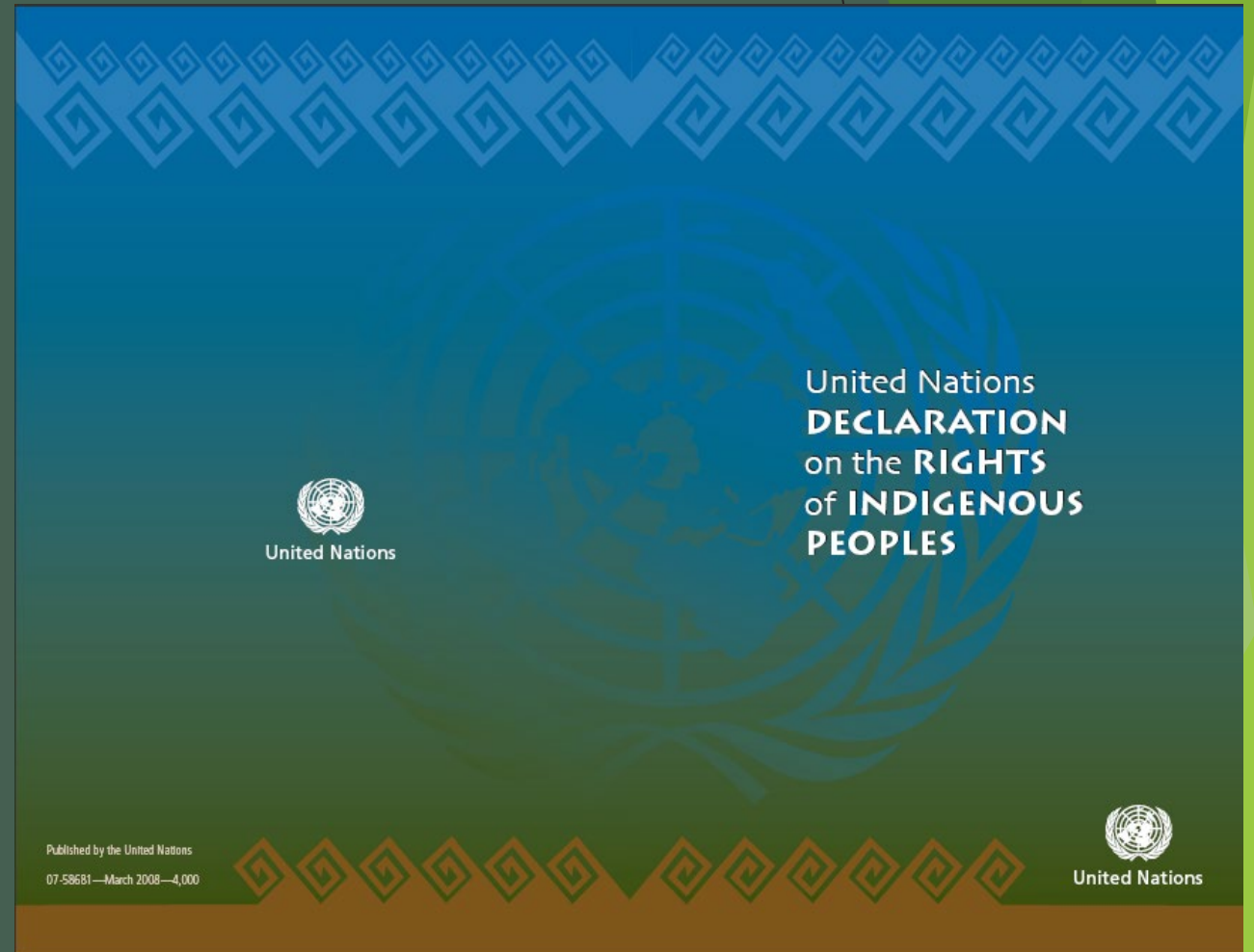
- ▶ “43. We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of indigenous Peoples as the framework for reconciliation.”

# United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

November 2010

May 2016

- ▶ Article 4
- ▶ Article 5
- ▶ Article 18
- ▶ Article 20
- ▶ Article 21
- ▶ Article 23
- ▶ Article 26
- ▶ Article 29
- ▶ Article 32
- ▶ Article 35
- ▶ And more??



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CANADA

CONSOLIDATION	CODIFICATION
Indian Reserve Waste Disposal Regulations	Règlement sur la destruction des déchets dans les réserves indiennes
C.R.C., c. 960	C.R.C., ch. 960

Current to April 25, 2019

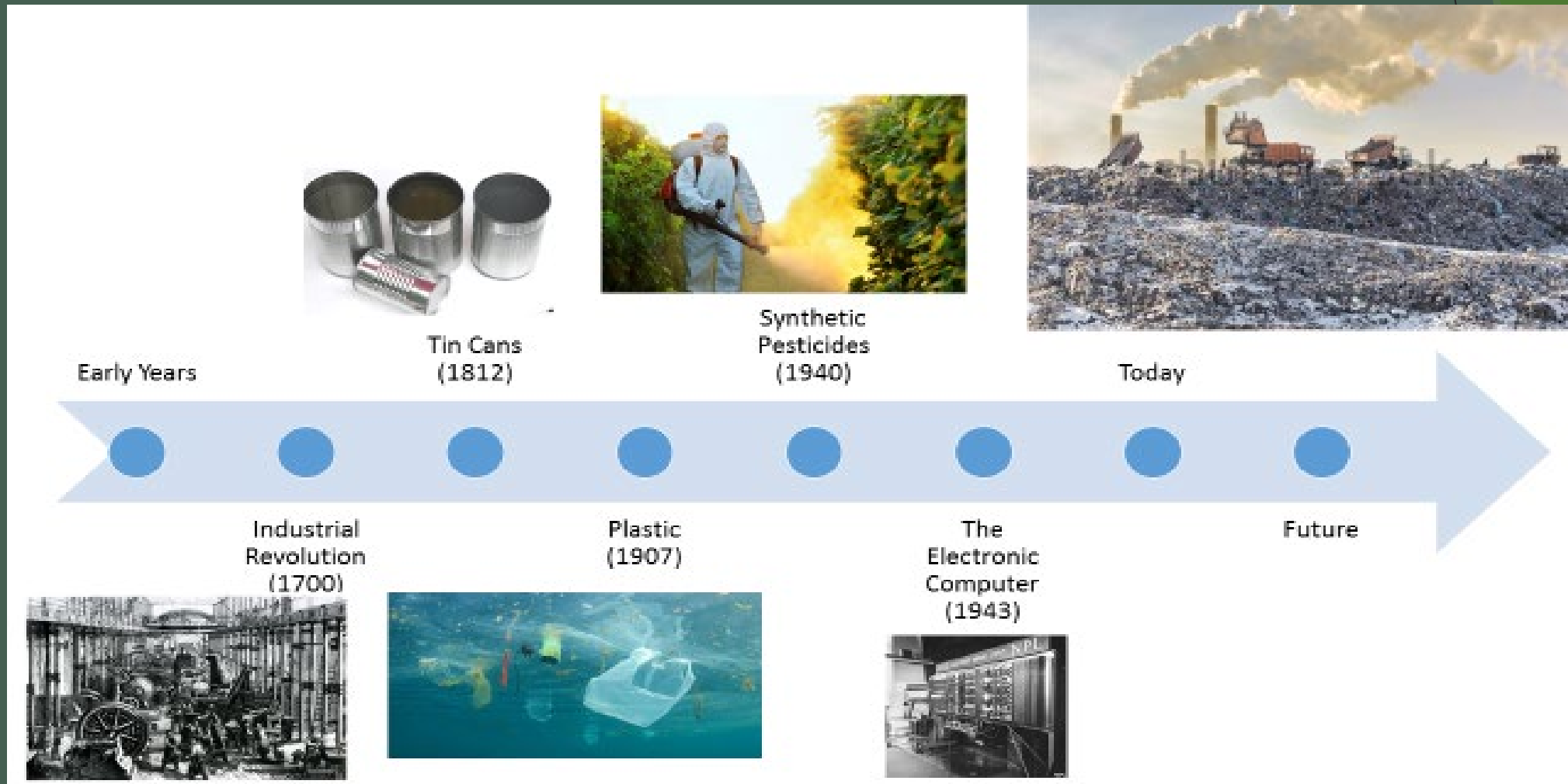
Published by the Minister of Justice at the following address:  
<http://laws-lois.justice.gc.ca>

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# Understanding Waste Streams - evolution of waste streams



# Manitoba Product Stewardship

In response to Manitoba's product stewardship regulations under The Waste Reduction and Prevention (WRAP) Act, twelve producer responsibility organizations (PROs) have been established to enhance material recycling in Manitoba.



## PROs - Producer Responsibility Organizations

- Agricultural Chemical Containers
- Automotive Anti-Freeze
- Domestic Pesticides
- Electronic Equipment
- Fluorescent Lights and Tubes
- Household Hazardous Products (Corrosives, Solvents)
- Lead-acid Batteries
- Mercury-containing Thermostats
- Oil, Containers and Filters
- Packaging and Printed Paper
- Paint
- Pharmaceuticals
- Rechargeable Batteries
- Single-use Batteries
- Tires



**REUSE**  
**REDUCE**  
**RECYCLE**



8r's waste hierarchy  
extended diagram



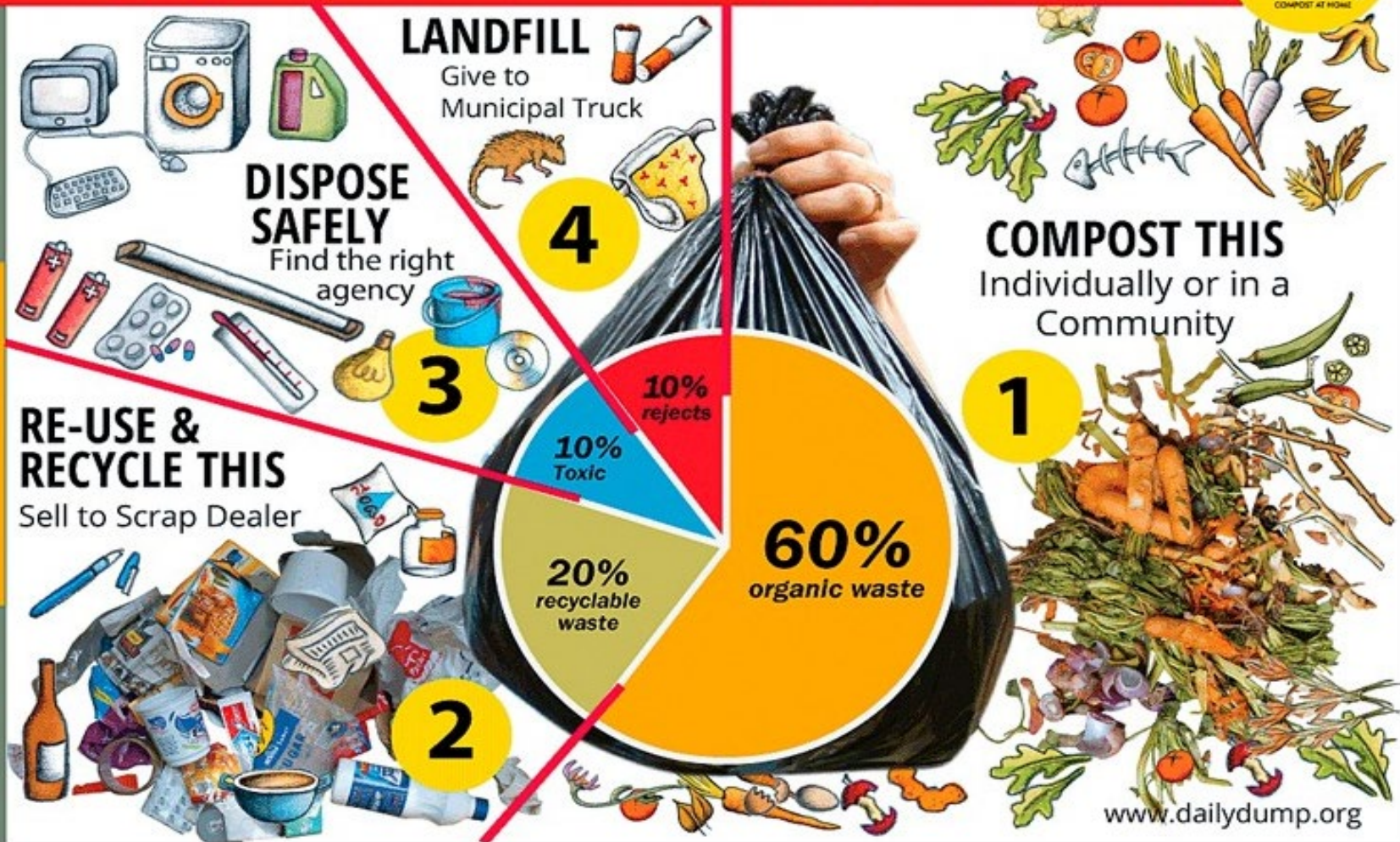


# To reduce waste on the streets

>> Segregate & treat each category respectfully



Each material is a valuable resource - if you manage it like this - you send only 10% of waste everyday to landfill. You reduce your pollution by 90%!



# By-law Activity

- ▶ Title
- ▶ Recital - briefly describe why the by-law is needed, context
- ▶ Definition section (optional)
- ▶ Main body
- ▶ Appendices (optional)

Will there be fines?

How will you enforce it?

Was this community driven?

Who implements it?

Are there any other  
by-laws that support  
this one?

How often will it  
be reviewed and  
updated?



**Canadian Heritage**

[www.pch.gc.ca](http://www.pch.gc.ca)

## Youth Take Charge - Canadian Heritage Services

Youth are aware of the importance of being an active and engaged citizen

Youth are engaged in communities

Youth-serving organizations are relevant to youth