

How is Waste Governed?

The Regulatory Gap, Land Management
and By-laws

The background features a dark teal 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 a screenshot of the Canadian government website. At the top center is the coat of arms of Canada with the word "CANADA" below it. Below the coat of arms, the word "CONSOLIDATION" is written. To the left of the coat of arms, the text "Indian Act" is displayed. Below "Indian Act", the text "R.S.C., 1985, c. I-5" is visible. To the right of the coat of arms, the word "CODIFICATION" is written. Below "CODIFICATION", the text "Règlement sur la destruction des déchets dans les réserves indiennes" is displayed. Below this text, the text "C.R.C., ch. 960" is visible. At the bottom of the page, the text "Current to May 7, 2019" and "Last amended on December 22," is visible. At the bottom left, the text "Published by the Minister of Justice at the following address: http://laws-lois.justice.gc.ca" is visible. At the bottom right, the text "Current to April 25, 2019" and "Published by the Minister of Justice at the following address: http://laws-lois.justice.gc.ca" is visible.

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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 "17th 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

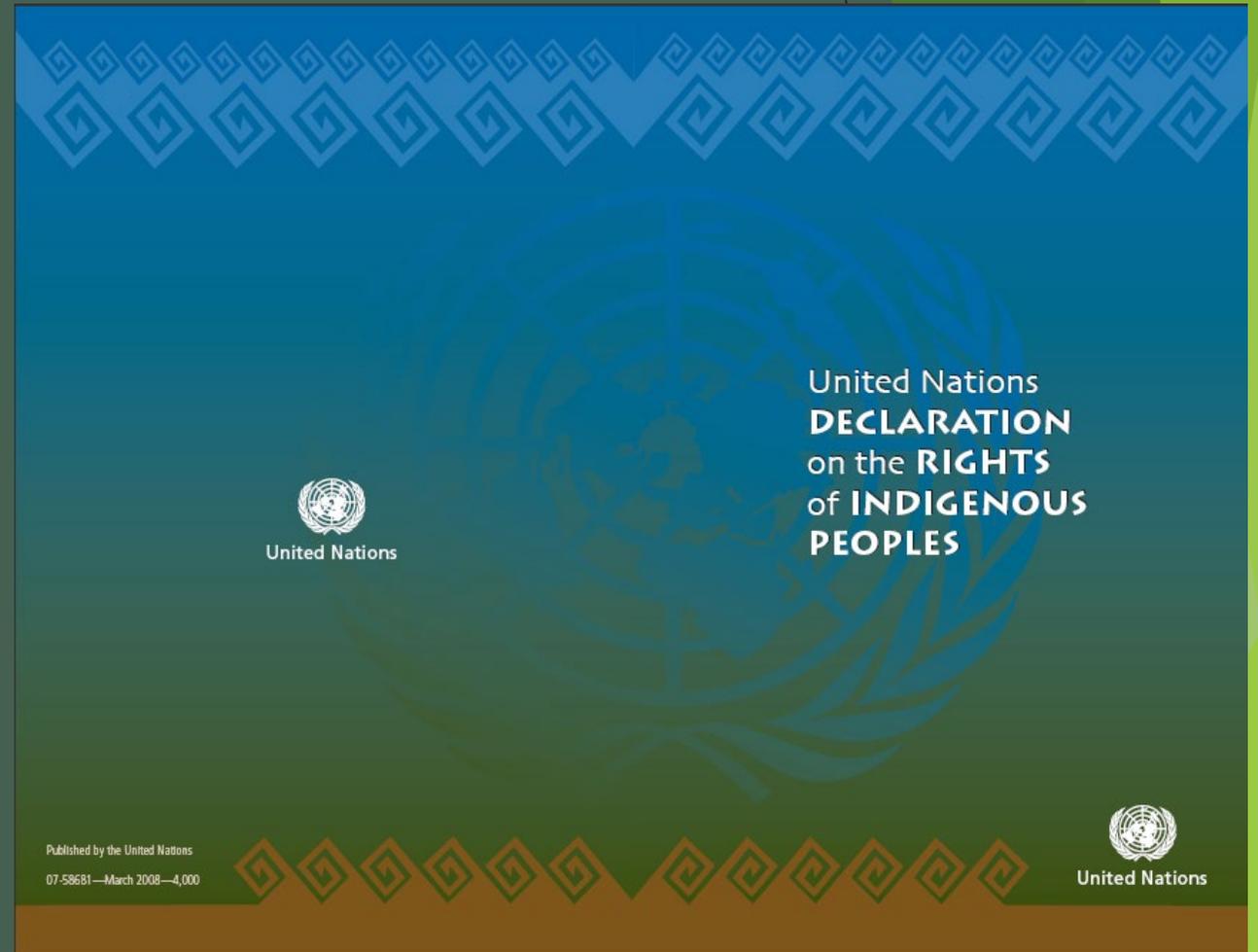
- ▶ “43. We call upon federal, provincial, territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of indigenous Peoples as the framework for reconciliation.”

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

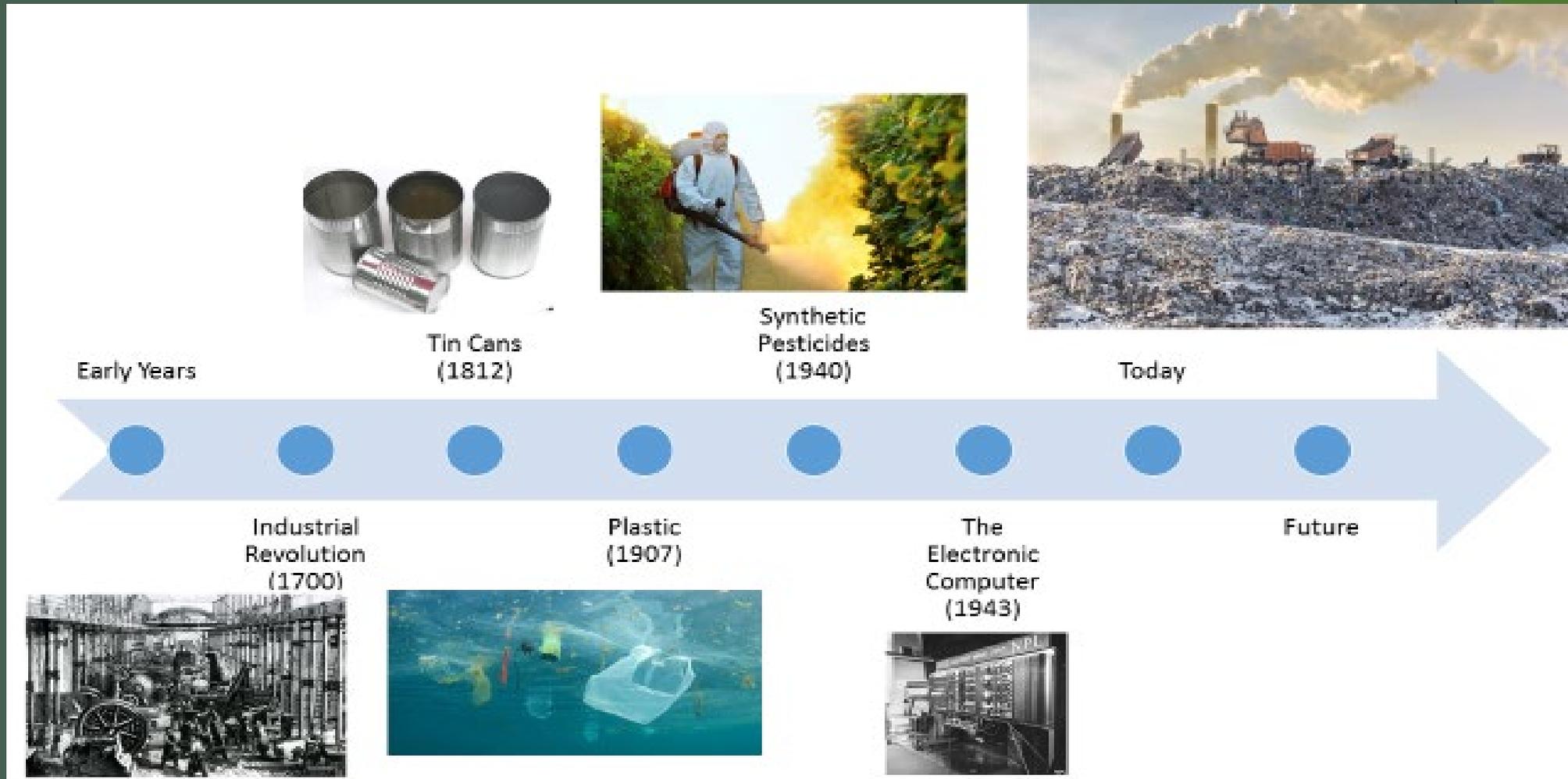
Published by the Minister of Justice at the following address:
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Understanding Waste Streams - evolution of waste streams



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



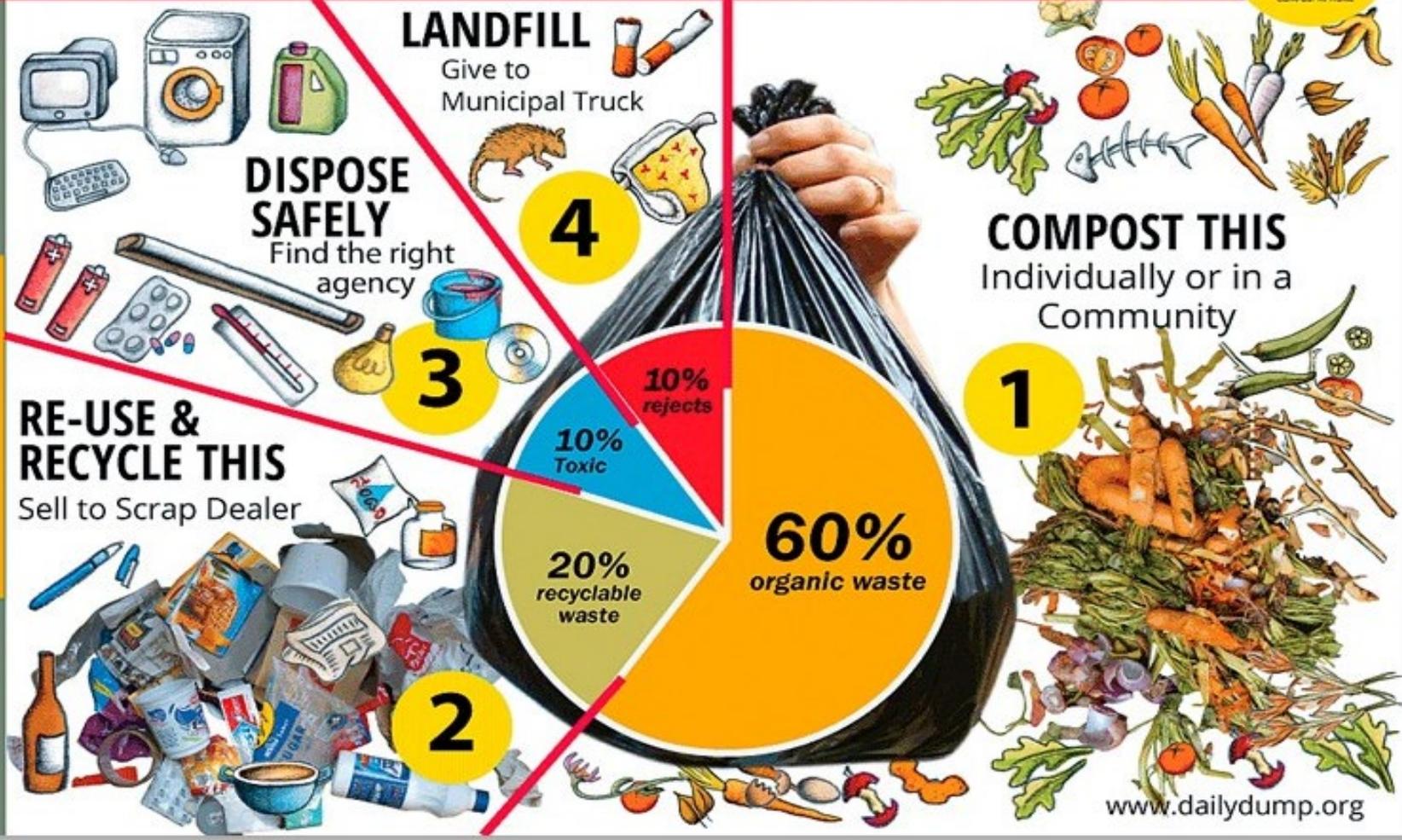
**REUSE
REDUCE
RECYCLE**

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

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