

AMPS and Due Diligence



For more information on this topic, see the related feature article. [“ENVIRONMENTAL OFFENCES: 10 FAQs about Administrative Monetary Penalties”](#)

KNOW THE LAWS: AMPS and Due Diligence	
Here's what the main environmental law in each jurisdiction says about administrative monetary penalties (AMPs) and due diligence	
	LAW
FED	<p><i>Environmental Violations Administrative Monetary Penalties Act</i>:</p> <p>1. A person, ship or vessel named in a notice of violation does not have a defence by reason that the person or, in the case of a ship or vessel, its owner, operator, master or chief engineer:</p> <p>a. exercised due diligence to prevent the violation; or</p> <p>b. reasonably and honestly believed in the existence of facts that, if true, would exonerate the person, ship or vessel [Sec. 11(1)].</p>
AB	<p><i>Environmental Protection and Enhancement Act</i> permits AMPs but doesn't address due diligence.</p>

BC	<p><u>Administrative Penalties (Environmental Management Act) Regulation:</u></p> <p>1. A requirement that a person pay an administrative penalty applies even if the person exercised due diligence to prevent the contravention or failure in relation to which the administrative penalty is imposed [Sec. 6].</p>
MB	<p><u>The Environment Act</u> doesn't authorize AMPs.</p>
NB	<p><u>Clean Air Act</u> permits AMPs but doesn't address due diligence.</p>
NL	<p><u>Environmental Protection Act</u> permits AMPs but doesn't address due diligence.</p>
NT/ NU	<p><u>Environmental Protection Act</u> doesn't authorize AMPs.</p>
NS	<p>Sec. 171(1)(b) of the <u>Environment Act</u> authorizes the Governor in Council to make regulations for a system of AMPs but no such regulations have been enacted to date.</p>
ON	<p><u>Environmental Protection Act:</u></p> <p>1. A requirement that a person pay an administrative penalty applies even if:</p> <p>a. the person took all reasonable steps to prevent the contravention; or</p> <p>b. at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent [Sec. 182.3(10)].</p>
PE	<p><u>Environmental Protection Act</u> doesn't authorize AMPs.</p>
QC	<p><u>Environment Quality Act</u> permits AMPs but doesn't address due diligence.</p>
SK	<p><u>Environmental Management and Protection Act, 2002</u> permits AMPs but doesn't address due diligence.</p>
YT	<p><u>Environment Act</u> doesn't authorize AMPs.</p>