

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	<i>Environmental Violations Administrative Monetary Penalties Act:</i> 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: a. exercised due diligence to prevent the violation; or b. reasonably and honestly believed in the existence of facts that, if true, would exonerate the person, ship or vessel [Sec. 11(1)].
AB	<i>Environmental Protection and Enhancement Act</i> permits AMPs but doesn't address due diligence.
BC	<i>Administrative Penalties (Environmental Management Act) Regulation:</i> 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].
MB	<i>The Environment Act</i> doesn't authorize AMPs.
NB	<i>Clean Air Act</i> permits AMPs but doesn't address due diligence.
NL	<i>Environmental Protection Act</i> permits AMPs but doesn't address due diligence.
NT/ NU	<i>Environmental Protection Act</i> doesn't authorize AMPs.
NS	Sec. 171(1)(b) of the <i>Environment Act</i> authorizes the Governor in Council to make regulations for a system of AMPs but no such regulations have been enacted to date.

ON	<i>Environmental Protection Act:</i> 1. A requirement that a person pay an administrative penalty applies even if: a. the person took all reasonable steps to prevent the contravention; or 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)].
PE	<i>Environmental Protection Act</i> doesn't authorize AMPs.
QC	<i>Environment Quality Act</i> permits AMPs but doesn't address due diligence.
SK	<i>Environmental Management and Protection Act, 2002</i> permits AMPs but doesn't address due diligence.
YT	<i>Environment Act</i> doesn't authorize AMPs.