



REPORT OF THE INDEPENDENT GREEN RIBBON PANEL  
TO THE AUDITOR GENERAL OF CANADA

# Fulfilling the Potential

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A Review of the Environment and Sustainable Development  
Practice of the Office of the Auditor General of Canada



December 2007

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Part One

# **Report of the Independent Green Ribbon Panel**



## FOREWORD

Almost 12 years ago, the *Auditor General Act* was amended to help strengthen parliamentary oversight of the federal government's efforts to protect the environment and to foster sustainable development.

In July 2007, the Auditor General of Canada, Sheila Fraser, invited us to examine how the mandate established by Parliament in 1995 has been put into practice, and to identify any opportunities to strengthen its implementation to better serve Parliament.

This report fulfils that request. It reflects not only the work of the panel but also the contributions of a great many other people inside and outside government who invested their time and effort to address this important issue.

The report sets out what we heard, what we concluded, and what we believe needs to be done. We have chosen as our title *Fulfilling the Potential* because we believe that steps can be taken within the existing legislative mandate to build upon what has been accomplished so far, and to better serve Parliament.

Through our process of review we have learned a great deal about how the amendments to the *Auditor General Act* have been put into practice. We consulted parliamentarians; current and past commissioners in New Zealand, Ontario, Quebec, and federally; environmental groups; departmental officials; officials from the Office of the Auditor General; and other interested parties. These broad consultations have provided a useful and balanced perspective on some of the challenges facing not only the Office but also the federal government and indeed Canada as a whole in the pursuit of sustainable development.

We would like to express our appreciation to the Auditor General of Canada for having given us this opportunity to think, talk, and write about this important issue.

We would also like to thank the people who participated in our online consultations. We appreciate as well the written submissions received from individuals and organizations, and the useful ideas and comments we heard in our face-to-face meetings. These inputs have contributed enormously to the value of this report.

We would like to thank members of the support team from the Office of the Auditor General who gave us the benefit of their insights and experience. The panel owes a special debt to Marise Bédard for serving as the panel's secretary, and to Richard Smith for his invaluable assistance.

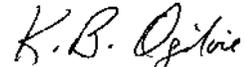
We submit our report to the Auditor General in the hope that the conclusions and recommendations it contains will strengthen parliamentary oversight of the federal government's efforts to protect the environment and to foster sustainable development.



Elizabeth Dowdeswell  
Chair of the Panel



Jim Mitchell



Ken Ogilvie



## EXECUTIVE SUMMARY

### Background

This report presents the results of a review of the environment and sustainable development practice of the Office of the Auditor General of Canada. The review was conducted by an independent Green Ribbon Panel at the request of the Auditor General. We determined how we would approach our task and how our report would be written. The conclusions reflect our research, consultations, and discussions.

We were asked by the Auditor General to look at how the 1995 environment and sustainable development mandate has been put into practice and to recommend ways to potentially strengthen its implementation.

We used a variety of techniques to carry out our work. We reviewed the reports prepared by the Office of the Auditor General, with special attention paid to the work of the Commissioner of the Environment and Sustainable Development. We consulted parliamentarians, present and past commissioners in four jurisdictions, representatives of the environmental community, senior government officials, and a number of others. We invited participation in a Web-based survey, and we received written submissions.

### Key conclusions

Through their 1995 amendments to the *Auditor General Act*, parliamentarians sent a signal to Canadians about their commitment to the environment and sustainable development, and their determination to strengthen the federal government's performance in both areas.

Despite a diversity of perspectives on future directions, on one issue there was almost total unanimity: Over the past 12 years, the Office of the Auditor General and the Commissioner have had a positive impact on the federal government's management of environmental and sustainable development issues. They have also served an important educational role. No one said otherwise.

We agree. Within the mandate established by Parliament, we believe the Commissioner and the Office of the Auditor General have done a good job. They have developed a strong domestic and international reputation as a centre of excellence in environmental auditing. There are opportunities to build upon their strength, and these are presented in our recommendations.

There are two important issues that fall outside the direct influence of the Office that the government and parliamentarians may wish to consider.

First, when the amendments were made, it was understood that the Office of the Auditor General and the Commissioner would not operate in isolation. They were an important part, but only one part, of an overall approach to sustainable development.

- Leadership was to come from the government itself through providing overall policy direction and undertaking specific activities to translate its stated commitment to sustainable development into concrete action.
- Parliamentarians were to authorize those activities, and hold government to account for their implementation.
- The Commissioner's main role was to assist parliamentarians by providing the information they needed to examine the federal government's performance and hold it to account.

This initial understanding raises fundamental questions:

- Do the government and parliamentarians believe they are doing what needs to be done to promote sustainable development? For example, can the sustainable development strategy process be strengthened to make it the instrument for change that it was intended to be.
- Is optimal use being made of the reports of the Commissioner?

The second issue that falls outside the influence of the Office of the Auditor General was first raised in the period leading to the 1995 amendments, and again in 2007. It raises further questions:

- What are the barriers to achieving sustainable development?
- Who is best equipped to deal with these barriers?

Those who favour the current model of a Commissioner located within the Office of the Auditor General emphasize examining barriers to implementation—failures to translate policy direction into effective action—and the roles that accountability and audit play in this endeavour. In this view, others—ministers, parliamentarians, industry, and environmental and other groups—are to play the policy roles.

Those who favour a Commissioner as a separate officer of Parliament focus on the need to look forward, on the need for an independent policy advocate, and on the benefits of promoting environmental awareness and good practices. In this view, others, notably the Auditor General working with Parliament, would play the accountability role.

It will be up to the government and Parliament to decide whether the legislation should be changed to address these sorts of concerns, and if so, how.

We do not believe that the choice lies simply between a narrow conception of the current role and an expanded role that would require legislative change. There is considerable room for a more complete expression of the Commissioner's existing mandate, in ways that would better serve Parliament and that would address many of

the concerns expressed by the people with whom we spoke. That is why we have titled our report *Fulfilling the Potential*. Our recommendations flow from that perspective.

## Recommendations within the existing legal mandate

We recommend that

- **the Commissioner make full use of the existing mandate to draw parliamentary and public attention to key environmental and sustainable development issues;**
- **the Commissioner’s role be understood to include advocacy for good environmental management and the promotion of good practices across the federal government;**
- **the Commissioner be appointed for a fixed seven-year non-renewable term;**
- **the Auditor General consult informally with parliamentarians before appointing a new Commissioner;**
- **there continue to be a separate and distinct Commissioner’s report referred to the House of Commons Standing Committee on Environment and Sustainable Development.**

**At the same time, we encourage the Auditor General to continue to include environmental and sustainable development issues in the Office’s overall audit work and in her reports to Parliament. We believe it is useful to experiment with reporting formats, timing, and venues to enhance the visibility and impact of the Office’s environmental sustainable development work;**

- **the Auditor General and Commissioner initiate discussions with parliamentarians on how best to make use of the Commissioner’s reports in supporting parliamentary oversight;**
- **non-audit products such as studies and guidance continue to be included in the Commissioner’s environment and sustainable development work plan;**
- **the interaction and exchange of staff between the Commissioner’s team and other groups in the Office continue to be enhanced, including in the selection, planning, and conduct of the Office’s work; and**
- **the next Commissioner, as a priority for early in the mandate, articulate how sustainable development will be factored into his or her work plan.**

We also considered two other important aspects of the 1995 changes to the *Auditor General Act*—the requirement for the production of departmental sustainable development strategies and the establishment of an environmental petitions process—but we have made no recommendations about them. Both the strategies and petitions were subjects of the 2007 Report of the Commissioner of Environment and Sustainable Development, and we endorse the conclusions presented in that report.



## FULFILLING THE POTENTIAL

# I. The Environment and Sustainable Development Practice of the Office of the Auditor General of Canada

### The current practice and its origins

In 1995, the *Auditor General Act* was amended to help strengthen parliamentary oversight of the federal government's efforts to protect the environment and to foster sustainable development. The amendments were one of three parts of a broader government agenda to “promote sustainable development as an integral component of decision making at all levels of society.”<sup>1</sup>

The amendments to the Act did five things:

- They defined key terms, including sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”
- They formally added environmental effects to the considerations the Auditor General takes into account when determining what to audit and report to the House of Commons.
- They created the position of Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada to
  - provide sustainable development monitoring and reporting on the progress of federal government departments toward sustainable development,
  - report annually on behalf of the Auditor General to the House of Commons concerning anything that the Commissioner considers should be brought to the attention of that House in relation to environmental and other aspects of sustainable development, and
  - assist the Auditor General in performing the duties of the Auditor General set out in the Act that relate to the environment and sustainable development.

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1. Letter from the Honourable Sheila Copps to the Chairman of the House Standing Committee on the Environment and Sustainable Development, March 16, 1994, paragraphs 3 and 14–16. The other two parts were a “commitment to openness, transparency and leadership in the Government’s pursuit of sustainable development” and a “commitment that the Government will take action: to integrate the environment in the development of new policies, programs and regulations in a sustainable development context; and to continue to identify barriers and disincentives to sound environmental practices.”

- They authorized the Auditor General to receive petitions on environmental and sustainable development matters, and required ministers to respond to them.
- They required ministers to prepare sustainable development strategies, table them in the House of Commons, and update them every three years.

#### The Auditor General’s 4 “Es”

The principal activity of the Office of the Auditor General is known as legislative auditing, which includes auditing and reporting on the federal government’s financial statements, its compliance with federal statutes and regulations, its safeguarding of public assets, its collection of revenue, and its implementation of policies and programs. This last category is called performance auditing.

Traditionally, these audits have been conducted in terms of *economy*, *efficiency*, and *effectiveness*, known as the three “Es.” As a result of the amendments to the *Auditor General Act*, the “*environment*” formally became the fourth “E” that the Auditor General takes into consideration in deciding what to report to the House of Commons.

Bill C-288, *An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol*, gave the Commissioner additional responsibilities. The Bill requires the Commissioner to analyze and report to the House of Commons on Canada’s progress on implementing its climate change plans and meeting its obligations under the Kyoto Protocol. It received royal assent on 22 June 2007.

Taken together, the two above-noted acts define the environment and sustainable development practice of the Office of the Auditor General.<sup>2</sup>

The idea of a federal Commissioner can be traced back at least to 1989. In that year, a coalition of environmental, conservation, and Aboriginal groups submitted an environmental plan to the federal government entitled *Greenprint for Canada*. In it, they proposed the appointment of an independent Environmental Auditor General to help strengthen environmental accountability within government. The Environmental Auditor General would report directly to Parliament on the compliance of federal departments and agencies with environmental statutes and regulations.<sup>3</sup>

Between 1989 and 1995, parliamentarians discussed the merits of establishing an Environmental Auditor General a number of times.

- In 1990, the House of Commons Standing Committee on Environment considered an Environmental Auditor General to monitor the progress of federal departments and agencies in setting and attaining targets for greenhouse gas emissions.<sup>4</sup> Shortly

2. See Appendix 2 for relevant excerpts from both acts.

3. Greenprint for Canada Committee, *Greenprint for Canada*, June 1989, pp. 24–25.

4. House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on the Environment and Sustainable Development*, issue no. 55, October 4, 1990, pp. 42–44.

thereafter, a private member's bill to establish an Environmental Auditor General was presented to Parliament.<sup>5</sup> The Environmental Auditor General would audit government operations to ensure that any activity, program, or initiative was compatible with the protection and enhancement of the environment.

- In 1992, the House of Commons Standing Committee on Public Accounts asked the Auditor General for his opinion on the need for an Environmental Auditor General. The Auditor General noted that there were differences of opinion about the nature of the role of an Environmental Auditor General, and who should perform it. Most definitions went beyond the mandate and resources of the Office of the Auditor General.<sup>6</sup>
- During the 1993 election, the Liberal Party pledged to appoint an Environmental Auditor General reporting directly to Parliament. The Environmental Auditor General would monitor and report annually to the public on how successfully federal programs and spending were supporting the move to sustainable development.<sup>7</sup> After the election, the Liberal government asked the Standing Committee on Environment and Sustainable Development to examine the concept.<sup>8</sup>
- The Standing Committee concluded that the most appropriate way to meet the government's objectives was through the creation of a Commissioner of the Environment and Sustainable Development in conjunction with an expanded audit role for the Office of the Auditor General. The proposed Commissioner would be a proactive advocate for sustainable development and would have two main roles: reviewing how well government policies, programs, and spending support Canada's move to sustainable development; and providing liaison, monitoring, and encouragement to government, Parliament, and the public to support that move.<sup>9</sup>
- In its response, the government accepted that all the functions recommended by the Committee were essential, but concluded that they could not all be undertaken effectively and efficiently by one body. It proposed a more limited role for the Commissioner, focused on monitoring and audit as part of a broader package of initiatives intended to meet the needs identified by the Committee. The government itself would play the role of advocate for the environment and sustainable development.<sup>10</sup>

5. House of Commons, *Commons Debates*, December 4, 1990, pp. 16234–16244.

6. House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on Public Accounts*, issue no. 18, February 27, 1992, pp. 26–27.

7. The Liberal Party of Canada, *Creating Opportunity*, 1993, p. 64.

8. Letter from the Honourable Sheila Copps to the Chairman of the House Standing Committee on the Environment and Sustainable Development, March 16, 1994, paragraphs 17 and 25.

9. House of Commons, *The Commissioner of the Environment and Sustainable Development, Report of the Standing Committee on Environment and Sustainable Development*, May 1994, pp. xi–xv.

10. Letter from the Honourable Sheila Copps to the Chairman of the House Standing Committee on the Environment and Sustainable Development, October 1994.

### The Government's response to the Standing Committee

17. The proposed Commissioner has fewer functions than recommended by the Committee. . . The Government recognizes that the functions for a Commissioner recommended by the Committee are all essential. They all need to be undertaken effectively. It is the Government's view that these functions cannot all be undertaken by one body, meeting all of the objectives of the Committee. These functions, as detailed more fully below, can be undertaken more effectively and efficiently working through existing institutions and mechanisms, new government initiatives, and the proposed new Commissioner. . .

25. While it continues to get its own house in order, the Government also has a responsibility to promote sustainable development as a component of decision-making at all levels of society. The Government is therefore taking measures "to advocate to Canadians the necessity for sustainable development in all our actions"—an important function identified by the Committee.

Letter from the Honourable Sheila Copps to the Chairman of the House Standing Committee on the Environment and Sustainable Development, October 1994

Amendments to the *Auditor General Act* establishing the position of Commissioner of the Environment and Sustainable Development received royal assent in December 1995, and the first Commissioner of the Environment and Sustainable Development was appointed in July 1996.<sup>11</sup> The first round of departmental sustainable development strategies was tabled in the House of Commons in December 1997.

Today, the Commissioner is supported by a team of 40 people, or about 14 percent of the professional employees of the Office of the Auditor General. The Commissioner has a direct budget of close to \$4 million, excluding services provided by the Office of the Auditor General.<sup>12</sup>

With those resources, the team

- conducts three to four audits annually of the federal government's management of environmental and sustainable development issues,<sup>13</sup>
- assists other teams in the Office of the Auditor General in identifying environmental risks for planning and conducting audits within their portfolios,

11. Office of the Auditor General of Canada, "The Auditor General of Canada Announces the Appointment of the Commissioner of the Environment and Sustainable Development," news release, July 2, 1996.

12. Figures provided by the Office of the Auditor General and refer to the 2007–08 fiscal year. Services include accommodation, edit and translation, information technology, and communications.

13. Over the last 10 years, the Commissioner of the Environment and Sustainable Development reports have included 42 audit or study reports prepared by the Commissioner of the Environment and Sustainable Development's team.

- assesses the quality and monitors implementation of sustainable development strategies prepared by federal departments and agencies, and
- manages the environmental petitions process.

Other teams within the Office of the Auditor General also do work with an environmental dimension. Indeed, auditing of the federal government’s management of environmental issues predates the 1995 amendments.<sup>14</sup>

These other teams produce performance audits that have appeared both in the Commissioner’s<sup>15</sup> and Auditor General’s reports,<sup>16</sup> assist in the monitoring of departmental sustainable development strategies,<sup>17</sup> and undertake environmental audit work in Crown corporations.<sup>18</sup>

## Our mandate

The Auditor General asked the Green Ribbon Panel members to look at how the 1995 amendments to the *Auditor General Act* have been put into practice and to recommend ways to potentially strengthen their implementation. It was left to the members to determine how the Panel would approach the task.

## How we worked

In order to objectively assess how the 1995 mandate has been put into practice, the Panel

- reviewed all aspects of the Office of the Auditor General of Canada’s environment and sustainable development practice, with special attention to the role of the Commissioner of the Environment and Sustainable Development;
- interviewed members of Parliament and senators from all parties;
- interviewed former and present Commissioners in four jurisdictions (Canada, New Zealand, Ontario, and Quebec);

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14. See for example Auditor General 1995 Report, Chapter 2 — Environment Canada: Managing the Legacy of Hazardous Wastes, and 1993 Report, Chapter 14 — Department of the Environment—The Control and Clean-up of Freshwater Pollution.

15. See for example Commissioner of the Environment and Sustainable Development 2005 Report, Chapter 1 — Fisheries and Oceans Canada—Canada’s Oceans Management Strategy, and Chapter 5 — Drinking Water in First Nations Communities.

16. See for example Auditor General April 2005 Report, Chapter 6 — Indian and Northern Affairs Canada—Development of Non-Renewable Resources in the Northwest Territories, and March 2004 Report, Chapter 4 — Canadian Food Inspection Agency—Regulation of Plants with Novel Traits.

17. See for example Commissioner of the Environment and Sustainable Development 2006 Report, Chapter 4 — Sustainable Development Strategies.

18. See for example the special Auditor General report released in October 2004, Environmental Review at Export Development Canada.

- sought and received input from Canada’s environment and sustainable development communities;
- invited and received submissions from interested Canadians; and
- examined similar structures and processes in other jurisdictions.

We were also briefed on the results of the work on sustainable development strategies and petitions presented in the Commissioner’s 2007 Report to the House of Commons.

When we talked with people and invited submissions, we focused discussion on the following questions.

- What were their expectations, if any, in 1995 when the Office of the Auditor General received its environment and sustainable development mandate from Parliament and the position of Commissioner of the Environment and Sustainable Development was created?
- What was their experience with the work of the Commissioner and the Office on environment and sustainable development issues since then?
- What were their views on how the role of Commissioner of the Environment and Sustainable Development should be carried out in future?
- Were there any major gaps or shortcomings in the Auditor General’s mandate in the area of environment and sustainable development or in how that mandate has been exercised to date, and if so, how should those gaps or shortcomings best be addressed?

Our research and consultations took place over the summer of 2007. They were followed by an in-depth, critical analysis of the information gathered, from both qualitative and quantitative perspectives.

Over three months, we met as a panel on 15 occasions in Ottawa and Toronto.

## II. What We Heard

The people we talked with care deeply about the environment and stressed the need for Canada to move onto a sustainable development path. However, many were not confident that current institutions and approaches would produce that result. They said that significant changes need to be made in how the federal government is approaching sustainable development. But they differed on what those changes should be, and their implications for the Commissioner.

## Expectations about the changes made 12 years ago

Twelve years ago, there were competing and strongly held views on the appropriate role and functions of the Commissioner.

- Many favoured a proactive, forward-looking role for the Commissioner that included policy evaluation, advice, and advocacy. They saw the area of independent policy analysis as the biggest gap in the federal government’s sustainability efforts.<sup>19</sup>
- Others focused on the gap between existing policies and their implementation. Drawing parallels with the Auditor General’s role in advancing financial accountability, they stressed the importance of audit in strengthening environmental accountability.<sup>20</sup>

Those competing views continue to be expressed today, although the majority of people we talked to favour the proactive, forward-looking role.

Most of the parliamentarians we spoke with were not in Parliament when the *Auditor General Act* amendments were made. Those who were understood that the amendments were intended to strengthen accountability, with the Commissioner assisting parliamentarians in that task. The Commissioner’s work was mainly focused on audit, and locating the function in the Auditor General’s Office was interpreted to mean that what the Commissioner said would be objective and well researched. The general expectation was that the Commissioner would benefit from the credibility, expertise, and supporting infrastructure of the Auditor General’s Office.

It was also understood that the Commissioner would not operate in isolation. The Commissioner was to complement rather than substitute for the roles of others.

### **Multiple players have multiple roles regarding the environment and sustainable development**

#### **Government of Canada**

- exercises its powers in a manner that protects the environment and human health

#### **Minister of the Environment**

- develops, implements, and coordinates programs to protect the environment, and provides environmental information to Canadians
- promotes and encourages the institution of practices and conduct leading to the better preservation and enhancement of environmental quality
- advises the heads of federal organizations on all matters pertaining to the preservation and enhancement of the quality of the natural environment

19. House of Commons, *The Commissioner of the Environment and Sustainable Development, Report of the Standing Committee on Environment and Sustainable Development*, May 1994, p. 2.

20. See for example Greenprint for Canada Committee, *Greenprint for Canada*, June 1989, pp. 24–25.

**House of Commons Standing Committee on Environment and Sustainable Development**

- studies and reports on matters referred to it by the House of Commons, or on topics the Committee itself chooses to examine, including the policies, programs, and legislation of Environment Canada, the National Round Table on the Environment and the Economy, and the Canadian Environmental Assessment Agency
- considers and discusses reports of the Commissioner of the Environment and Sustainable Development

**Senate Standing Committee on Energy, the Environment, and Natural Resources**

- examines legislation and matters relating to energy, the environment, and natural resources (other than fisheries and forestry)

**National Round Table on the Environment and the Economy**

- plays the role of catalyst in identifying, explaining, and promoting, in all sectors of Canadian society and in all regions of Canada, principles and practices of sustainable development

**Commissioner of the Environment and Sustainable Development**

- provides sustainable development monitoring and reporting on the progress of federal government departments and agencies toward sustainable development

Many of the people we consulted expected that the 1995 changes to the *Auditor General Act* signalled a stronger commitment by the federal government to environmental protection and to sustainable development.

Some noted the innovative aspects of the amendments: a decentralized approach to sustainable development planning, with a Commissioner monitoring and reporting to Parliament on progress, and a petitions process for Canadians to ask the government to respond to concerns relating to the environment and sustainable development.

Others expected that the Commissioner would foster change by identifying opportunities to improve the government's performance and helping the public better understand government policy and activities with respect to environment and sustainable development.

Some of these expectations have been met or exceeded. The Commissioner and the Office of the Auditor General have established a strong domestic and international reputation as leaders in the field of environmental audit. And their work is credited with having important impacts on both the legislative and management agendas of the federal government.

Other expectations have not been met. Federal leadership on environment and sustainable development issues is seen as lacking, with the result that limited progress has been made on key environmental and sustainable development issues. And the

departmental sustainable development strategies required under the 1995 changes are viewed as having failed to realize their potential as instruments for change.

A small number of the people we talked with have come full circle in their thinking. While initially in favour of a separate Commissioner reporting directly to Parliament, they have come to recognize the value of the association with the Auditor General, because it brings to the Commissioner’s work credibility and quality that would be difficult to replicate in another setting.

## Overall experience with the Commissioner and the team’s work

The people we talked with had different degrees of exposure to the Commissioner and the Commissioner’s team.

- Parliamentarians were exposed through reports and testimony and through personal contacts with the Commissioner.
- The environmental community was exposed through reports and the petitions process, and through meetings with the Commissioner.
- Departments were exposed through audits and monitoring of sustainable development strategies and petitions.

Virtually everyone that we talked with—parliamentarians, members of the environmental community, and public servants—spoke positively about the work of the Commissioner and the Commissioner’s team.

Almost without exception, departmental officials also said that the Commissioner’s work has had a positive impact on their organizations. While recognizing that there is still a long way to go, they identified increased awareness and accountability and improved management practices as examples.

The international community has also taken note of Canadian experience. In its 2004 review of Canada’s environmental performance, the Organisation for Economic Co-operation and Development (OECD) said:

Establishment of a Commissioner of the Environment and Sustainable Development has played an important role in the auditing of federal sustainable development policies and the implementation of other environmental commitments by the federal government. The experience of this model institution could be usefully reviewed by other countries.<sup>21</sup>

**Commissioner’s reports.** Since 1997, the Commissioner of the Environment and Sustainable Development has reported annually to the House of Commons on the results of audits and studies of the federal government’s management of environmental issues, implementation of departmental sustainable development strategies, and petitions.

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21. OECD Environmental Performance Reviews—Canada, 2004, p. 2.

The reports have covered a wide range of issues, including climate change, fisheries, toxic waste, and green procurement.<sup>22</sup> Some have focused on a major theme, such as the Great Lakes ecosystem; others have covered a broader range of issues.

Some of the people we talked with read the reports from the perspective of their main messages. Others focused on the supporting detail. All found the reports to be well researched and useful. One parliamentarian called the Commissioner's annual report "the highlight of the year."

The reports were seen as serving an important educational role for both parliamentarians and the public: What are the issues? Why are they important? What is being done about them? The climate change, toxics, and aquaculture reports were cited as good examples of reports that addressed important issues in a responsible manner. They were also credited with having made a difference to both legislation and management.

Once a report from the Commissioner is tabled in the House of Commons, it is referred to the House Standing Committee on Environment and Sustainable Development for review. However, any committee of the House or Senate can hold hearings on aspects of the Commissioner's reports, and the House Standing Committee on Natural Resources and the Senate Committee on Energy, Environment and Natural Resources have done so.

The parliamentarians we talked with favoured the current approach to reporting—that is, a distinct Commissioner's report referred to the Environment and Sustainable Development Committee, with other committees holding hearings as they saw fit. No one spoke in favour of changing the reporting process. A number, however, would like to see the Commissioner's work having greater visibility within Parliament and externally.

**Sustainable development strategies.** In 1997, 28 federal departments and agencies tabled their first sustainable development strategies in the House of Commons. Today, 32 organizations are producing and tabling them.<sup>23</sup>

The objective of the strategies was to operationalize sustainable development—to move it from concept to practice—by articulating what needed to be done in the policy and program work and in the internal management of each department.

The strategies contained each department's action plan for sustainable development, including the objectives and targets that would be used by the department and others as benchmarks for measuring progress. To ensure accountability for results, ministers were directed to report annually to Parliament on progress against their sustainable development commitments in their departmental performance reports.

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22. See Appendix 3 for the contents of each report.

23. The 1995 legislative changes identified the organizations that are required to produce sustainable development strategies. Those organizations include the largest departments and agencies within the federal government. In addition, some organizations that are not required to prepare strategies do so voluntarily.

Outside the federal public service, few of the people we talked with had direct experience with the strategies. Those who did viewed them as an important undertaking, but questioned whether they were taken seriously by ministers and their departments.

Public servants were more familiar with the strategy process. They credit it for having raised awareness of sustainable development in their organizations, as well as the need for change, and said the strategies have improved the quality and quantity of reporting. There is the perception, however, that interest in sustainable development has waned within the federal government, and the strategies have become more of an administrative requirement than a driver of change. Some believe they have become weaker over time, rather than stronger.

A number of people we talked with—within and outside government—identified the need for an overall federal or national strategy to guide the efforts of individual departments and for oversight by parliamentary committees to hold them to account. Without this leadership and oversight, some said the departmental strategy process will not realize its potential.

We also heard that too many organizations are reporting on too many things. We were told that more would be achieved if the requirement to prepare strategies was limited to key departments, and if they focused their efforts on a small number of well-defined priorities. We were also told that stronger linkages to the departments' overall planning processes need to be made.

Several reports by the Commissioner have also concluded that there was little evidence that departmental sustainable development strategies are serving the purpose for which they were introduced. Most recently, the Commissioner recommended that the government conduct a review to determine why they are not working.

**Petitions.** The 1995 amendments also established a petitions process—a vehicle for Canadians to register their concerns about specific environment and sustainable development issues that fall under federal jurisdiction, and to obtain a response to those concerns.

Under the process, a Canadian resident can send a written petition to the Auditor General. The petition is then forwarded by the Commissioner to the appropriate federal minister for response. The minister has 120 days to respond to the petitioner.

Since the process began, more than 250 petitions have been received and responded to.

Few of the people we talked to outside the public service were familiar with the petitions process. However, they liked the idea of citizen involvement. They thought the process was useful but were somewhat sceptical about the results.

Departmental officials also had expectations that the petitions process would raise awareness of issues, increase transparency and accountability, and help to initiate action or policy change. They noted, however, the costs associated with the development of

responses. Some raised the concern that as the petitions process becomes more widely used, a screening mechanism of some form may need to be developed.

In 2003, the Commissioner began to audit selected responses, examining the commitments made by ministers to petitioners. In all cases, the Commissioner found that departments had taken some type of action on the issues raised.<sup>24</sup>

In 2007, the Commissioner of the Environment and Sustainable Development reviewed the petitions process, including a survey of petitioners and departmental officials who prepared responses. Both stated that they believed petitions have had an impact on the federal government's management of environment and sustainable development issues.

As a result of the review, the Commissioner took steps to raise awareness of the petitions process, provided better guidance to petitioners and departments, encouraged more complete responses, and used the issues raised in petitions to help identify potential topics for audit.<sup>25</sup>

## How the Commissioner's role should be carried out in the future

Everyone we talked to had views about the future. They ranged from support for the current model, to a separate independent Commissioner reporting to Parliament akin to the New Zealand Commissioner, or to the Canadian Commissioner of Official Languages.

Those who favoured the current model emphasized the accountability dimension of the Commissioner's mandate and the role that audit plays in it. They saw real value in having the environmental audit function within the Office of the Auditor General.

Those who favoured a separate Commissioner reporting directly to Parliament focused on the need to look forward and for the Commissioner to be an independent advocate and champion for the environment and sustainable development. This is viewed as particularly important because sustainable development is an evolving concept.

We found differing views, however, on what was meant by an "advocate" or a "champion." Some saw the role as one of promoting environmental awareness and good practice within the federal government. Others focused on the need for an independent source of policy analysis and advice. And some viewed it as a matter of identifying emerging issues that government should address.

Several people we talked with argued that the audit and advocate roles cannot be combined in one individual or organization without reducing the effectiveness of both. They recalled the comments made by then Auditor General Denis Desautels during the

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24. 2007 Report of the Commissioner of the Environment and Sustainable Development, Chapter 2 — Environmental Petitions—Retrospective and Annual Report, paragraph 2.37.

25. 2007 Report of the Commissioner of the Environment and Sustainable Development, Chapter 2 — Environmental Petitions—Retrospective and Annual Report, paragraphs 2.34 to 2.45.

hearings that led to the 1995 amendments that established the position of Commissioner.

In Canada, it's generally accepted that legislative auditors avoid observing on the merits of high level policy and they concentrate their comments on the implementation of that policy. Therefore, responsibility for such matters as review of the appropriateness of policy and arbitrating environmental disputes should not be given to my office as this could quickly and seriously jeopardize the Auditor General's traditional independence, objectivity and credibility. There would be similar risks for a separate environmental auditor general if he or she were given audit responsibilities along with those other duties.<sup>26</sup>

In the course of our work, we heard a number of perspectives on what needs to be done to better protect the environment and to promote sustainable development. While there were differing views on what role the Commissioner should play when the legislative changes were made in 1995, there is a strong consensus today that the work done by the Commissioners and their teams has been useful and has made a difference.

There is also a consensus that some parts of the 1995 changes—notably the requirement that departments prepare sustainable development strategies and report on their implementation—have been less successful. And there are some additional changes that could be made to strengthen the overall process.

We turn to those issues in the next section.

### III. Key Issues and Recommendations

Among the many issues raised in the course of our research, we view the following as most relevant to the question of how to best serve Parliament. We set out the key issues at the beginning of each general theme and present some recommendations on specific items at the end of most subsections.

The recommendations all deal with matters within the existing mandate of the Auditor General and the Commissioner of the Environment and Sustainable Development. We believe that their adoption will help strengthen the environment and sustainable development practice of the Office. Other issues that were raised during our review fall outside the current legislative mandate; we will comment on those in section IV: Concluding Comments.

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26. House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on the Environment and Sustainable Development*, issue no. 14, March 22, 1994, p. 14:6.

## The Commissioner's role

The key issues regarding the Commissioner's role are

- whether the current role of the Commissioner has served Parliament well,
- whether more can be done within the existing mandate to better serve Parliament, and
- whether changes in the role are needed to better serve Parliament.

**Understanding the mandate.** During the hearings of the Standing Committee on Environment and Sustainable Development that preceded the 1995 amendments, then counsel for the Canadian Environmental Law Association, Paul Muldoon, told the Committee:

[The Commissioner's] roles, function, mandate, scope and powers must be crystal clear in the minds of the public, in the minds of [those in] government and in the minds of other affected constituencies. Otherwise, experience has shown [in] other jurisdictions that the debate is not about the effectiveness of the commissioner but about what its mandate, scope or role is.<sup>27</sup>

Having debated the issue, in 1995 parliamentarians chose an audit role for the Commissioner. Policy leadership and advocacy would come from the government.

Twelve years later, that debate has been reopened, most recently in a report from the House of Commons Standing Committee on Environment and Sustainable Development. The report recommended that the Commissioner be made a full and independent Agent of Parliament with a duty to advocate on environmental and sustainable development issues.<sup>28</sup>

Two recent legislative proposals also suggest that there is a gap between mandate and expectations. The initial version of Bill C-288, *An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol*, proposed that the Commissioner review the government's climate change plan mandated under the Act and report on whether it would achieve the Kyoto targets.<sup>29</sup> The Act was subsequently amended to confer that responsibility on the National Round Table on the Environment and the Economy.<sup>30</sup>

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27. House of Commons, *The Commissioner of the Environment and Sustainable Development, Report of the Standing Committee on Environment and Sustainable Development*, May 1994, p. 11.

28. House of Commons, *Strengthening the Role of the Commissioner of the Environment and Sustainable Development, Report of the Standing Committee on Environment and Sustainable Development*, February 26, 2007.

29. Bill C-288, *An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol*, first reading, May 17, 2006.

In our view, the 1995 changes to the *Auditor General Act* provide the Commissioner with a broad mandate. Section 23(2) of the Act directs the Commissioner to report annually on

anything that the Commissioner considers should be brought to the attention of [the] House in relation to environmental and other aspects of sustainable development.

This general reporting mandate is similar to the one for the Auditor General to “call attention to anything that the [Auditor General] considers to be of significance and of a nature that should be brought to the attention of the House of Commons.”

The Commissioner’s mandate is exercised in a number of ways.

- The introductory chapter to the Commissioner’s report is the main vehicle for bringing significant issues to the attention of parliamentarians. More than simply providing a summary of the report, it plays the very important role of placing the Commissioner’s work within the broader context of governmental, domestic, and international developments.
- The Commissioner also plans the work program for his or her team. The selection of topics is in itself a statement of what the Commissioner believes are the significant issues that should be brought to the attention of parliamentarians.
- The Commissioner can use various non-audit tools like studies and guidance to address issues that do not fit neatly within an audit.

We believe that the existing mandate gives considerable scope for the Commissioner to show leadership on the environment and sustainable development. The current mandate is neither narrow nor necessarily backward looking.

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### Recommendation 1

**We recommend that the Commissioner make full use of the existing mandate to draw parliamentary and public attention to key environmental and sustainable development issues.**

**An auditor and an advocate.** The *Auditor General Act* confers responsibilities on the Commissioner that are different from those of other senior officials in the Office of the Auditor General. They include specific duties with respect to monitoring, assisting, and reporting.

We also believe that by using the title “Commissioner,” parliamentarians expected the role to include audit, but to go beyond audit. We will comment first on the issue of advocacy.

The Auditor General is an advocate for a well-managed and accountable government. We believe there is a parallel role for the Commissioner as an advocate for good

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30. As a result, in September 2007 the National Round Table submitted its report *Response of the National Round Table on the Environment and the Economy to its Obligations Under the Kyoto Protocol Implementation Act* to the Minister of the Environment.

environmental management within the federal government. An important part of this role is identifying and disseminating good practices in the management of environment and sustainable development issues. However, advocacy for specific policies on the environment or sustainable development would not be appropriate, because it would not be consistent with the Commissioner's audit role.

In his first report to the House of Commons, the first Commissioner discussed the dual role of auditor and advocate for good environmental management.

I will provide objective, independent analysis and recommendations to members of Parliament to help them examine the federal government's performance and hold it to account for that performance. I also plan to work directly with federal departments and agencies to promote accountability and best practices in the management of environmental and sustainable development issues.<sup>31</sup>

We believe this dual role is both appropriate and necessary.

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### Recommendation 2

**We recommend that the Commissioner's role be understood to include advocacy for good environmental management and the promotion of good practices across the federal government.**

## The Commissioner's location and tenure

The key issues regarding the Commissioner of the Environment and Sustainable Development's location and tenure are

- whether placement within the Office of the Auditor General overly restricts the Commissioner's ability to meet the needs of Parliament, and
- whether the current practice of hiring the Commissioner as a permanent employee is preferable to a limited term appointment.

**Placement within the audit office.** During the hearings of the Standing Committee on Environment and Sustainable Development that preceded the 1995 changes, the relative merits of a Commissioner within or external to the Office of the Auditor General were debated. From the beginning, the issues of role and location have been inseparable.

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31. 1997 Report of the Commissioner of the Environment and Sustainable Development, paragraph 10.

In an early appearance before that Standing Committee, the first Commissioner, Brian Emmett, was asked about the advantages of being in the audit office, and the restrictions that resulted from it. He responded in the following way:

There are a number of significant advantages in being in the Auditor General's office. One benefits from the independence and credibility that have been established by the Auditor General, from the ability to speak in an authoritative way that is viewed broadly as being unbiased.

Secondly, and I think less tangibly, I've been extremely impressed by the very warm welcome that the Auditor General himself and the entire staff of the Auditor General's office have given me. Sometimes organizations react to the formation of new entities in odd ways. In this one there has been nothing but enthusiasm and a very creative and constructive attitude towards the work.

I think I can benefit tremendously from the work the Auditor General has done on the improvement of management systems and accountability and these sorts of things.

With respect to the restrictions that being part of the Auditor General brings with it, the necessity to be at arm's length from the policy formation process, that doesn't trouble me particularly, because, as I said in my opening remarks and as I believe deeply, I think the biggest problem on the environmental side at the moment is the gap between policy and execution. What we need are better systems to execute policies that are formed by Parliament and by ministers. I think I have a position that has a lot of benefits and from my point of view does not have a down side in terms of not being able to comment on the policies.<sup>32</sup>

The second Commissioner, Johanne G  linas, had a somewhat different perspective. Shortly after leaving her position as Commissioner, she wrote to the Standing Committee on Environment and Sustainable Development. In that letter she said:

A commissioner must be able to offer a vision, an approach, a way of acting and a general orientation. He or she must be able to debate, to promote activities, to work with departments in other ways than simply through audits.

Although widely used and even essential, the audit tool cannot all by itself create change within the government administration. In the area of sustainable development, what is needed above all is education and collaboration, not solely auditing. And the very nature of the Office of the Auditor General of Canada does not permit this kind of work. . .

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32. House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on the Environment and Sustainable Development*, September 17, 1996.

The model that best corresponds to the creation of an independent office for an environment and sustainable development commissioner is that of the Commissioner of Official Languages. This position is independent and reports directly to Parliament. Although the Official Languages Commissioner does do audits, there are other tools at his or her disposal to advance the cause of bilingualism.<sup>33</sup>

A small number of the people we talked with who have followed the issue closely over the years have come full circle on the relative merits of locating the Commissioner within the Office of the Auditor General. Originally opposed and disappointed with the decision, they told us that experience has demonstrated that linking the two adds to the credibility of the Commissioner's work.

Several others questioned whether the culture of an audit office is conducive to the type of creative thinking, research, and reporting they view as necessary to advance sustainable development.

The issue of placement within the audit office is linked directly to the role the Commissioner is expected to play. It will be up to the government and Parliament to decide whether the legislation should be changed, and if so, how.

**A fixed term for the Commissioner.** The Commissioner is appointed by the Auditor General, who establishes the terms and conditions of employment. The first two Commissioners were hired as permanent employees. Although some jurisdictions still make appointments of this type on an indeterminate basis, there has been a move in favour of fixed-term appointments.<sup>34</sup>

Given the nature of the position, we believe that a fixed-term appointment is more appropriate. Sustainable development is an evolving concept; the Commissioner's function benefits from renewal and new ways of thinking.

The length of the appointment also matters. The term needs to be long enough to enable the development of independence and to effectively perform the role, but not so long that the incumbent becomes either complacent or stale.

Both the New Zealand and Ontario commissioners have a five-year appointment with the possibility of reappointment. However, we note that for other appointments in other countries, there is a trend away from renewable appointments because of the potential they have to compromise independence.

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33. Submission by Johanne Gélinas to the Standing Committee on the Environment and Sustainable Development, February 26, 2007.

34. See for example the international survey of accountability officers done by the Commissioner for Public Sector Standards Western Australia, *Accountability and Independence Principles*, November 22, 2006, p. 9.

Commissioners' Terms of Office	
Office and Jurisdiction	Length of Appointment
Parliamentary Commissioner for the Environment (New Zealand)	Five years, with the possibility of reappointment— <i>Environment Act</i> (New Zealand), s. 6.
Environmental Commissioner (Ontario)	Five years, with the possibility of reappointment— <i>Environmental Bill of Rights</i> (Ontario), s. 49(3).
Sustainable Development Commissioner (Quebec)	Either a regular appointment as an Assistant Auditor General or hired under a contract for a period determined by the Auditor General of Quebec— <i>Auditor General Act</i> (Quebec), s. 16.

Another consideration is the term in relation to the parliamentary electoral cycle. In most jurisdictions, fixed-term appointments of this type are set to be longer than one full parliamentary cycle. Terms of 7 and 10 years are common. In Canada, the Commissioner of Official Languages, the Information Commissioner, and the Privacy Commissioner are all appointed for seven-year terms.

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### Recommendation 3

**We recommend that the Commissioner be appointed for a fixed seven-year term that is not renewable.**

Parliamentarians are the key clients for the Commissioner's work, and an effective working relationship is critical for success in the position. While respecting the Auditor General's responsibility to make the appointment, we believe the views of parliamentarians should be sought before a decision is made.

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### Recommendation 4

**We recommend that the Auditor General consult informally with parliamentarians before appointing a new Commissioner.**

## Reporting to Parliament

The key issues regarding the Commissioner's reports to Parliament are

- whether there should continue to be a separate Commissioner's report and how often it should be presented, and
- whether the current approach to considering the Commissioner's reports supports adequate parliamentary oversight over the federal government's management of environment and sustainable development issues.

**Method and frequency of reporting.** Since the position was created, the Commissioner has reported annually to the House of Commons on behalf of the Auditor General. The reports have presented the results of audits of the federal government's management of a range of environmental and sustainable development issues, and the results of monitoring departments' sustainable development strategies and the petitions process.

The Commissioner's report also includes an Observations or Perspectives chapter that highlights the key issues the Commissioner believes should be brought to the attention of the House of Commons. The focus in that chapter has been on the challenges the federal government faces in managing its environment and sustainable development agendas.

Earlier this year, the Auditor General sought the views of parliamentarians on an alternative reporting strategy. She asked whether reporting environmental work more than once per year and at the same time as the Auditor General's report might enhance its visibility and impact.<sup>35</sup>

Almost all of the people that we talked with favoured a separate and distinct Commissioner's report. They welcomed more regular reporting by the Commissioner. But by including the Commissioner's work within the reports of the Auditor General, they saw a danger that it would be overwhelmed by that association, rather than being enhanced by it. We agree.

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### Recommendation 5

**We recommend that there continue to be a separate and distinct Commissioner's report referred to the House of Commons Standing Committee on Environment and Sustainable Development.**

**At the same time, we encourage the Auditor General to continue to include environmental and sustainable development issues in the Office's overall audit work and in her reports to Parliament. We believe it is useful to experiment with reporting formats, timing, and venues to enhance the visibility and impact of the Office's environmental and sustainable development work.**

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35. House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on Environment and Sustainable Development*, January 30 and 31, 2007.

**Oversight and accountability.** At their heart, the 1995 amendments to the *Auditor General Act* were intended to help strengthen parliamentary oversight of the federal government’s efforts to protect the environment and to foster sustainable development. While there is a consensus that they have done that, we believe that the potential of the 1995 amendments has not been fully realized.

The Commissioner’s reports are referred to the House of Commons Standing Committee on Environment and Sustainable Development for consideration. This committee has not traditionally played the same legislative or policy oversight role that the Public Accounts Committee does with respect to the reports of the Auditor General: reviewing reports by the Auditor General, conducting hearings on the issues they raise, and making recommendations for action.

We believe this difference in practice represents a gap that weakens the impact of the Commissioner’s reports in strengthening the management of environmental and sustainable development issues across the federal government.

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#### Recommendation 6

**We recommend that the Auditor General and Commissioner approach parliamentarians to discuss how best to make use of the Commissioner’s reports in supporting parliamentary oversight.**

**Using tools other than audits.** The Office of the Auditor General’s methodology recognizes that in order to serve Parliament and promote good management and accountability, the Office’s work needs to go beyond audit. This is most likely to be the case when the subject matter may not be well understood, where there are not accepted audit criteria, or both.

Both the Auditor General and the Commissioner have used what are called “studies” to conduct this type of work and to report the results to Parliament.<sup>36</sup> Done well, we believe that these studies are integral to the Commissioner’s ability to promote a better understanding of the issues, as well as good environmental management.

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#### Recommendation 7

**We recommend that non-audit products such as studies and guidance continue to be included in the Commissioner’s environment and sustainable development work plan.**

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36. The Auditor General has reported studies on issues such as the role of the Treasury Board and its Secretariat (2004), economic development of First Nations communities (2003), accountability and ethics in government (2003), and challenges in the criminal justice system (2002). The Commissioner of the Environment and Sustainable Development has reported on issues like the social dimension of sustainable development (2001), intergovernmental cooperation (2000), and government support for energy investments (2000).

## Environment and sustainable development

The key issues regarding the auditing of environment and sustainable development issues are

- whether the current approach to sustainable development strategies continues to be appropriate, or whether an overarching strategy or statement of priorities is required to provide a framework for departmental action;
- whether sufficient attention is being given to broader sustainable development issues; and
- whether the Office of the Auditor General is taking full advantage of the environmental and audit expertise that it has developed, both in the Commissioner's team and more generally, to enable it to audit and report on the federal government's management of environment and sustainable development issues.

**An overarching sustainable development strategy.** The 1995 amendments to the *Auditor General Act* required most federal departments and agencies to prepare sustainable development strategies, table them in the House of Commons, report annually on progress, and update them every three years. The Commissioner's role was to monitor and report on the progress being made on the strategies' implementation.

This decentralized, department-by-department approach to sustainable development strategies is unique internationally. Many countries have developed national sustainable development strategies and then assigned responsibility to departments for implementing the components.

Over the years, the Government of Canada has made a number of commitments to develop an overall sustainable development strategy, but has not done so.<sup>37</sup> Many of the people we talked with—inside and outside government—view the absence of an overall strategy as a key gap in Canada's efforts to move along a sustainable development path. And the absence of concrete objectives and milestones makes the assessment of progress—a key part of the Commissioner's mandate—more difficult.

In the most recent report to the House of Commons, the Commissioner recommended that the government carry out a thorough review of its current approach to the preparation and use of sustainable development strategies and act on the results. We are pleased that the government agreed with the recommendation and has committed to completing the review by October 2008.<sup>38</sup>

We note that in our consultations there was a difference of opinion on the scope of an overarching sustainable development strategy. Some favoured a national strategy, some

37. Excluding *Canada's Green Plan for a Healthy Environment*, 1990.

38. 2007 Report of the Commissioner of the Environment and Sustainable Development, Chapter 1 — Sustainable Development Strategies, Appendix.

a federal government strategy, and some a strategy focussed on key departments. Some preferred a strategy that dealt with all dimensions of sustainable development—economic, social, and environmental—while others suggested a focus on environmental sustainability.

The Commissioner’s mandate includes both environmental and sustainable development issues. Sustainable development is defined in the *Auditor General Act* as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Section 21.1 of the Act states that sustainable development is a continually evolving concept “which may be achieved by, among other things,

- (a) the integration of the environment and the economy;
- (b) protecting the health of Canadians;
- (c) protecting ecosystems;
- (d) meeting international obligations;
- (e) promoting equity;
- (f) an integrated approach to planning and making decisions that takes into account the environmental and natural resource costs of different economic options and the economic costs of different environmental and natural resource options;
- (g) preventing pollution; and
- (h) respect for nature and the needs of future generations.”

In his first report to Parliament, the first Commissioner said that his immediate focus would be on the environment.

While the goal is to achieve a reasonable balance among the many elements of sustainable development that are important to Canadians, my immediate work plan pays particular attention to the environment. Economic and social priorities have traditionally received more explicit recognition in the mandates of departments. Part of my job is to redress this imbalance by bringing the environment into the equation more systematically.<sup>39</sup>

Since then, most of the Commissioner’s work has dealt with the management of environmental issues. Notable exceptions include reports on the social dimension of sustainable development<sup>40</sup> and sustainable fisheries.<sup>41</sup>

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39. 1997 Report of the Commissioner of the Environment and Sustainable Development.

40. 2001 Report of the Commissioner of the Environment and Sustainable Development, Chapter 5 — Integrating the Social Dimension: A Critical Milestone.

41. 1999 Report of the Auditor General of Canada, Chapter 4 — Fisheries and Oceans—Managing Atlantic Shellfish in a Sustainable Manner.

The issue of an overarching sustainable development strategy was part of the 2007 Report of the Commissioner of the Environment and Sustainable Development and we endorse the conclusions in that report.

**Auditing management of environmental issues—the fourth “E”.** The 1995 amendments to the *Auditor General Act* formally added environmental impact to the issues the Auditor General should consider in determining what to audit and report to Parliament. This is the fourth “E” that we referred to earlier. They also charged the Commissioner with assisting the Auditor General in performing the duties of the Auditor General set out in the Act that relate to the environment and sustainable development.

The Office of the Auditor General is one of the federal organizations that voluntarily prepares a sustainable development strategy and reports on its implementation. In each of its sustainable development strategies, the Office of the Auditor General has focused its efforts on integrating environmental impact into its audit selection process. Staff has also been shared between the Commissioner’s team and other Office teams to help ensure a good match between skills and issues.

The Commissioner’s 2005 Report illustrates how this approach is working. The Report includes six audit chapters: two prepared by the Commissioner’s team, two prepared by other teams, and two prepared jointly. In addition, the review of sustainable development strategies was led by the Commissioner’s team but involved staff from across the Office of the Auditor General.

We were encouraged that in each of its own sustainable development strategies, the Office of the Auditor General has focused on integrating environmental considerations into its audit selection and planning decisions. A number of positive steps have been taken, including staff training and development of an environmental audit guide. In addition, we see that the environmental audit work performed is increasingly being done by mixed teams of environmental specialists and auditors from across the Office.

We believe that this mixing of skill sets enhances the quality of the work being done by the Office and should be actively encouraged.

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### Recommendation 8

**We recommend that the interaction and exchange of staff between the Commissioner’s team and other groups in the Office of the Auditor General continue to be enhanced, including in the selection, planning, and conduct of the Office’s work.**

**Both the environment and sustainable development.** The Commissioner’s mandate includes both the environment and sustainable development. One of the key decisions the Commissioner will make is how to incorporate and balance the two in developing his or her work plan, particularly for auditing the performance of government departments and agencies.

As we have noted, some of the people we talked to suggested that the focus be on the environment. Economic and social priorities have traditionally been more explicitly recognized in the mandates of government departments; a focus on the environment would help redress this imbalance. In addition, benchmarks for what constitutes good environmental management are somewhat better defined than those for sustainable development.

Others wanted to see a broader emphasis on the three dimensions of sustainable development—the economic, social, and environmental—and how they interact. This broader focus is consistent with the mandate given to the Commissioner.

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### Recommendation 9

**We recommend that the next Commissioner, as a priority for early in the mandate, articulate how sustainable development will be factored into his or her work plan.**

## The petitions process

The key issue regarding the petitions process is

- whether, as it becomes more widely known and more widely used, a screening mechanism of some form is required to focus resources on the most important issues.

The petitions process allows Canadians to register their concerns with the Commissioner about specific environmental and sustainable development issues that fall under federal jurisdiction, and to obtain a response to those concerns from the appropriate department. About 250 petitions from individuals and groups have been received and responded to over the past 12 years.

As noted earlier, the Commissioner has worked hard to raise awareness of the petitions process, provide better guidance to petitioners and departments, and encourage more complete responses.

Most people we spoke with find the process useful. However, we were told that departments have not been provided with the resources to manage the process. As a result, other work needs to be set aside to respond to petitions.

The introduction of a screening mechanism of some form would likely require legislative change.

The petitions process was part of the 2007 Report of the Commissioner of the Environment and Sustainable Development, and we endorse the conclusions in that report.

## IV. Concluding Comments

Through the 1995 amendments to the *Auditor General Act*, parliamentarians sent a strong signal to Canadians about their commitment to the environment and sustainable development, and their determination to strengthen the federal government's performance in both areas.

Despite a diversity of perspectives on future directions, on one issue there was almost total unanimity: Over the past 12 years, the Office of the Auditor General and the Commissioner have had a positive impact on the federal government's management of environmental and sustainable development issues. They have also served an important educational role. No one said otherwise.

We agree. Within the mandate established by Parliament, we believe the Commissioner and the Office of the Auditor General have done a good job. There are opportunities to build upon their strengths and their achievements, and these were presented in our recommendations.

There are two important issues that fall outside the direct influence of the Office that the government and parliamentarians may wish to consider.

First, when the amendments were made, it was understood that the Office of the Auditor General and the Commissioner would not operate in isolation. They were an important part, but only one part, of the government's overall approach to sustainable development.

- Leadership was to come from the government in providing overall policy direction and undertaking specific activities to translate its stated commitment to sustainable development into concrete action.
- Parliamentarians were to authorize those activities and hold government to account for their implementation.
- The Commissioner's main role was to assist parliamentarians by providing the information they needed to examine the federal government's performance and hold it to account.

This raises fundamental questions:

- Do the government and parliamentarians believe they are doing what needs to be done to promote sustainable development? For example, can the sustainable development strategy process be strengthened to make it the instrument for change that it was intended to be?
- Is optimal use being made of the reports of the Commissioner?

The second issue that falls outside the influence of the Office of the Auditor General was first raised in the period leading to the 1995 amendments, and then again in 2007. It raises further questions:

- What are the barriers to achieving sustainable development?
- Who is best equipped to deal with these barriers?

Those who favour the current model (a Commissioner located within the Office of the Auditor General) emphasize examining barriers to implementation—failures to translate policy direction into effective action—and the roles that accountability and audit play in this endeavour. In this view, others—ministers, parliamentarians, industry, and environmental and other groups—are to play the policy roles.

Those who favour a Commissioner as a separate officer of Parliament focus on the need to look forward, on the need for an independent policy advocate, and on the benefits of promoting environmental awareness and good practices. In this view, others, notably the Auditor General working with Parliament, would play the accountability role.

It will be up to the government and Parliament to decide whether the legislation should be changed to address these sorts of concerns, and if so, how.

We do not believe the choice lies simply between a narrow conception of the current role and an expanded role that would require legislative change. There is considerable room for a more complete expression of the Commissioner's existing mandate, in ways that would better serve Parliament and that would address many of the concerns expressed by the people with whom we spoke. That is why we have titled our report *Fulfilling the Potential*.



## Appendix 1: Terms of Reference for the Panel

In 1995, the *Auditor General Act* was amended to help strengthen parliamentary oversight of the federal government's efforts to protect the environment and to foster sustainable development. Those amendments did the following:

1. created the position of Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada;
2. formally added environmental effects to the considerations the Auditor General takes into account when determining what to report to the House of Commons;
3. required ministers to prepare sustainable development strategies, table them in the House of Commons, and update them every three years; and
4. authorized the Auditor General to receive petitions on environment and sustainable development matters, and required ministers to respond to them.

Pursuant to these amendments, since 1995

- there have been two Commissioners of the Environment and Sustainable Development appointed, along with two interim Commissioners;
- audits have been conducted of the federal government's management of a wide range of environmental issues, and presented to Parliament both in the Reports of the Commissioner of the Environment and Sustainable Development and in the Reports of the Auditor General;
- more than 30 departments and agencies have released 4 rounds of sustainable development strategies; and
- more than 250 petitions have been received, and responses sought from ministers.

### Mandate

The focus of the review is on how the mandate established by Parliament has been put into practice. An independent panel will look for opportunities to strengthen implementation to best serve Parliament, and will make recommendations to the Auditor General.

The panel will submit a written report outlining their recommendations to the Auditor General of Canada by October 31, 2007. The Auditor General will then make the report public along with her response.

## Conduct of the Review

The panel will consider how the amendments have been implemented and their impact. This could include

- reviewing the reports produced by the Office of the Auditor General pursuant to its environmental and sustainable development mandate;
- hearing from parliamentarians, environmental groups, departmental officials, officials from the Office of the Auditor General, and other interested parties; and
- receiving submissions.

## Independent Panel

Elizabeth Dowdeswell, Jim Mitchell, and Ken Ogilvie have been selected to serve on the panel based on their knowledge of the issues and their experience in dealing with them.

- Elizabeth Dowdeswell will chair the panel. She has had an extensive career in government, education, and international affairs. She has served as Under-Secretary General of the United Nations and Executive Director of the United Nations Environment Program and managed a variety of inquiries into public policies such as unemployment insurance, federal water policy, and culture. She is the former President of the Nuclear Waste Management Organization, and is currently Special Advisor to its Board of Directors.
- Jim Mitchell has many years of experience in the analysis and resolution of complex public policy issues. He is a founding partner of the policy consulting firm Sussex Circle. He has also served as Assistant Secretary to the Cabinet (Machinery of Government) and Assistant Secretary of the Treasury Board.
- Ken Ogilvie has been Executive Director of Pollution Probe, a Canadian environmental group, for 12 years. He has 30 years of experience in government, institutional, and not-for-profit organization positions, ranging from project engineering to policy development and public advocacy. He is also a former Vice-Chair of the National Round Table on the Environment and the Economy, and has worked for the Ontario Ministry of Environment and Energy, Environment Canada, and the Manitoba Department of Environment.

A secretariat provided by the Office of the Auditor General of Canada will support the work of the panel.

## Appendix 2: Legislative Mandate

### A. 1995 Amendments to the *Auditor General Act*

The 1995 amendments to the *Auditor General Act* did the following things:

#### I. Defined key terms

“sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

“sustainable development strategy”, with respect to a category I department, means the department’s objectives, and plans of action, to further sustainable development.

“category I department” means

(a) any department named in Schedule I to the *Financial Administration Act*,

(b) any department in respect of which a direction has been made under subsection 24(3), and

(c) any department set out in the schedule.

“Commissioner” means the Commissioner of the Environment and Sustainable Development appointed under subsection 15.1(1).

#### II. Formally added environmental effects to the considerations the Auditor General takes into account when determining what to report to the House of Commons

##### Annual and additional reports to the House of Commons

7. (1) The Auditor General shall report annually to the House of Commons and may make, in addition to any special report made under subsection 8(1) or 19(2) and the Commissioner’s report under subsection 23(2), not more than three additional reports in any year to the House of Commons

(a) on the work of his office; and

(b) on whether, in carrying on the work of his office, he received all the information and explanations he required.

(2) Each report of the Auditor General under subsection (1) shall call attention to anything that he considers to be of significance and of a nature that should be brought to the attention of the House of Commons, including any cases in which he has observed that

(a) accounts have not been faithfully and properly maintained or public money has not been fully accounted for or paid, where so required by law, into the Consolidated Revenue Fund;

- (b) essential records have not been maintained or the rules and procedures applied have been insufficient to safeguard and control public property, to secure an effective check on the assessment, collection and proper allocation of the revenue and to ensure that expenditures have been made only as authorized;
- (c) money has been expended other than for purposes for which it was appropriated by Parliament;
- (d) money has been expended without due regard to economy or efficiency;
- (e) satisfactory procedures have not been established to measure and report the effectiveness of programs, where such procedures could appropriately and reasonably be implemented; or
- (f) *money has been expended without due regard to the environmental effects of those expenditures in the context of sustainable development* (emphasis added).

### III. Created the position of Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada.

#### Appointment of Commissioner

**15.1** (1) The Auditor General shall, in accordance with the *Public Service Employment Act*, appoint a senior officer to be called the Commissioner of the Environment and Sustainable Development who shall report directly to the Auditor General.

(2) The Commissioner shall assist the Auditor General in performing the duties of the Auditor General set out in this Act that relate to the environment and sustainable development.

#### Purpose

**21.1** The purpose of the Commissioner is to provide sustainable development monitoring and reporting on the progress of category I departments towards sustainable development, which is a continually evolving concept based on the integration of social, economic and environmental concerns, and which may be achieved by, among other things,

- (a) the integration of the environment and the economy;
- (b) protecting the health of Canadians;
- (c) protecting ecosystems;
- (d) meeting international obligations;
- (e) promoting equity;
- (f) an integrated approach to planning and making decisions that takes into account the environmental and natural resource costs of different economic options and the economic costs of different environmental and natural resource options;

- (g) preventing pollution; and
- (h) respect for nature and the needs of future generations.

### **Duty to monitor**

**23.** (1) The Commissioner shall make any examinations and inquiries that the Commissioner considers necessary in order to monitor

- (a) the extent to which category I departments have met the objectives, and implemented the plans, set out in their sustainable development strategies laid before the House of Commons under section 24; and
- (b) the replies by ministers required by subsection 22(3).

### **Commissioner's report**

(2) The Commissioner shall, on behalf of the Auditor General, report annually to the House of Commons concerning anything that the Commissioner considers should be brought to the attention of that House in relation to environmental and other aspects of sustainable development, including

- (a) the extent to which category I departments have met the objectives, and implemented the plans, set out in their sustainable development strategies laid before that House under section 24;
- (b) the number of petitions recorded as required by subsection 22(1), the subject-matter of the petitions and their status; and
- (c) the exercising of the authority of the Governor in Council under any of subsections 24(3) to (5).

### **Submission and tabling of report**

(3) The report required by subsection (2) shall be submitted to the Speaker of the House of Commons and shall be laid before that House by the Speaker on any of the next fifteen days on which that House is sitting after the Speaker receives it.

## **IV. Authorized the Auditor General to receive petitions on environment and sustainable development matters, and required ministers to respond to them.**

### **Petitions received**

**22.** (1) Where the Auditor General receives a petition in writing from a resident of Canada about an environmental matter in the context of sustainable development that is the responsibility of a category I department, the Auditor General shall make a record of the petition and forward the petition within fifteen days after the day on which it is received to the appropriate Minister for the department.

### **Acknowledgement to be sent**

(2) Within fifteen days after the day on which the Minister receives the petition from the Auditor General, the Minister shall send to the person who made the petition an acknowledgement of receipt of the petition and shall send a copy of the acknowledgement to the Auditor General.

### **Minister to respond**

(3) The Minister shall consider the petition and send to the person who made it a reply that responds to it, and shall send a copy of the reply to the Auditor General, within

(a) one hundred and twenty days after the day on which the Minister receives the petition from the Auditor General; or

(b) any longer time, where the Minister personally, within those one hundred and twenty days, notifies the person who made the petition that it is not possible to reply within those one hundred and twenty days and sends a copy of that notification to the Auditor General.

### **Multiple petitioners**

(4) Where the petition is from more than one person, it is sufficient for the Minister to send the acknowledgement and reply, and the notification, if any, to one or more of the petitioners rather than to all of them.

## **V. Required ministers to prepare sustainable development strategies, table them in the House of Commons, and update them every three years.**

### **Strategies to be tabled**

**24.** (1) The appropriate Minister for each category I department shall cause the department to prepare a sustainable development strategy for the department and shall cause the strategy to be laid before the House of Commons

(a) within two years after this subsection comes into force; or

(b) in the case of a department that becomes a category I department on a day after this subsection comes into force, before the earlier of the second anniversary of that day and a day fixed by the Governor in Council pursuant to subsection (4).

### **Updated strategies to be tabled**

(2) The appropriate Minister for the category I department shall cause the department's sustainable development strategy to be updated at least every three years and shall cause each updated strategy to be laid before the House of Commons on any of the next fifteen days on which that House is sitting after the strategy is updated.

### **Governor in Council direction**

(3) The Governor in Council may, on the recommendation of the appropriate Minister for a department not named in Schedule I to the *Financial Administration Act*, direct that the requirements of subsections (1) and (2) apply in respect of the department.

### **Date fixed by Governor in Council**

(4) On the recommendation of the appropriate Minister for a department that becomes a category I department after this subsection comes into force, the Governor in Council may, for the purpose of subsection (1), fix the day before which the sustainable development strategy of the department shall be laid before the House of Commons.

### **Regulations**

(5) The Governor in Council may, on the recommendation of the Minister of the Environment, make regulations prescribing the form in which sustainable development strategies are to be prepared and the information required to be contained in them.

## ***B. 2007 Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol***

### **Commissioner of the Environment and Sustainable Development**

10.1 (1) At least once every two years after this Act comes into force, up to and including 2012, the Commissioner of the Environment and Sustainable Development shall prepare a report that includes

- (a) an analysis of Canada's progress in implementing the Climate Change Plans;
- (b) an analysis of Canada's progress in meeting its obligations under Article 3, paragraph 1, of the Kyoto Protocol; and
- (c) any observations and recommendations on any matter that the Commissioner considers relevant.

### **Publication of report**

(2) The Commissioner shall publish the report in any manner the Commissioner considers appropriate within the period referred to in subsection (1).

### **Report to the House of Commons**

(3) The Commissioner shall submit the report to the Speaker of the House of Commons on or before the day it is published, and the Speaker shall table the report in the House on any of the first three days on which that House is sitting after the Speaker receives it.

## Appendix 3: Reports of the Commissioner of the Environment and Sustainable Development

### **2006 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Perspective—2006

Climate Change—An Overview

Chapter 1 — Managing the Federal Approach to Climate Change

Chapter 2 — Adapting to the Impacts of Climate Change

Chapter 3 — Reducing Greenhouse Gases Emitted During Energy Production and Consumption

Chapter 4 — Sustainable Development Strategies

Chapter 5 — Environmental Petitions

### **2005 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Perspective—2005

Chapter 1 — Fisheries and Oceans Canada—Canada's Oceans Management Strategy

Chapter 2 — Ecological Integrity in Canada's National Parks

Chapter 3 — Canadian Biodiversity Strategy: A Follow-Up Audit

Chapter 4 — Safety of Drinking Water: Federal Responsibilities

Chapter 5 — Drinking Water in First Nations Communities

Chapter 6 — Green Procurement

Chapter 7 — Sustainable Development Strategies

Chapter 8 — Environmental Petitions

### **2004 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Perspective—2004

Chapter 1 — International Environmental Agreements

Chapter 2 — Canadian International Development Agency—Development Assistance and the Environment

Chapter 3 — Sustainable Development Strategies: Using the Tax System and Managing Office Solid Waste

Chapter 4 — Assessing the Environmental Impact of Policies, Plans, and Programs

Chapter 5 — Fisheries and Oceans Canada—Salmon Stocks, Habitat, and Aquaculture

Chapter 6 — Environmental Petitions

### **2003 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Perspective—2003

Chapter 1 — Managing the Safety and Accessibility of Pesticides

Chapter 2 — Road Transportation in Urban Areas: Accountability for Reducing Greenhouse Gases

Chapter 3 — Sustainable Development Strategies: Case Studies

Chapter 4 — Environmental Petitions

### **2002 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Perspective—2002

Chapter 1 — Toxic Substances Revisited

Chapter 2 — The Legacy of Federal Contaminated Sites

Chapter 3 — Abandoned Mines in the North

Chapter 4 — Invasive Species

Chapter 5 — Sustainable Development Strategies

Chapter 6 — Exercising Your Right to Know: The Environmental Petitions Process

### **2001 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Perspective—2001

Chapter 1 — A Legacy Worth Protecting: Charting a Sustainable Course in the Great Lakes and St. Lawrence River Basin

Chapter 2 — Sustainable Development Management Systems

Chapter 3 — Reporting on Sustainable Development: Is the System Working?

Chapter 4 — Assessing the First Sustainable Development Strategies

Chapter 5 — Integrating the Social Dimension: A Critical Milestone

Chapter 6 — Climate Change and Energy Efficiency: A Progress Report

Chapter 7 — Connecting with Canadians: The Environmental Petitions Process

### **2000 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Observations

Chapter 1 — Implementing Sustainable Development Strategies: Year Two—Work in Progress

Chapter 2 — Greening Government Operations: When Will the Government Measure Up?

Chapter 3 — Government Support for Energy Investments

Chapter 4 — Smog: Our Health at Risk

Chapter 5 — Partnerships for Sustainable Development: Overview

Chapter 6 — Working Together in the Federal Government

Chapter 7 — Co-operation Between Federal, Provincial and Territorial Governments

Chapter 8 — Working With the Private Sector

Chapter 9 — Follow-up of Previous Audits: More Action Needed

**1999 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Observations

Chapter 1 — Implementing Sustainable Development Strategies: Laying the Groundwork for Progress

Chapter 2 — Sustainable Development Strategy Consultations

Chapter 3 — Understanding the Risks From Toxic Substances: Cracks in the Foundation of the Federal House

Chapter 4 — Managing the Risks of Toxic Substances: Obstacles to Progress

Chapter 5 — Streamlining Environmental Protection Through Federal-Provincial Agreements: Are They Working?

Chapter 6 — Making International Environmental Agreements Work: The Canadian Arctic Experience

Chapter 7 — Building a Sustainable Organization: The View From the Top

Chapter 8 — Greening Government Operations: Measuring Progress

Chapter 9 — Greening Policies and Programs: Supporting Sustainable Development Decisions

**1998 Report of the Commissioner of the Environment and Sustainable Development**

The Commissioner's Observations

Chapter 1 — Greening the Government of Canada—Strategies for Sustainable Development

Chapter 2 — Working Globally—Canada's International Environmental Commitments

Chapter 3 — Responding to Climate Change—Time to Rethink Canada's Implementation Strategy

Chapter 4 — Canada's Biodiversity Clock Is Ticking

Chapter 5 — Expanding Horizons—A Strategic Approach to Sustainable Development

Chapter 6 — Environmental Assessment—A Critical Tool for Sustainable Development

Chapter 7 — Counting the Environment In

Chapter 8 — Performance Measurement for Sustainable Development Strategies

**1997 Report of the Commissioner of the Environment and Sustainable Development**

## Appendix 4: Who We Consulted

### Parliamentarians

Senator Willie Adams  
Mike Allen, MP  
Senator David Angus  
Senator Tommy Banks  
Bernard Bigras, MP  
Charles Caccia, former MP  
John Godfrey, MP  
Karen Kraft Sloan, former MP  
Clifford Lincoln, former MP  
David McGuinty, MP  
Bob Mills, MP  
Senator Lorna Milne  
Senator Grant Mitchell  
Shawn Murphy, MP  
Geoff Regan, MP  
Anthony Rota, MP  
Francis Scarpaleggia, MP  
Mark Warawa, MP

### Commissioners in Other Jurisdictions

Eva Ligeti (former Commissioner, Ontario)  
Harvey Mead (Quebec)  
Gord Miller (Ontario)  
Jan Wright (New Zealand)  
Morgan Williams (former Commissioner, New Zealand)

### Former Commissioners of the Environment and Sustainable Development

Brian Emmett  
Johanne G  linas

### Panel of Environmental Advisors to the Commissioner of the Environment and Sustainable Development

Art Hanson  
Charles Caccia  
Valerie Chort  
Jean Cinq-Mars  
Chris Henderson  
Jim MacNeill

David Runnalls  
Bob Slater  
Stuart Smith  
Harry Swain  
Glen Toner

### **Office of the Auditor General of Canada**

Sheila Fraser  
Hugh McRoberts  
Ron Thompson  
John Wiersema  
Current and former members of the Commissioner of the Environment  
and Sustainable Development team

### **Government of Canada**

Marc Fortin, Assistant Deputy Minister, Agriculture and Agri-Food Canada  
Michael Horgan, Deputy Minister, Environment Canada  
John Knuble, Associate Deputy Minister, Natural Resources Canada<sup>42</sup>  
Lucie McClung, Senior Associate Deputy Minister, Fisheries and Oceans Canada  
Michael Small, Assistant Deputy Minister, Foreign Affairs and International  
Trade Canada  
Michael Wernick, Deputy Minister, Indian and Northern Affairs Canada

### **Others**

Assembly of First Nations  
François Bregha, Stratos Inc.  
George Greene, Stratos Inc.  
Tony Hodge, Anthony Hodge Consultants Inc.  
Susan Holtz, Canadian Institute for Environmental Law and Policy  
James Meadowcroft, Carleton University  
Anne Mitchell, Canadian Institute for Environmental Law and Policy  
Glen Murray, National Round Table on the Environment and the Economy  
Richard Paton, Canadian Chemical Producers' Association  
Pierre Sadik, David Suzuki Foundation  
Susan Tanner, Canadian Environmental Network  
Mark S. Winfield, Pembina Institute

In addition to those listed, the Panel conducted an electronic survey of federal government officials and environmental organizations. Responses were anonymous.

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42. John Knuble has since become Associate Deputy Minister at Transport Canada.



Part Two

**Response from  
the Auditor General of Canada**





To the Green Ribbon Panel:

I thank the members of the Green Ribbon Panel for their review of our environment and sustainable development practice. The recommendations are very useful. We agree with all of them and will work closely with the new Commissioner in implementing them. We have taken these recommendations into account as we launch the process for selecting a new Commissioner.

I also thank the Panel for recognizing the value of our work in the area of the environment and sustainable development. We are proud of our domestic and international reputation for excellence in auditing the management of environment and sustainable development issues.

The position of Commissioner of the Environment and Sustainable Development and the related part of our mandate have been in place now for the relatively short time of 12 years. The work of the Commissioner has grown to become an important part of our audit practice.

There have been two Commissioners and two acting Commissioners, and each of them contributed in his or her own way to the development of our practice. Since 1998, the Commissioner's Group within our Office has presented over 70 report chapters—audits and studies—to Parliament. As well, the Auditor General's reports have included numerous audits on environment and sustainable development issues.

After 12 years, it is time to take stock, to draw on our experience and the Panel's report and recommendations, and revisit our strategy for implementing the mandate given to us by Parliament in 1995. This will assist us in identifying how we can better serve Parliament in its oversight of the government's management of environmental and sustainable development issues.

In order to help in the transition to a new Commissioner, my staff will begin work on a revised strategy, on how to make full use of our mandate and on how sustainable development might play a bigger role in the Commissioner's work. We have assigned resources to this project beginning in January. Once appointed, I expect the next Commissioner to be fully involved in the development of the strategy and related options and, in concert with me, their finalization.

In revisiting our strategy, we will consult Parliament. We will publish our revised strategy within a year of the new Commissioner's appointment.

A handwritten signature in cursive script that reads "Sheila Fraser".

Sheila Fraser, FCA

23 January 2008



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### **Recommendation 1**

**That the Commissioner make full use of the existing mandate to draw parliamentary and public attention to key environmental and sustainable development issues.**

**Auditor General’s response.** Agreed.

We plan to revisit our strategy for implementing the mandate given to us by Parliament in 1995. As part of this process, we will develop options for consideration by the next Commissioner and the Auditor General on how to make full use of our mandate in environmental and sustainable development issues.

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### **Recommendation 2**

**That the Commissioner’s role be understood to include advocacy for good environmental management and the promotion of good practices across the federal government.**

**Auditor General’s response.** Agreed.

We will look for opportunities to expand our efforts to advocate the development of good environmental management practices by the government. We will also work with the government to identify and promote good practices in the management of environmental and sustainable development issues.

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### **Recommendation 3**

**That the Commissioner be appointed for a fixed seven-year non-renewable term.**

**Auditor General’s response.** Agreed.

We will incorporate this recommendation into the process for appointing the next Commissioner.

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### **Recommendation 4**

**That the Auditor General consult informally with parliamentarians before appointing a new Commissioner.**

**Auditor General’s response.** Agreed.

The Auditor General will consult with parliamentarians before appointing a new Commissioner.

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**Recommendation 5**

**That there continue to be a separate and distinct Commissioner’s report referred to the House of Commons Standing Committee on Environment and Sustainable Development.**

**At the same time, we encourage the Auditor General to continue to include environmental and sustainable development issues in the Office’s overall audit work and in her reports to Parliament. We believe it is useful to experiment with reporting formats, timing, and venues to enhance the visibility and impact of the Office’s environmental and sustainable development work.**

**Auditor General’s response.** Agreed.

The Commissioner’s report will continue to be separate and distinct.

The goal of our strategy for tabling reports is to plan the timing and frequency of our reports in a way that best accommodates the parliamentary calendar. With that in mind, we agree with the Panel that “it is useful to experiment with reporting formats, timing, and venues to enhance the visibility and impact of the Office’s environmental and sustainable development work” and we will continue to do so.

As we go forward, we will evaluate our recent experiences and, in consultation with Parliament, we will determine the best approach for serving Parliament. We will also continue to include environmental and sustainable development issues in the Office’s overall audit work and in the Auditor General’s reports to Parliament.

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**Recommendation 6**

**That the Auditor General and Commissioner approach parliamentarians to discuss how best to make use of the Commissioner’s reports in supporting parliamentary oversight.**

**Auditor General’s response.** Agreed.

Within the first year of the next Commissioner’s appointment, the Auditor General and the Commissioner will approach the appropriate parliamentary committees to discuss how best to make use of the Commissioner’s reports in supporting parliamentary oversight.

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### **Recommendation 7**

**That non-audit products such as studies and guidance continue to be included in the Commissioner’s environmental and sustainable development work plan.**

**Auditor General’s response.** Agreed.

Studies and guidance are part of our practice; they will continue to be. As we revisit our strategy, we will consider opportunities to make greater use of non-audit products in the Commissioner’s work.

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### **Recommendation 8**

**That the interaction and exchange of staff between the Commissioner’s team and other groups in the Office continue to be enhanced, including in the selection, planning, and conduct of the Office’s work.**

**Auditor General’s response.** Agreed.

The Commissioner and his/her team are fully integrated in the management and the administration of the Office and in all aspects of the decision-making process, including the planning, selection, conduct, and reporting of all our work. This will be maintained as we move forward, and enhanced whenever possible.

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### **Recommendation 9**

**That the next Commissioner, as a priority for early in the mandate, articulate how sustainable development will be factored into his or her work plan.**

**Auditor General’s response.** Agreed.

In conjunction with revisiting our strategy, we will develop options for consideration by the Auditor General and the new Commissioner on how sustainable development might be factored further into the Commissioner’s work plan.

