



Office of the Auditor General of Ontario
Bureau du vérificateur général de l'Ontario

April 3, 2019

Mr. Terry Rees
Federation of Ontario Cottagers' Associations (FOCA)
201- 159 King Street
Peterborough, Ontario
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Dear Mr. Rees:

The government of Ontario has proclaimed Schedule 15 of the *Restoring Trust, Transparency and Accountability Act, 2018*. As such, effective April 1, 2019, the Office of the Environmental Commissioner of Ontario (ECO) has integrated into the Office of the Auditor General of Ontario. I write to you today to give you a clear picture of how reporting on environmental matters in this province will evolve with even greater impact than before.

February 15, 2019, marked the 25th anniversary of the Environmental Bill of Rights (EBR). This legislation empowers the public, giving citizens a voice on the environment and enabling their participation in environmental decisions. Its key features remain unaffected under the new legislation that gave the Office of the Auditor General the environmental reporting mandate. Residents can continue to be notified of and comment on proposals through the Environmental Registry, request investigations and reviews, appeal ministry decisions, and sue for harm to a public resource or for a public nuisance.

The Office of the ECO did substantial work monitoring ministries' compliance with the EBR; reviewing progress on greenhouse gas reductions, energy conservation and other environmental issues; and publicly reporting the findings from that work. Going forward, similar work will continue in the form of compliance and performance audits to be conducted by former ECO staff. The Office of the Auditor General will be welcoming these technical experts with their valuable experience and knowledge. The Auditor General will appoint a Commissioner of the Environment who, reporting to the Auditor General, will be responsible for executing our Office's expanded EBR responsibilities.

For more than 130 years, the Office of the Auditor General—an independent Office of the Legislature—has spoken freely, without favour or fear of reprisals, and released reports that hold the government and organizations in the broader public sector to account. The Office of the Auditor General has a long history of auditing and reporting on environmental issues. Our Annual Report of 1994 (the same year the ECO was established) included a report on water and sewage treatment facilities. Since then, 19 of our 24 subsequent annual reports have included at least one environmental audit.

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Our expanded legislative responsibilities include a requirement to report annually on the operation of the EBR, which may include reporting on energy conservation, greenhouse gas emissions reductions and any other matters that the Auditor General considers appropriate. With these expanded legislated responsibilities, we reaffirm our commitment to the environment, and will be working to issue reports on climate change and ministries' compliance with the EBR within the next year. Audits on other environmental subjects or issues will be planned once the ECO staff joining our Office are fully trained in our audit methodology and tools. Further, the jurisdiction for the ECO staff joining our Office has now been broadened, from examining only ministries to now also examining Crown agencies and organizations within the broader public sector, such as hospitals and school boards.

A key feature of the new legislation that I wish to highlight is that our Office will not be the clearinghouse for applications for reviews and investigations. Ontarians will now submit applications for review and/or investigation directly to the relevant ministry, which is still required to consider conducting reviews or undertaking investigations. We are requesting that ministries provide copies of the applications to our Office, and we will conduct compliance audit work and report on whether ministries have appropriately and effectively responded to public requests for reviews and investigations. Ontarians can also copy the Office of the Auditor General directly regarding their applications (for information purposes only). We will report to the Legislature annually on applications for reviews and investigations.

A key feature of reports issued by our Office is the inclusion of recommendations with ministries' responses to these recommendations. We follow up on ministries' progress in implementing recommendations two years after we issue them. If they are not fully implemented at the two-year mark, we continue to follow up each year thereafter until they are implemented or no longer relevant.

Our reports, once tabled, are automatically referred to the Standing Committee on Public Accounts (Committee), comprised of government and opposition members. The Committee selects from among the reports we complete every year a number on which to conduct public hearings. At these hearings, Committee members question key ministry officials (as well as officials from the broader public sector) about the findings of our audit reports and hold them accountable for fulfilling their responsibilities and the performance of their ministries or organizations within the broader public sector. When the hearings are done, the Committee prepares a report with its own recommendations. Our Office also follows up on the Committee's report recommendations, and follow-up again continues until recommendations are fully implemented.

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We believe that significant change for the better is assured through these processes. For example, in 2014 (see our Annual Report, Chapter 3, Section 3.12, titled “Source Water Protection”), we reported that, 12 years after the Walkerton Commission of Inquiry recommended that the then Ministry of the Environment take the lead in providing safe drinking water through approving source water protection plans, the Ministry had approved only three of 22 plans, affecting only 5% of Ontario’s population. We recommended that the Ministry take action to have plans promptly approved, and they were, by December 2015. In 2015 (see our Annual Report, Chapter 3, Section 3.10, titled “Management of Contaminated Sites”), we recommended that the government set up a central overseer to manage contaminated sites and create a centralized database inventory for contaminated sites. This recommendation was fully implemented at the time of our 2017 follow-up. Also in 2015 (see our Annual Report, Chapter 3, Section 3.11, titled “Mines and Minerals Program”), we reported on the poor job the then Ministry of Northern Development and Mines was doing to help ensure, through inspections, that prospectors rehabilitated the sites where they performed exploration work. In July 2017, the Ministry implemented our recommendation to identify and annually inspect high-risk sites.

With our expanded environmental authority, our Office will continue our tradition of conducting independent, objective, evidence-based analysis of the environmental activities of the government and broader public sector, explaining what’s at stake, evaluating what’s working and what isn’t, making recommendations for improvement, and following up so that tangible, positive outcomes result.

The integration of the Office of the ECO into our Office now also provides the opportunity for ECO staff to work with their peers in the Office of the Auditor General of Canada and the Office of the Auditor General of Quebec. In 1995, the position of federal Commissioner of the Environment and Sustainable Development was created within the federal Auditor General’s office, and in 2006, the position of Sustainable Development Commissioner was created within the Quebec Auditor General’s office.

As part of the integration arrangements, the Office of the ECO’s extensive library of books, journals, academic papers and other resources will be moving to the Archives of Ontario, ministry libraries, the Legislative Assembly and university libraries.

On behalf of myself and my senior leadership team, which will now include a Commissioner of the Environment and former ECO staff, we look forward to meeting and talking with all of you as we conduct our work to ensure that recommendations are provided to all members of the Legislature, so they can help ensure the protection and conservation of Ontario’s air, land, water and biodiversity.

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We look forward to meeting you in the future. Should you have any questions, or would like to meet with me in the future, please do not hesitate to contact me at 416-327-1326. Once a new Commissioner of the Environment has joined our Office, I am sure he/she would also be available to meet with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Lysyk". The signature is written in a cursive style with a large initial 'B'.

Bonnie Lysyk
Auditor General of Ontario