

Compliance, monitoring and enforcement

Natural resource officers help ensure that mining is done responsibly and the environment is protected. They monitor and inspect mine sites and enforce Yukon's laws and regulations.

We're considering a suite of new enforcement tools and penalties. Our goal is to ensure proponents follow all the requirements that are part of their licence. We are also considering ways to enable the greater involvement of Indigenous governments in compliance, monitoring, and enforcement.

Interests

Compliance, monitoring and enforcement tools

Officers should have the appropriate tools at their disposal to ensure proponents comply with the requirements of their licence or legislation.

Penalties and deterrence

Penalties should be effective at deterring offences.

Public accountability and transparency

Information should be easily accessible by Indigenous governments and the public.

Collaborations between Yukon government and Indigenous governments

Tools should exist to allow for greater collaboration with Indigenous governments on compliance, monitoring and enforcement activities.

Potential approaches

Enforcement and investigative tools

Natural resource officers currently have limited tools to respond to offences. Expanded enforcement abilities will enable officers to do their work with the industry in an efficient and expeditious manner. Improvements – some of which are currently available but would be formalized in legislation – could include:

- Search, seizure or forfeiture provisions
- Summary conviction tickets to deal with minor infractions
- Adding additional court orders upon conviction



- Escalating responses to infractions, such as ceasing activities until orders are complied with
- Serving summons
- Use of accredited labs or certified analysts
- Allowing an inspector to be accompanied by a person needed to help perform functions

Many of these tools exist in other, more modern, pieces of Yukon legislation.

Penalties and deterrence

The current penalties are not always adequate to deter offences. For example, the maximum fine for failure to follow an officer's direction is \$5,000. Further, the current legislation has limited options for officers to compel payment or to compel action (e.g., reclamation of a site).

Changes to penalties and deterrence could include:

- Consequences for unpaid fines including the ability to seize items until a fine is paid and suspending licences if a fine is not paid
- Allowing for the sale of abandoned or forfeited property
- Allowing for escalating penalties for repeat offenders
- Updating of fine amounts to provide effective deterrents

Public accountability and transparency

Information on inspections is currently not easy to access. To address this, we are considering the creation of a public registry for permits, inspections, monitoring data, proponent reports and prosecution results. The goal would be to improve the public's understanding of how the industry is regulated and monitored and to make it easier to access information.

Collaborations between Yukon government and Indigenous governments

Yukon government currently carries out many of the duties related to compliance and inspection on its own. We could formalize tools in legislation to allow for greater involvement of Indigenous governments in compliance, monitoring, and enforcement. This would include enabling designations for inspecting, enforcement and monitoring.



Questions

5.1 Do you think the tools we're considering will encourage and improve compliance? Please explain.

5.2 Do you have any thoughts or concerns about the approaches we're considering for compliance, monitoring and enforcement, or additional things that you think we should consider?

