



FACT SHEET: Petitions

This fact sheet is intended to provide answers to common questions members of the public may have about petitioning the government on environmental matters.

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Why petition?

The ultimate goal of a petition is to get the government to take or not take an action. Petitions can accomplish this goal in direct or indirect ways. The government may adopt the ideas in the petition. The petition may also be an effective tool for attracting media attention, which may lead to the intended change.

To which level of government should I send my petition?

No one level of government has exclusive authority over the environment. Under the constitution, the “environment” is not one of the subjects specifically given to either the federal or provincial governments to regulate. Municipal governments can also create bylaws on environmental matters as permitted by the provincial legislation that creates them.

In most cases, it should be relatively easy to determine which level of government you should send a petition to. If you are supporting or opposing a

certain government action, then the petition should go to that level of government. However, since one level of government does not have exclusive authority over the environment, in some cases you may wish to petition more than one level of government.

Is there an environmental petition?

Yes, there is a special type of petition called an environmental petition. This petition is only available for federal matters; it does not apply to provincial or municipal matters.

The environmental petition is submitted to the Commissioner of the Environment and Sustainable Development (CESD), a position in the Office of the Auditor General of Canada. This petition can ask for a variety of actions that a normal petition cannot. These actions include:

- an investigation into possible non-compliance with or non-enforcement of a federal law;
- clarification of federal policy related to environmental matters;
- a review of existing federal environmental laws, regulations, or policies (including suggestions for improvement);
- information on how a particular federal department is involved in an environmental matter or issue; or
- information about the environmental integrity of a federal department's own operations.

The subject of the petition must be related to the environment in the context of sustainable development. You should also be aware that not all areas of the federal government are subject to the CESD process under the *Auditor General Act*. A list of the 28 departments and agencies that are currently subject to the process is on the Office of the Auditor General of Canada website at http://www.oag-bvg.gc.ca/domino/cesd_cedd.nsf/html/guide_e.html.

Environmental petitions do not require multiple signatures. Only one resident of Canada needs to sign it. The petition itself can be much more extensive than a

normal petition. The first part of the petition should be a covering letter stating that the petition is being submitted under the *Auditor General Act*. Background information related to your petition should then be attached. This information may name specific departments or agencies, but does not need to do so. The CESD will ultimately decide which department your petition should go to.

The requested action or information should then be stated. As clearly as you can, state what you want done or what information you want. If there is any other information that you would like the department or agency to consider, reference it or include a copy with your petition.

How do I petition the federal government?

General petitions to the federal government are sent to the House of Commons. The petition must contain 25 or more original signatures with addresses. It must be in polite, appropriate language, and must be on ordinary sized paper. A petition must be addressed "To the House of Commons in Parliament assembled". The part of the petition that requests action is called the prayer. It cannot demand action, but instead requests it.

A petition must be presented by a Member of Parliament (MP). There is no obligation on any MP to present a petition, so you will have to find one that wants to do so. An MP can also present a petition without supporting it.

It is a good idea to submit a draft petition to an MP before collecting signatures to ensure it is in the correct format. An MP that agrees to present a petition can either make a statement in a sitting of the House of Commons or file the petition with the Clerk of the House. Regardless of which method is chosen, the petition is then sent to the federal government. The government must table a response in the House of Commons within 45 days.

How do I petition the provincial government?

Petitions to provincial governments are generally similar in form and process to federal petitions. The following applies to petitions to the Alberta Legislative Assembly specifically, but is indicative of general rules for petitions.

An Alberta petition must be addressed to “The Legislative Assembly of Alberta, in Legislature Assembled”. There is no minimum number of signatures. Of course, a petition with more signatures will generally gather more attention. A petition cannot directly ask for anything that involves the spending of public money, such as increasing funding for a program. However, it can request that the Assembly consider doing one of these things. It can also request a decrease in spending or an increase in efficiency. The difference is only in the wording. Argument and debate are to be left out of petitions.

How do I petition a municipality?

In Alberta, the *Municipal Government Act (MGA)* permits municipalities to be petitioned. The *MGA* provides for the use of petitions by residents to force public meetings or put a bylaw or resolution to a public vote. If the bylaw or resolution is put to a vote, the result of the vote is binding.

The *MGA* requires that 10% of the electorate sign the petition. Signatures must be witnessed and signed by the witness after swearing an affidavit, which is a written declaration made under oath before a notary public or other authorized person. The petition must also include the address of the petitioner and the date. It is important to follow the specific requirements regarding the content, format, signing, dating and witnessing of the petition to avoid having names struck off the petition.

The petition must be filed within specified time after the last signature is collected, and this time frame depends on what the petition is asking to do. A representative of the petitioners must be appointed to answer to the municipality.

Please note that the *MGA* limits what a petition can propose. The most significant limitation is that planning and development matters cannot be put to a public vote by petition.

Are petitions effective?

As the subject matter of petitions varies widely, so does its effectiveness. Municipal petitions can lead to significant and quick change. Special environmental petitions must be responded to by law. Federal and provincial petitions are generally another method of determining what the electorate wants to be done. There are a number of different methods of expressing your opinion, and a petition is merely one of them. Letters and phone calls to MPs can also be very effective. Generally, the more effort that is personally put into expressing your opinion, the more effective it will be.

Where can I get more information?

For general information on petitioning for environmental matters, please contact the Environmental Law Centre. Further resources are included below.

Environmental Law Centre Library Resources and Online Catalogue:

Mallet, James S. *Municipal Powers, Land Use Planning, and the Environment: Understanding the Public's Role* (Edmonton: Environmental Law Centre (Alberta) Society, 2005).

Office of the Parliamentary Counsel. *Petitioner's Guide to Private Bills Procedure: How to Petition the Alberta Legislature to Pass a Private Bill* (Edmonton: Office of the Parliamentary Counsel, 1992).

Online Articles:

Chiasson, Cindy "Federal environmental petition a useful tool" (2004) 19:1 *Environmental Law Centre News Brief* 8, online: Environmental Law Centre <<http://www.elc.ab.ca/publications/NewsBriefDetails.cfm?ID=802>>.

Heelan Powel, Brenda. "Practical pointers on petitions." (2001) 16:1 *Environmental Law Centre News Brief* 11, online: Environmental Law Centre <<http://www.elc.ab.ca/publications/NewsBriefDetails.cfm?ID=705>>.

Additional Online Resources:

Legislative Assembly of Alberta, online:
<http://www.assembly.ab.ca/pro/Petition_guide.pdf> - this website provides the guidelines for petitioning the Alberta government.

Office of the Auditor General of Canada, online:
<http://www.oag-bvg.gc.ca/domino/cesd_cedd.nsf/html/guide_e.html> - this website provides step-by-step instructions on how to file an environmental petition.

Parliament of Canada, online:
<<http://www.parl.gc.ca/info/guipe.html>> - this website provides step-by-step instructions on how to petition the federal government.

A word of caution about your use of this material

The information provided in this fact sheet is current to December 31, 2006. While every effort has been made to ensure the accuracy and timeliness of the information, the information provided is of a general nature and is not a substitute for legal advice. The Environmental Law Centre encourages individuals to seek specific advice on matters of concern and not to rely solely on the information in this document.

The Environmental Law Centre

The Environmental Law Centre (Alberta) Society is a registered charitable organization that was incorporated in 1982 to provide Albertans with an objective source of information on environmental and natural resources law. The Centre, which is staffed by four full-time lawyers, a librarian and a small support staff, provides services in environmental law education, assistance, research and

ENVIRONMENTAL LAW CENTRE



law reform. The Centre maintains an extensive library of environmental law materials that is accessible by the public free of charge.

Funding for the Environmental Law Centre is provided by the Alberta Law Foundation and through the generous support of the public. The Centre also accepts private and government research contracts for work relevant to and consistent with the Centre's objectives.

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