



IEB

CANECT '08
APRIL 22

METRO TORONTO
CONVENTION CENTRE

C2
Dealing with
INSPECTIONS & INVESTIGATIONS

This course, presented by lawyers from Willms & Shier Environmental Lawyers LLP, will provide registrants with a guide to: engaging with regulatory authorities; reporting events; responding to inspections; challenging orders and approvals; dealing with administrative penalties, and diligently managing investigations.

2008
update

- **The enforcement regulatory framework**
 - Constitutional: *Charter of Rights and Freedoms*
 - Federal laws: *CEPA 1999, Fisheries Act, TDGA*
 - Ontario law: *Environmental Protection Act, Ontario Water Resources Act, Bill 133 "You Spill You Pay" amendments*
 - Pollution prohibitions
 - Enforcement: charges, Environmental Penalties, orders
 - Who are the enforcers?
- **Strategies for managing your data and communications**
 - Regulatory filings –annual reporting, approval applications, certificate of approval reporting, event reporting
 - Managing your internal documents
 - Confidentiality and privilege
 - Accuracy, consistency, appropriateness
- **Planning for, and responding to, a visit from the MOE**
 - **Investigator's Role**- Regulatory Mandate and Regulatory Priorities
 - Compliance Policies
 - Collecting Evidence
 - **Industry's View** - Preventing enforcers from 'fishing expeditions'
 - Co-operate or resist? Is there a compelling story to tell?
 - **The Abatement Conversation**
 - When to challenge and when to negotiate
 - Agreements, consent conditions of orders and approvals
 - **When Inspections Become Investigations** -Indicators of an investigation
 - Knowing when and how to assert your rights

- **Anatomy of a Prosecution: Lessons learned from trials and successful trial strategies**
 - The difference between trials (court) and tribunal hearings (Environmental Review Tribunal)
 - The importance of Crown Disclosure and defence fact-finding
 - Pre-trial and settlement negotiations with the prosecutors
- **Defending at trial**
 - Strategy and tactics
 - Due diligence and other successful defences
 - Lessons from the case law
- **Proving the case - Evidence**
 - Challenging the prosecution's evidence
 - Preventing "junk science"
 - Use of experts
 - Chain of custody
- **Management and due diligence strategies for protecting the company and its directors & officers**
 - The role of the Environmental Management System
 - Due diligence and best practices: Fresh approaches to respond to a changing regulatory regime

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<http://www.canect.net>