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Submission to
Standing Committee on Finance and Economic Affairs

**Bill 229, An Act to implement Budget measures and
to enact, amend and repeal various statutes**

November 30, 2020

Schedules 6 and 8 of Bill 229

1. I support the views expressed in the submission to the Standing Committee made by the Canadian Environmental Law Association, dated November 27, 2020, and accordingly ***would request that Schedules 6 and 8 of Bill 229 be withdrawn in their entirety.***

2. I also wish to express to the Standing Committee my extreme disappointment that the people of Ontario were not accorded the right of public consultation under the *Environmental Bill of Rights Act, 2003* (EBR) in respect of the proposed amendments to the *Conservation Authorities Act* (CAA) and the *Crown Forest Sustainability Act, 1994* (CFSA) in Schedules 6 and 8, respectively, of Bill 229.

- A bulletin posted on the Environmental Registry of Ontario (ERO) on November 5, 2020 states that public consultation in respect of the proposed amendments to the CAA is not required under the EBR because the proposed amendments form part of a budget bill.
- There does not appear to be any notice on the ERO related to the proposal in Schedule 8 of Bill 229 to amend the CFSA.

3. As recognized in the Preamble to the EBR, the government of Ontario must provide to the people of Ontario an opportunity for meaningful consultation in respect of environmentally significant legislation.

Preamble

The people of Ontario recognize the inherent value of the natural environment.

The people of Ontario have a right to a healthful environment.

The people of Ontario have as a common goal the protection, conservation and restoration of the natural environment for the benefit of present and future generations.

While the government has the primary responsibility for achieving this goal, the people should have means to ensure that it is achieved in an effective, timely, open and fair manner. (emphasis added)

4. The amendments to the CAA contained in Schedule 6 of Bill 229 will, if implemented, greatly affect integrated watershed management in the Province and, accordingly, will have a significant effect on the environment.

5. The amendments to the CFSA contained in Schedule 8 of Bill 229 will, if implemented, result in a permanent exemption for authorized logging operations from prohibitions against killing species at risk and destroying their habitats and, accordingly, will also have a significant effect on the environment (which, as defined in the EBR, includes “plant life, animal life and ecological systems of Ontario”).

6. The government justifies the lack of public participation under the EBR by the fact that the proposed amendments to the CAA are contained in a budget bill. Presumably the same rationale for lack of public participation under the EBR is being applied to the proposed amendments to the CFSA (although as noted above, no posting about the proposed CFSA amendments was made on the ERO).

7. However, the Government has not provided any evidence of urgency to the proposed amendments to the CAA or CFSA that would justify their inclusion in an omnibus budget bill and, accordingly, deprive the public of the right to consultation under the EBR in respect of the amendments.

8. I consider shameful the government's end run around the public's right to consultation under the EBR by including in a budget bill the amendments to the CAA and CFSA proposed in Schedules 6 and 8, respectively of Bill 229.

Thank you for the opportunity to present my views about Schedules 6 and 8 of Bill 229.

Jeffrey Levitt