The Omni-Budget Surprise

8 Comments »

Last Tuesday, the Government of Ontario presented its proposed budget. The Minister of Finance, the Honourable Dwight Duncan, tabled for first reading in the legislature Bill 55 – *Strong Action for Ontario Act (Budget Measures), 2012*. This budget bill is effectively the mother-of-all pieces of omnibus legislation.

Bill 55 amends 69 different statutes in its schedules. For example, many environmentally significant laws that are administered by the Ministry of Natural Resources are proposed to be amended. These laws include the *Endangered Species Act*, the *Provincial Parks and Conservation Reserves Act*, the *Fish and Wildlife Conservation Act*, the *Public Lands Act*, the *Crown Forest Sustainability Act*, and the *Niagara Escarpment Planning and Development Act*. Laws such as these are prescribed under the *Environmental Bill of Rights, 1993* (*EBR*).

Normally, when the government proposes to amend legislation that is prescribed under the *EBR*, it would post a proposal notice on the Environmental Registry and solicit public comments for a minimum of 30 days. The government then considers the public comments and makes a decision. These steps help make for a transparent and accountable process.

However, budgets bills are specifically exempt from the posting and public consultation requirements of the *EBR*. Moreover, the Ministry of Finance is not prescribed under the *EBR* either. As a result, the public does not have the same opportunities to contribute to decision making when a number of environmentally significant laws are changed in a budget bill.

I wrote about a very similar situation in my last Annual Report regard the use of omnibus legislation: "At best, using omnibus legislation to amend environmental laws complicates the *EBR* process. At worst, it can obstruct the public's right to participate in environmental decision making."