



To: Nova Scotia Law Amendments Committee
Date: March 25, 2019
Re: Bill 116: Biodiversity Act

Dear Committee Members:

My name is Jamie Simpson; I'm a lawyer and a forester and I'm pleased to appear this afternoon on behalf of the Healthy Forests Coalition. The Healthy Forests Coalition is not a registered society but rather a collection of people from across Nova Scotia who are committed to healthy forests, healthy communities and sustainable forestry in our province.

We support the Bill in principle, but urge the Department to add substance to the Bill. We strongly suggest that too much of the meaningful content of the Act is left to the Minister's discretion and regulations to be created at an unknown time in the future through an unknown process. The current Minister has indicated during the first reading of this Bill his dedication to stewardship of our Province's biodiversity, but subsequent Ministers may not be so inclined.

Thus, we recommend changing a few "Minister may" provisions to "Minister shall" provisions. Specifically, Section 7 should require the Minister to undertake the provisions stated in subsections (a), (b), and (h). That is, the Minister shall promote the conservation and sustainable use of biodiversity; the Minister shall undertake, promote or recommend measures to allow for public co-operation in the conservation and sustainable use of biodiversity; and the Minister shall establish or adopt (i) goals and targets for biodiversity and indicators of ecosystem health and integrity, and (ii) guidelines, objectives and standards for the conservation and sustainable use of biodiversity. Left at "Minister may," we may well never see these important outcomes of the Act.

We urge similar changes for sections 9(d) and 9(h): The Minister shall cause studies to be undertaken and cause research to be carried out to (d) establish priorities for the conservation and sustainable use of biodiversity based on consistent evaluation protocols for biodiversity throughout the Province; and (h) establish priorities and methods for restoring degraded or impaired biodiversity.

With respect to section 14(2), we suggest that the timeline for creating the first state of the Province's biodiversity be reduced from 5 years to a year to two at the most. Otherwise, this priority risks getting shifted to a back burner when a new Minister or new government comes to power.

With respect to section 32: No person shall interfere with the lawful and sustainable use of biodiversity by another person. I recommend narrowing this offence to apply only to uses of biodiversity as enabled under this Act or its regulations; otherwise, this provision could lead to unintended and negative consequences.

Finally, we suggest that section 45 is an appropriate and important section. The Department is within its rights to regulate the use of biodiversity in the Province and is under no responsibility to provide compensation with regards to this regulatory responsibility.