



ENVIRONMENT IN THE COURTROOM

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The Legal Concept of Sustainability

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1. Introduction

Over one hundred Canadian federal, provincial, and territorial statutes now recognize the legal concepts of sustainability and sustainable development.¹ But accusations that these concepts are meaningless continue to mount. Ambiguous, vague, amorphous, and inadequate are other frequently voiced charges.² Have over one hundred Canadian laws been drafted or rewritten to incorporate a meaningless concept? The purpose of this chapter is to argue that the legal concept of sustainability is meaningful and a significant factor in the current Canadian legal landscape. The compilation of references to “sustainable development” (in Table 8.1) and “sustainability” (in Table 8.2) in Canadian federal, provincial, and territorial statutes, together reveal a widespread legislative intent to integrate sustainability thinking into Canadian law. This transformation might be missed if the sustainability language of only a single statute is viewed in isolation. What these compilations together evidence is the cumulative impact of the rewording, redrafting, and amending of legislation to acknowledge sustainability in Canadian law. The challenges inherent in articulating the precise definition and contours of the concept of sustainability do not rob it of meaning or legal significance.

Operationalizing sustainability is challenging, but it does not require the assertion of a single, precise, limited, and uncontroversial definition. To operationalize means to put something into effect, and it is here, at the operational stage, that sustainability has sputtered and stalled. Sustainability, like justice

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or democracy or equality or fairness, is a contestable concept.³ This does not mean that it lacks meaning. Rather, like other contestable concepts, the challenge is to interpret the meaning of sustainability in practice. This is a task that courts have long undertaken with other contestable concepts and which this chapter seeks to advance. Consider, for example, the important contributions of Canadian judges in developing thoughtful and multi-dimensional understandings of equality and fairness. This work has advanced through individual judgments that are alert to both formal and substantive dimensions of equality, to differential treatment, and to the dimensions of accountability and transparency of decision making that shape the concepts of fairness and equality. Similar work can be done with the concept of sustainability.

Of course, sustainability is about more than law. It is about moving society towards ecologically sustainable patterns of production and consumption. But law is an integral part of this shift. This chapter proceeds in six parts. Following this introduction, Part 2 discusses how legal meaning can be gleaned from the concept of sustainability. It draws on both the history of the concept of sustainability and multidisciplinary sources. It also further refines the concept of sustainability by pushing beyond the idea that sustainability is simply about “balancing” competing demands. The core principles or components of the legal concept of sustainability are the subject of Part 3. Part 4 discusses the integration of sustainability in Canadian statutes. Part 5 reinforces the legal significance of the international origins of the concept of sustainability. And Part 6 concludes.

2. Finding Meaning in the Concept of Sustainability

Before engaging with the legal concept of sustainability in more depth, some introductory comments on the relationship between sustainability and sustainable development are needed. Sustainable development and sustainability are used interchangeably, although they have distinct meanings. Sustainability focuses on the capacity for humans to live within environmental and social constraints.⁴ It incorporates respect for ecological limits in affirming that economic activity must proceed within the limits of ecological systems. Indeed, ecological integrity is at the very core of the concept of sustainability. Sustainability thus predates the late twentieth-century concept of sustainable development.⁵ Sustainable development has emerged as the principal expression and application of sustainability. Sustainable development has traditionally been the favoured way of framing concerns about sustainability in Canadian legislation, although a number of recent statutes, particularly in

British Columbia and Ontario, have adopted the language of sustainability instead.⁶ “Sustainable” development is economic development that is based on ecological sustainability.

The starting point for this discussion of the legal concept of sustainability is that sustainability is both meaningful and significant.⁷ The Ministry for the Environment in New Zealand expressed the primacy of sustainability in this way: “Sustainability is a general concept and should be applied in law in much the same way as other general concepts such as liberty, equality and justice.”⁸ By approaching sustainability like other fundamental concepts, we can at once appreciate the meaning that sustainability can have, despite the difficulty in categorically defining the concept.⁹ Thinking about sustainability in a way similar to how we think about justice is not misguided. Living at the expense of future generations and the natural environment is unsustainable and unjust.¹⁰ The environmental and social justice underpinnings of the concept can thus be mutually reinforcing.

FRAMING SUSTAINABLE DEVELOPMENT: THE *BRUNDTLAND REPORT* DEFINITION

The definition of sustainable development advanced in the *Brundtland Report*—“development that meets the needs of the present without compromising the ability of future generations to meet their own needs”—now dominates Canadian statutory definitions of sustainable development.¹¹ The *Brundtland Report* recognizes that human needs must be met within environmental limitations. A weak approach to interpreting sustainable development in the wake of the *Brundtland Report* frames sustainable development as requiring a consideration of environmental effects.

A stronger approach to sustainable development mandates the *integration* of sustainability considerations in the development process. This stronger approach is more consistent with the international legal articulations of sustainable development that have followed the *Brundtland Report*, notably Principle 4 of the *Rio Declaration*, which asserts that “in order to achieve sustainable development, environmental protection shall constitute *an integral part of the development process* and cannot be considered in isolation from it.”¹² Such an approach is consistent with the *Brundtland Report* itself, which urges the “merging” of environment and economics in decision making. This means not only that environmental impacts should be taken into account, but that the objective and substance of policies and legal approaches should be modified to give effect to ecological integrity. The *Brundtland Report* definition offers

guidance in asserting that, in order for development to be sustainable, “the ability of future generations to meet their own needs” cannot be compromised.

While the *Brundtland Report* serves as the basis for the definition of sustainable development in Canadian statutes, it is also the source of significant misunderstanding about the meaning of sustainable development. A common misperception about sustainable development is that it simply requires the balancing of three equally important “pillars”—economic, environmental, and social.¹³ Formulated in such a way, it is easy to sympathize with critics who suggest sustainable development is an unhelpful concept, largely devoid of meaning. No guidance on this balancing appears to be given.

UNDERSTANDING INTEGRATION: BEYOND BALANCING

Part of the challenge of relying on the *Brundtland Report’s* definition of sustainable development as a basis for the concept in Canadian law arises from the fact that the report was written to respond to a particular *international* context. The *Brundtland Report* explicitly addresses the task of reconciling the needs of the global “North” and “South” and contemplates “development” in those terms. The emphasis on development thus emerges from a context of respect for the right of development in developing nations. And the social justice underpinning of the concept is animated by the goals of reducing and eliminating extreme poverty in the world. In some ways, the economic development language of the report has been speciously carried over to the domestic contexts of industrialized countries, trapping sustainable development in an unhelpful tripartite language that downgrades the ecological core of the concept and obscures its social dimensions. As a result, it is easy to get lost in the enormous “idea space” that sustainable development has come to envelop, particularly given the wide scope of the United Nation’s Sustainable Development Goals.¹⁴

Sustainability qualifies development. It requires development to be approached in a manner that is sustainable, meaning *ecologically* sustainable. There is a difference when a statute talks about “water resource management” versus “sustainable water resource management.” The intentional introduction of the word “sustainable” *cannot* be presumed to be without meaning. Sustainable modifies the term that follows, and signals that water resource management, for example, is to be based on ecological sustainability. John Dernbach usefully centres the word “development” in sustainable development. He explains that, given the fact that *integrated* decision making is the fundamental action principle in sustainable development, that development is a concept that risks being misunderstood.¹⁵

Finding meaning in the concept of sustainability (and its application through sustainable development) involves moving beyond the language of balancing, and recognizing instead the ecological and social core of this concept. Sustainable development is development that can happen within the “carrying capacities” of the biosphere. This idea draws from two sources. First, it derives from the ecological concept of “carrying capacity”—which reflects the population that an ecosystem can support. The second source is the economic concept of “maximum sustainable yield,” which reflects the upper limit of use of resources that will permit the same level of use in the future.¹⁶ Central to both the ecological and economic concepts here is that natural ecosystems can only sustain a certain amount and type of economic activity.

Sustainability thinking has evolved considerably in the years since the original 1987 *Brundtland Report* was released. Much of this evolution has emerged through international policy developments, and through an ongoing diffusion of ideas between and among national and sub-national governments, international lawmaking venues, and non-state actors. As a result, significant legal content resides in the environmental principles that underlie conceptions of sustainable development. Together these principles infuse the language of sustainability with meaning, and recalibrate the core of the concept to emphasize integration, rather than a simple and unweighted “balancing” of interests.

3. Key Components

Sustainability functions as an overarching principle that is intended to reorient economic activity away from “business as usual” and unsustainable approaches to more systematically incorporate social and ecological concerns. It has both procedural and substantive implications. The normative aspect of sustainability is rarely discussed absent reference to certain principles, including the principle of integration, the principle of intergenerational equity, the precautionary principle, the polluter pays principle, the principle of ecological integrity, and the principle of participation. This is not to suggest that sustainability is simply an umbrella term encompassing these other principles. Sustainability has legal meaning on its own. Vaughan Lowe suggests that a useful way to approach the relationship between sustainable development and its constituent parts is to think about sustainability as a meta-principle.¹⁷ Klaus Bosselmann writes:

[O]ne premier role of the law is to promote fundamental principles, often expressed in constitutions and human rights catalogues, and

ensure that the legal process is reflective of them. If sustainability is perceived as one of such fundamental principles, the legal process will have to be reflective of it. If, by contrast, the principle of sustainability is perceived as just one of any array of environmental principles, it will compete with these and almost certainly vanish in the politics of governments still fixated on economic growth and international competition.¹⁸

For lawyers, a key question is the legal status of these principles, many of which derive from international law. A disciplined approach to using these principles acknowledges that their legal status differs. One example is the precautionary principle, which in some legal systems is a principle of law, and in other systems is an approach that guides decision making. In European Union law, the precautionary principle has achieved constitutional recognition in the form of Article 191 of the *Treaty on the Functioning of the European Union*.¹⁹ In Canada, the precautionary principle is reflected in a growing number of statutes.²⁰ Below, I highlight a number of principles that are especially pertinent to the Canadian context. This is an admittedly cursory and incomplete treatment of the principles shaping discussions of sustainability in Canadian law. Numerous authors have developed much fuller discussions of these principles and their relevance for “court practitioners.”²¹ Some frequently cited environmental principles relevant to sustainability thus include:

- (a) *Precautionary Principle* – The precautionary principle stipulates that “[w]here there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”²² This principle asserts that in cases dealing with environmental harm, it is not necessary to await full proof or certainty of that harm. The principle has been widely accepted in many countries, including Canada.
- (b) *Intergenerational Equity* – The theory of intergenerational equity forces today’s decision makers to explicitly consider future generations. Central to the theory is the requirement that each generation use and develop its natural and cultural heritage in such a way that it can be passed onto future generations in no poorer condition than it was received.²³ The principle of intergenerational equity is central to the *Brundtland Report* definition of sustainable

development: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”²⁴ This principle highlights the long-term time frame inherent in sustainability decision making. Intergenerational equity is operationalized in Canadian legislation through, for example, commitments to keep protected areas intact for future generations and requirements to sustain renewable natural resources.²⁵

- (c) *Conservation of Biological Diversity and Ecological Integrity* – While the principles of conservation of biological diversity and ecological integrity are principles of sustainable development in their own right, the operation of other elements of sustainability, such as the precautionary principle and intergenerational equity, also serve to advance these principles.²⁶ Biological diversity describes genetic diversity, species diversity, and ecosystem diversity.²⁷ Ecological integrity is described as “the conservation of the earth’s life-support systems.”²⁸ It signals the need to maintain ecosystem health and ecosystem services.
- (d) *Environment-Economy Integration* – The concept of integrating environmental considerations into economic planning is pivotal to sustainable development. One commentator goes so far as to suggest that this principle of integrated decision making is what holds the other principles together.²⁹ The formal application of the principle of integration requires, at the very least, the collection of appropriate environmental information and the performance of appropriate environmental impact assessment.³⁰ Integration takes seriously the need to “green” the economy and extends far beyond traditional environmental or resource management legislation.
- (e) *Internalization of Environmental Costs* – Internalization of environmental costs requires accounting for both the short and long-term external environmental impacts of development.³¹ One aspect of the internalization of environmental costs, the polluter pays principle, has been described by the Supreme Court of Canada as “firmly entrenched in environmental law in Canada.”³² However, the principle of internalization of environmental costs extends beyond the polluter pays principle to require pricing that reflects full

life cycle costs of producing and disposing of goods, also known as the “user pays” principle.

- (f) *Participation* – Participation is particularly critical to implementing sustainability. Sustainability depends, to a considerable degree, on the way that environmental, social, and economic considerations are integrated in decision making. Participatory rights have been articulated as including the opportunity to participate in decision-making processes, access to information, and access to justice.³³

These principles do not exist in isolation from one another. Indeed, courts have advanced the legal concept of sustainability by recognizing the interaction of these principles. One example of this emerges from the Land and Environment Court in New South Wales. In *Gray v. The Minister for Planning*,³⁴ Justice Pain interpreted the legal concept of sustainability, through the precautionary principle and the principle of intergenerational equity, as requiring the provision of certain types of information in the environmental impact assessment process. She held that in order to account for intergenerational equity, as the statute required, an “assessment of cumulative impacts of proposed activities on the environment”³⁵ had to be included.

4. Sustainability and Canadian Statutes

This is not the place for a detailed analysis of sustainability in Canadian statutes. But a few observations are in order. First, as Tables 8.1 and 8.2 reveal, the legal concept of sustainability has made significant inroads in Canadian statutes. The legislative landscape is certainly uneven, but it is not barren. While the tables of legislation only reference legislative incorporation of sustainable development and sustainability, the key principles underlying these concepts are, at times, independently asserted in Canadian statutes.³⁶ Moreover, there are some powerfully developed conceptions of sustainability and what it requires now contained in some of the provincial statutes. The Quebec *Sustainable Development Act* deserves special mention here, as it highlights the “necessary change within society” required to reorient development away from unsustainable economic activity:

The measures introduced by this Act are intended, more specifically, to bring about the necessary change within society with respect to non-viable development methods by further integrating the pursuit

of sustainable development into the policies, programs and actions of the Administration, at all levels and in all areas of intervention. They are designed to ensure that government actions in the area of sustainable development are coherent and to enhance the accountability of the Administration in that area, in particular through the controls exercised by the Sustainable Development Commissioner under the Auditor General Act.³⁷

Given the significance of “objects and purposes” language such as this, and indeed given the sheer number of statutes now referencing sustainability in some way, it is perhaps surprising that little judicial ink has yet to be spilt elaborating the meaning of sustainable development in Canadian legislation. Adjudicating the significance of legislative references to sustainability is admittedly an unenviable task given the lack of developed definitions in existing statutes and the widespread and often overgeneralized scholarly and policy backdrop to the relevant terminology. This chapter has sought to clarify the meaning of the legal concept of sustainability and, in so doing, to allow the underlying principles to emerge, principles that assist with the task of interpreting this body of legislation.

While judicial consideration of Canadian statutory provisions on sustainability is not extensive, the ecological core of sustainability has been identified and acknowledged by Canadian judges. The importance of ecological integrity as a “fundamental value in Canadian society” has been affirmed by the Supreme Court of Canada in a series of judgments. Justice Binnie, writing for the majority in *British Columbia v. Canadian Forest Products*, summarized this judicial history:

As the Court observed in *R. v. Hydro-Québec*, [1977] 3 SCR 213, at para. 85, legal measures to protect the environment “related to a public purpose of superordinate importance.” In *Friends of the Oldman River Society v. Canada (Minister of Transport)*, [1992] 1 SCR 3, the Court declared at 16 that “[t]he protection of the environment has become one of the major challenges of our time.” In *Ontario v. Canadian Pacific Ltd.*, [1995] 2 SCR 1031, “stewardship of the natural environment” was described as a fundamental value (para. 55; italics in original). Still more recently, in *114957 Canada Ltée (Spraytech Société d’arrosage) v. Spraytech (Town)*, [2001] 2 SCR 241, 2001 SCC 40, the Court reiterated at para. 1: “... our common future, that of every Canadian community,

depends on a healthy environment ...” This Court has recognized that “[e]veryone is aware that individually and collectively, we are responsible for preserving the natural environment Environmental protection [has] emerged as a fundamental value in Canadian society.”³⁸

Significantly, Canadian judges have also used the concept of sustainable development to give legal meaning to other statutory requirements, such as the polluter pays principle. In *Imperial Oil v. Quebec (Minister of the Environment)*, Justice LeBel, writing for a unanimous full bench of the court, situated the polluter pays principle in the context of sustainable development:

*To encourage sustainable development, [the polluter pays] principle assigns polluters the responsibility for remedying contamination for which they are responsible and imposes on them the direct and immediate costs of pollution. At the same time, polluters are asked to pay more attention to the need to protect ecosystems in the course of their economic activities.*³⁹

Importantly, Canadian judges and administrative decision makers have also rejected an approach to sustainable development that frames this concept as simply a balancing of competing pressures. The appellant in *Re Ainsworth Lumber Co.*⁴⁰ argued that the principle of sustainable development requires that environmental protection measures be weighed against economic factors. In this case, that would mean an abandonment of the requirement of the best available technology, as there were economic arguments to favour a lower-cost approach. The Alberta Environmental Appeal Board firmly concluded that sustainable development did not support the use of the lowest-cost emissions control alternative by the appellant.⁴¹ In so doing, the board affirmed that the core of sustainable development requires “that resources should be developed in a manner that is sustainable for the use by future generations.”⁴²

The legal concepts of sustainability and sustainable development have not been introduced in a mere handful of Canadian statutes over the past two decades. They have been inserted into over one hundred pieces of legislation. The cumulative impact of this rewriting of Canadian law to respect the concept of sustainability signals something greater than a requirement that competing interests be balanced. Rather, the density of references in Canadian legislation to sustainability and sustainable development suggests that legally significant expectations are crystallizing around these concepts.

5. A Concept of International Relevance

International law is relevant in interpreting Canadian statutory approaches to sustainability for at least two reasons: first, because of the presumption of conformity with international law, a rule of legal interpretation that mandates that Canadian law be read consistently with Canada's international law obligations;⁴³ and second, through the incorporation of customary international law and the implementation of treaties.⁴⁴ The legal concept of sustainability is grounded in the historical development of international law and continues to operate in an international normative context.

More pragmatically, it is also instructive to look to the practice of international courts and tribunals to understand how to operationalize the legal concept of sustainability. I turn now to two such examples, one from the International Court of Justice and one from the Appellate Body of the World Trade Organization.

THE GABČÍKOVO–NAGYMAROS DAM CASE (HUNGARY/SLOVAKIA)

In the *Gabčíkovo–Nagymaros Dam Case*, the concept of sustainability is evoked by Judge Weeramantry of the International Court of Justice absent a specific treaty provision on sustainability or even arguments on sustainability by counsel. Judge Weeramantry drew upon the legal concept of sustainable development as an element of legal reasoning at the discretion of the court. This use is consistent with the status of sustainability as a fundamental legal principle. Judge Weeramantry explains how sustainability forces us to depart from traditional approaches to decision making:

Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment. Owing to new scientific insights and to a growing awareness of the risks for mankind—for present and future generations—of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments, during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when States contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development.

For the purposes of the present case, this means that the Parties together should look afresh at the effects on the environment of the operation of the Gabčíkovo power plant.⁴⁵

Judge Weeramantry asserts that sustainable development demands “looking afresh” at environmental impacts that may have been acceptable in the past. This need to force decision-making practices to catch up with the demands of sustainable development and the prioritization of ecological integrity is a theme that is affirmed by the Appellate Body of the WTO in its Shrimp-Turtle I decision.

SHRIMP-TURTLE I

The wording of the Preamble of the *Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement)* provides that WTO members’ relations in the field of trade and economic endeavors should be conducted in a way that “[allows] for the optimal use of the world’s resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at difference levels of economic development.”⁴⁶

In the 1998 Shrimp-Turtle I dispute, the Appellate Body of the WTO was tasked with interpreting the meaning of “exhaustible natural resources” in Article XX(g) of GATT. The provision had been written 50 years earlier. The Appellate Body held that these words “must be read by a treaty interpreter in the light of contemporary concerns of the community of nations about the protection and conservation of the environment.”⁴⁷ It relied upon the preambular reference to sustainable development in the 1995 *WTO Agreement* quoted above in its decision: “As [the preambular reference to sustainable development] reflects the intentions of negotiators of the WTO Agreement, we believe it must add colour, texture, and shading to our interpretation of the agreements.”⁴⁸ Such a reading led to the interpretation that the protection of sea turtles fell within the meaning of exhaustible natural resources.

These two examples illustrate that the task of clearly articulating the legal concept of sustainability remains a work in progress. It is a task being taken up by judges and court practitioners around the world.⁴⁹ The legal concept of sustainability is an evolving concept but one which, at its core, affirms that economic activity happens within an acceptable framework of social justice and within ecological limits.

6. Conclusion: Defining Sustainability by Its Absence

Sustainability is a concept with legal meaning. It recognizes the social and ecological limits on economic activity. It is easy to understand how attempts to apply sustainability, through sustainable development, have obscured the legal meaning and significance of sustainability. Sustainable development has mistakenly been framed as containing only the normative content of mandating balancing, requiring compromise between economic, environmental, and social demands.

This chapter has sought to clarify these concepts and the key principles underlying sustainability. In so doing, examples of how Canadian, foreign, and international courts and tribunals have sought to operationalize these principles have been provided. The task now is to move beyond simply recognizing that sustainability is a meaningful legal concept to demonstrating how it can also be a powerful concept in Canadian law. To do this, the unsustainable practices and trajectories upon which the Canadian economy is proceeding must be identified and addressed.⁵⁰ Ultimately, the content of the legal concept of sustainability in Canada will only develop when there is a willingness to identify and name unsustainable development.

Table 8.1 | References to Sustainable Development in Canadian Legislation

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
Canada (Federal)	<i>Agreement on Internal Trade Implementation Act</i> , SC 1996, c 17	Preamble	"Sustainable development"
		S 2 - definitions	"Sustainable development"
		S 7(2)(f) - Annual and additional reports [by the Auditor General] to the House of Commons	"Sustainable development"
	<i>Auditor General Act</i> , RSC 1985, c A-17	S 7.1(1)(e) - Inquiry and report	"Sustainable development"
		S 15.1(1) - Appointment of Commissioner	"Sustainable development"
		S 15.1(2) - Commissioner's duties	"Sustainable development"
		S 21.1 - Purpose	"Sustainable development"
		S 22(1) - Petitions received	"Sustainable development"
		S 23(1)(a) - Duty to monitor	"Sustainable development"

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 23(2)(a)&(c) – Commissioner’s report	“Sustainable development”
		S 23(3) – Duty to examine	“Sustainable development”
	<i>Budget Implementation Act, 2007, SC 2007, c 29</i>	S 124 – Maximum payment of \$30,000,000 [to BC]	“Fair and equitable economic development, in an environmentally sustainable and ecologically integrated manner”
	<i>Canada-Chile Free Trade Agreement Implementation Act, SC 1997, c 14</i>	Preamble	“Sustainable development”
	<i>Canada-Colombia Free Trade Agreement Implementation Act, SC 2010, c 4</i>	S 7(h) – Purpose	“Sustainable development”
	<i>Canada-Costa Rica Free Trade Agreement Implementation Act, SC 2001, c 28</i>	Preamble	“Sustainable development”
	<i>Canada-European Union Comprehensive Economic and Trade Agreement Implementation Act, SC 2017, c 6</i>	S 7(i) – Purpose	“Sustainable development”
	<i>Canada-Honduras Economic Growth and Prosperity Act, SC 2014, c 14</i>	S 7(h) – Purpose	“Sustainable development”
	<i>Canada-Jordan Economic Growth and Prosperity Act, SC 2012, c 18</i>	S 7(f) – Purpose	“Sustainable development”
	<i>Canada-Korea Economic Growth and Prosperity Act, SC 2014, c 28</i>	S 7(h) – Purpose	“Sustainable development”
	<i>Canada-Panama Economic Growth and Prosperity Act, SC 2012, c 26</i>	S 7(h) – Purpose	“Sustainable development”
	<i>Canada-Peru Free Trade Agreement Implementation Act, SC 2009, c 16</i>	S 7(h) – Purpose	“Sustainable development”
	<i>Canada-Ukraine Free Trade Agreement Implementation Act, SC 2017, c 8</i>	S 7(g) – Purpose	“Sustainable development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Canada Foundation for Sustainable Development Technology Act, SC 2001, c 23</i>	S 2 - Definitions	"Sustainable development"
		S 11(a)(i)&(c) - Director representation and experience	"Sustainable development"
		S 15(a)(i)&(c) - Member representation and experience	"Sustainable development"
		S 32(1) - Property to be divided [upon winding up of the Foundation]	"Sustainable development"
	<i>Canadian Environmental Assessment Act, 2012 - SC 2012, c 19, s 52</i>	S 2 - Definitions	"Sustainable development"
		S 4(1)(h) - Purposes	"Sustainable development"
	<i>Canadian Environmental Protection Act, 1999, SC 1999, c 33</i>	Preamble	"Sustainable development"
		S 3 - Definitions	"Sustainable development"
		S 54(2)(d) - Scope of [Minister's] objectives	"Sustainable development"
	<i>Department of Foreign Affairs, Trade and Development Act, SC 2013, c 33, s 174</i>	S 10(2)(f) - Powers, duties and functions of Minister	"Sustainable international development"
		S 10(3)(b) - Programs	"Sustainable international development"
		S 14 - Minister for International Development	"Sustainable international development"
	<i>Department of Industry Act, SC 1995, c 1</i>	S 5(a) - Objectives	"Sustainable development"
	<i>Department of Natural Resources Act, SC 1994, c 41</i>	S 2 - Definitions	"Sustainable development"
		S 6(a) - General duties	"Sustainable development"
	<i>European Bank for Reconstruction and Development Agreement Act, SC 1991, c 12</i>	S 7 - Annual Report	"Sustainable development"
		Schedule, Ch 1, Art 2(1)(vii) - Functions	"Sustainable development"
	<i>Federal Sustainable Development Act, SC 2008, c 33</i>	S 2 - Definitions	"Sustainable development"
		S 3 - Purpose	"Sustainable development"
		S 5 - Basic principles of sustainable development	"Sustainable development"
	<i>First Nations Fiscal Management Act, SC 2005, c 9</i>	S 29(f) - Mandate	"Sustainable economic development"
	<i>National Seal Products Day Act, SC 2017, c 5</i>	Preamble	"Sustainable development"
	<i>North American Free Trade Agreement Implementation Act, SC 1993, c 44</i>	Preamble	"Sustainable development"

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Oceans Act</i> , SC 1996, c 31	Preamble	“Sustainable development”
		S 30(a) – Principles of [national oceans] strategy	“Sustainable development”
		S 40(2) – encouragement of activities [by the relevant Minister]	“Sustainable development”
	<i>Official Development Assistance Accountability Act</i> , SC 2008, c 17	S 2(1) – Purpose	“Sustainable development”
		S 3 – Definitions	“Sustainability”
	<i>Pest Control Products Act</i> , SC 2002, c 2	Preamble	“Sustainable pest management” and “sustainable development”
		S 4(2)(a) – Ancillary objectives	“Sustainable development” and “sustainable pest management”
	<i>Standards Council of Canada Act</i> , RSC, 1985, c S-16	S 4 – Mandate	“Sustainable development”
	<i>World Trade Organization Agreement Implementation Act</i> , SC 1994, c 47	Preamble	“Sustainable development”
Alberta	<i>Alberta Land Stewardship Act</i> , SA 2009, c A-26.8	S 1(2)(d) – Purposes of Act	“Sustainable development”
	<i>Climate Change and Emissions Management Act</i> , SA 2003, c C-16.7	Preamble	“Environmentally sustainable technologies” and “sustainable development”
	<i>Environmental Protection and Enhancement Act</i> , RSA 2000, c E-12	S 2(c) – Purpose of Act	“Sustainable development”
		S 6(1) – Purpose of Co-ordinating Council	“Sustainable development”
		S 40(a) – Purpose of environmental assessment process	“Sustainable development”
British Columbia	<i>Park Act</i> , RSBC 1996, c 344	S 5(3.1)(d) – Classification of parks, conservancies and recreation areas	“Development ... in a sustainable manner”
Manitoba	<i>The Capital Region Partnership Act</i> , SM 2005, c 32, CCSM c C23	S 2(c) – Purpose	“Sustainable economic development”
	<i>The Climate Change and Emissions Reduction Act</i> , SM 2008, c 17, CCSM c C135	Preamble	“Sustainable economic development”
		S 2 – Purpose	“Sustainable economic development”
	<i>The Conservation Agreements Act</i> , SM 1997, c 59, CCSM c C173	Preamble	“Sustainable development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>The Conservation Districts Act, RSM 1987, c C175, CCSM c C175</i>	S 3(4) - Appointing public representatives [to the Conservation Districts Commission]	"Sustainable development"
	<i>The Contaminated Sites Remediation Act, SM 1996, c 40, CCSM c C205</i>	S 1(1) - Purpose	"Sustainable development"
		S 1(2) - Principles of sustainable development	"Sustainable development"
	<i>The East Side Traditional Lands Planning and Special Protected Areas Act, SM 2009, c 7, CCSM c E3</i>	S 10(1)(a) - Agreement to develop management plan	"Sustainable development"
	<i>The Energy Act, SM 1994, c 3, CCSM c E112</i>	S 2 - Objects and Purposes	"Sustainable development"
		S 3 - Principles of sustainable development	"Sustainable development"
		S 4(f)&(l) - Functions of the department	"Sustainable development"
	<i>The Fisheries Act, RSM 1987, c F90, CCSM c F90</i>	S 14.3(1)(f) - Powers of Minister	"Develop ... in a sustainable manner"
	<i>The Mines and Minerals Act, SM 1991-92, c 9, CCSM c M162</i>	S 2(1) - Object and purpose of Act	"Sustainable development"
		S 2(2) - Sustainable development	"Sustainable development"
	<i>The Oil and Gas Act, SM 1993, c 4, CCSM c O34</i>	S 2(1)(a) - Objects and purposes of act	"Sustainable development"
		S 2(2) - Principles of sustainable development	"Sustainable development"
		S 113(3)(b) - Consideration of application by Minister	"Sustainable development"
		S 149(3)(b) - Consideration of application by Minister	"Sustainable development"
		S 153(4)(b) - Consideration of application by Minister	"Sustainable development"
		S 162(2)(b) - Consideration of application by Minister	"Sustainable development"
	<i>The Peatlands Stewardship Act, SM 2014, c 27, CCSM c P31</i>	S 3(1)(b) - Purposes	"Development ... in a sustainable manner"
		S 3(2)(d)&(f) - Principles	"Sustainably managed" and "sustainability"
	<i>The Planning Act, SM 2005, c 30, CCSM c P80</i>	S 4(1) - Provincial land use policies	"Sustainable land use and development"
		S 17(1) - Establishment of planning district	"Sustainable land use and development"
		S 42(1) - Requirements of development plan	"Sustainable land use and development"

Table 8.1 | *continued*

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 62.2(3)(b)(iii) – Content [of drinking water and wastewater management plans]	“Sustainability”
	<i>The Provincial Parks Act, SM 1993, c 39, CCSM c P20</i>	Preamble	“Sustainable development”
	<i>The Sustainable Development Act, SM 1997, c 61, CCSM c S270</i>	S 1 – Definitions	“Sustainability” and “sustainable development”
		S 2 – Purpose	“Sustainable development”
		S 4(1)(b) – Manitoba Round Table Established	“Sustainable development”
		S 4(2)(a)&(f) – Duties of Manitoba Round Table	“Sustainable development” and “sustainability”
		S 4(3)(c)(d)&(d.1) – Powers of the Manitoba Round Table	“Sustainable development”
		S 5(b)(c)(i)(iii)(iv)&(v) – Responsibilities of the Department of Conservation and Water Stewardship	“Sustainable development” and “sustainability”
		S 6(1)&(2) – Principles and guidelines for sustainable development enumerated	“Sustainable development”
		S 7(1)(2)&(3) – Sustainable development strategies	“Sustainable development” and “sustainability”
		S 9(1) – Provincial sustainability indicators established	“Sustainability”
		S 10(1)(2)&(4) – Provincial sustainability report required	“Sustainability”
		S 11(1)(a) – Provincial Code shall be established	“Sustainable development”
		S 12(1)(a)&(c) – Financial management guidelines and reporting	“Sustainability” and “sustainable development”
		S 12(2)(a)(i)&(ii) – Procurement guidelines	“Sustainable development”
		S 13 – Crown corporations to adopt [sustainable development] code of practice	“Sustainable development”
		S 14(e) – Crown corporations to adopt [sustainable development] guidelines	“Sustainable development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 15(a) – Guidelines for local authorities and others – “sustainability”	“Sustainability”
		S 16(1)(a)&(b) – Review may be required [by Minister]	“Sustainable development”
		S 17(2)(a)&(b) – Purpose of [the Sustainable Development Innovations] Fund	“Sustainability,” and “sustainable development”
		Schedule A – Principles of Sustainable Development	“Sustainable development”
		Schedule B – Guidelines for Sustainable Development	“Sustainable development”
	<i>The Waste Reduction and Prevention Act, SM 1989-90, c 60, CCSM c W40</i>	S 1(1) – Purpose	“Sustainable development”
		S 1(2) – Principles of sustainable development	“Sustainable development”
New Brunswick	<i>Environmental Trust Fund Act, RSNB 2011, c 151</i>	S 3(a)(iii)&(v) – Uses of assets of Fund	“Sustainable development”
	<i>Maritime Economic Cooperation Act, SNB 2014, c 118</i>	S 3(1)(d) – Maritime cooperation	“Sustainable development”
	<i>Seafood Processing Act, SNB 2006, c S-5.3</i>	S 79(c) – Agreements	“Sustainable development”
		S 80(b) – Policies, guidelines, programs and other measures	“Sustainable development”
Newfoundland and Labrador	<i>Aquaculture Act, RSNL 1990, c A-13</i>	S 4(6)(a)(ii) – Aquaculture licence	“Sustainable development”
		S 11.2(a) – Regulations	“Sustainable development”
	<i>Cruiseship Authority Act, SNL 1998, c C-44</i>	S 7(l) – Powers of Authority	“Sustainable development”
	<i>Environmental Protection Act, SNL 2002, c E-14.2</i>	S 2(kk) – Definitions	“Sustainable development”
		S 5(1)(a)(c)(e)&(f) – Research	“Sustainable development”
	<i>Foresters Act, SNL 2011, c F-22.1</i>	S 2(j)(i) – Definitions	“Sustainable forest management”
	<i>Forestry Act, RSNL 1990, c F-23</i>	S 2(f)(f.2)(r)(r.1)&(s) – Definitions	“Sustainable forest management” and “sustainable development”
		S 6(2)(3)(4)&(5) – Timber resource analysis	“Sustainable forest management strategy”
		S 7(3)(4)(5)(6)&(7) – Forest Management District	“Sustainable forest management” and “sustainable development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 38(o) – Regulations	“Sustainable forest management”
		S 113(1)&(2)(a) – Construction or abandonment to be approved	“Sustainable forest management” and “sustainable forestry practices”
Northwest Territories	<i>Northwest Territories Business Development and Investment Corporation Act</i> , SNWT 2005, c 3	S 5(3.1) – Considerations [in the Board of Directors exercising its powers and performing its duties]	“Sustainable development”
		S 40(a) – Regulations	“Sustainable development”
Nova Scotia	<i>Environment Act</i> , SNS 1994-95, c 1	S 2(b) – Purpose of Act	“Sustainable development”
		S 3(as)&(aw) – Interpretation	“Sustainability,” and “sustainable development”
		S 8(2)(a) – Minister responsible for Act	“Sustainable development”
		S 9(3)(b) – Advisory committees, experts and Round Table	“Sustainability”
		S 27(1)(a)(c)(e)&(f) – Education and research	“Sustainable development”
		S 104(a)&(b) – Lead agency	“Sustainable development”
		S 156(1)&(2)(c) – Lead agency	“Sustainable environmental industries, innovations and technologies” and “sustainable environmental innovations, technologies and services”
	<i>Environmental Goals and Sustainable Prosperity Act</i> , SNS 2007, c 7	S 2(g)&(h) – Interpretation	“Sustainability” and “sustainable prosperity”
		S 3(2)(b)(f)&(g) – Foundation and principles of Act	“Environmentally sustainable economic development,” “sustainability” and “sustainable prosperity”
		S 4(1)(a)(2)(a)(q)(r)(s) & (3)(b) – Long-term objectives of Province	“Sustainable prosperity,” “sustainable practices,” “sustainable management,” and “sustainable uses of energy”
		S 5(m) – Sectoral agreements	“Sustainable prosperity”
		S 6(1) – Review and annual reports	“Sustainability,” and “sustainable prosperity”
		S 7(1)(da)&(f) – Programs and measures	“Sustainable practices,” and “sustainable prosperity”
		S 8(2) – Agreements	“Sustainable prosperity”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Foresters Association Act, SNS 1999 (2d Sess), c 6</i>	S 2(k) - Interpretation	"Sustainable development"
	<i>Internal Trade Agreement Implementation Act, SNS 1995-96, c 8</i>	S 2 - Purpose of Act	"Sustainable development"
	<i>Maritime Economic Cooperation Act, SNS 1992, c 7</i>	S 3(1)(d) - Guiding principles	"Sustainable development"
	<i>Mineral Resources Act, SNS 1990, c 1</i>	S 1A - Purpose of Act	"Sustainable development"
	<i>Municipal Government Act, SNS 1998, c 18</i>	Schedule B - Statements of Provincial Interest, Introduction	"Sustainable development"
Ontario	<i>Endangered Species Act, 2007, SO 2007, c 6</i>	Preamble	"Sustainable social and economic development"
		S 48(h) - Advisory committee	"Sustainable social and economic activities"
	<i>Far North Act, 2010, SO 2010, c 18</i>	S 5 - Objectives for Land Use Planning	"Sustainable economic development"
	<i>Planning Act, RSO 1990, c P.13</i>	S 1.1(a) - Purposes	"Sustainable economic development"
		S 2(q) - Provincial interest	"Development that is designed to be sustainable"
		S 42(6.2) - Redevelopment, reduction of payment	"Sustainability"
Prince Edward Island	<i>Maritime Economic Cooperation Act, RSPEI 1988, c M-1.1</i>	S 3 - Principles [of Maritime Cooperation]	"Sustainable development"
Québec	<i>Act Establishing the Eeyou Istchee James Bay Regional Government, CQLR c G-1.04</i>	S 32 - Miscellaneous provisions	"Sustainable development"
	<i>Act Respecting Commercial Aquaculture, CQLR c A-20.2</i>	S 2 - Frameworks for Aquaculture Development	"Sustainable development"
	<i>Act Respecting Contracting by Public Bodies, CQLR c C-65.1</i>	S 2(4) - Purpose and scope	"Sustainable development"
	<i>Act Respecting La Financière Agricole du Québec, CQLR c L-0.1</i>	S 3 - Establishment and mission	"Sustainable development"

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Act Respecting Land Use Planning and Development, CQLR c A-19.1</i>	S 2.24 – Content of metropolitan plan	“Sustainable development”
		S 6(8)&(9) – Contents of the plan	“Sustainable development,” “sustainable forest development” and “sustainable land use and development”
		S 79.1 – Planting or felling of trees	“Sustainable development”
		S 84(8) – Contents of the planning program	“Sustainable urban planning”
		S 113(12.1) – Zoning by-laws	“Sustainable development”
	<i>Act Respecting the Autorité Régionale de Transport Métropolitain, CQLR c A-33.3</i>	S 5 – Mission	“Sustainable development”
	<i>Act Respecting the Conservation and Development of Wildlife, CQLR c C-61.1</i>	Preliminary provision	“Sustainable development”
	<i>Act Respecting the Institut de la Statistique du Québec, CQLR c I-13.011</i>	S 3.1 – Establishment, mission and functions	“Sustainable development”
	<i>Act Respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, CQLR c M-14</i>	S 2(1) – The Minister and his functions	“Sustainable development”
		S 23 – Development of the agricultural and food sectors	“Sustainable development”
	<i>Act Respecting the Ministère de l’Enseignement Supérieur, de la Recherche, de la Science et de la Technologie, CQLR c M-15.1.0.1</i>	S 2 – Responsibility of the Minister	“Sustainable development”
	<i>Act Respecting the Ministère des Affaires Municipales, des Régions et de l’Occupation du Territoire, CQLR c M-22.1</i>	S 21.4.1 – Table Québec-Montréal Métropolitain pour l’Aménagement et le Développement	“Sustainable development”
		S 21.4.3 – Table Québec-Québec Métropolitain pour l’Aménagement et le Développement	“Sustainable development”
		S 21.7 – Regional Development in the Nord-du-Québec Region	“Sustainable development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Act Respecting the Ministère des Ressources Naturelles et de la Faune, CQLR c M-25.2</i>	S 11.1 – Functions and powers of the Minister	“Sustainable development”
		S 11.3 – Functions and powers of the Minister	“Sustainable development”
		S 17.12.12(2) – Natural resources fund	“Sustainable forest development”
		S 17.12.15 – Natural resources fund	“Sustainable forest development”
		S 17.14 – Regional development program	“Sustainable development”
		S 17.24.1 – Management delegation	“Sustainable development”
	<i>Act Respecting the Ministère du Développement Durable, de l’Environnement et des Parcs, CQLR c M-30.001</i>	S 10 – Functions and powers	“Sustainable development”
		S 12(2.1) – Functions and powers	“Sustainability”
		S 15.1(2) – Green fund	“Sustainable management of hazardous materials”
		S 15.4(4) – Green fund	“Sustainable development”
		S 15.4.7 – Establishment of the Conseil du Gestion du Fonds Vert	“Sustainable development”
		S 15.4.40(5) – Fund for the protection of the environment and the waters in the domain of the state	“Sustainable development”
	<i>Act Respecting the Ministère du Développement Économique, de l’Innovation et de l’Exportation, CQLR c M-30.01</i>	S 2 – Minister’s responsibilities	“Sustainable development”
		S 2 – Minister’s responsibilities	“Sustainable development”
	<i>Act Respecting the Ministère du Tourisme, CQLR c M-31.2</i>	S 2 – Minister’s responsibilities	“Sustainable development”
	<i>Act Respecting the Preservation of Agricultural Land and Agricultural Activities, CQLR c P-41.1</i>	S 1.1 – Interpretation and scope	“Sustainable development”
		S 59.2 – Applications of collective scope [regarding Agricultural Zones]	“Sustainable development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Act Respecting the Régie de l'Énergie, CQLR c R-6.01</i>	S 5 - Establishment	"Sustainable development"
		S 74.1 - Obligations of the electric power carrier and of distributors	"Sustainability"
	<i>Act Respecting the Société du Plan Nord, CQLR c S-16.011</i>	S 4 - Mission	"Sustainable development"
	<i>Act Respecting Transition Énergétique Québec, CQLR c T-11.02</i>	S 4 - Mission and activities	"Sustainable economic development"
	<i>Act to Affirm the Collective Nature of Water Resources and to Promote Better Governance of Water and Associated Environments, CQLR c C-6.2</i>	Preamble	"Sustainable development," and "sustainably use [environments associated with water resources]"
		S 3 - Water, a collective resource	"Sustainable development"
		S 13 - Measures related to governance of water and associated environments	"Sustainable development"
		S 15.2(1)(c) - Regional planning related to wetlands and bodies of water	"Sustainable use"
		S 15.9(6) - Program to promote the restoration and creation of wetlands and bodies of water	"Sustainability"
	<i>Act to Ensure the Occupancy and Vitality of Territories, CQLR c O-1.3</i>	Preamble	"Occupancy and vitality ... in a sustainable manner"
		S 3 - Purpose and scope	"Sustainable development"
		S 5 - Strategy	"Sustainable development"
	<i>Act to Modify Mainly the Organization and Governance of Shared Transportation in the Montréal Metropolitan Area, CQLR c O-7.3</i>	S 2(2) - Purpose	"Sustainable development"
	<i>Auditor General Act, CQLR c V-5.01</i>	S 17 - The Auditor General	"Sustainable development"
		S 26(8) - Audit and reports	"Sustainable development"
		S 43.1 - Annual and special reports	"Sustainable development"
	<i>Charter of Ville de Montréal, CQLR c C-11.4</i>	S 86.1 - General provisions	"Sustainable development"
	<i>Cultural Heritage Act, CQLR c P-9.002</i>	S 1 - Objects, definitions and scope	"Sustainable development"

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Environment Quality Act, CQLR c Q-2</i>	Preamble	"Sustainable development"
		S 31 - Protection of the environment	"Sustainable development"
		S 31.76 - Withdrawal of surface water or groundwater	"Sustainable ... management of the resources"
		S 31.101(4)&(1) - Withdrawal of surface or groundwater	"Sustainable use of the waters" and "sustainable management"
		S 46.0.1 - Wetlands and bodies of water	"Sustainable development"
		S 95.10 - Strategic environmental assessment	"Sustainable development"
	<i>James Bay Region Development Act, CQLR c D-8.0.1</i>	S 4 - Constitution of the Société [de développement de la Baie James]	"Sustainable development"
	<i>Mining Act, CQLR c M-13.1</i>	Preamble	"Sustainable diversification of the regions' economies"
		S 17 - Object and scope	"Sustainable development"
	<i>Sustainable Development Act, CQLR c D-8.1.1</i>	S 1 - Preliminary provisions	"Sustainable development"
		S 2 - Preliminary provisions	"Sustainable development"
		S 5 - Sustainable development principles and strategy	"Sustainable development"
		S 6 - Sustainable development principles and strategy	"Sustainable development," and "sustainability"
		S 7 - Sustainable development principles and strategy	"Sustainable development"
		S 9 - Sustainable development principles and strategy	"Sustainable development"
		S 10 - Sustainable development principles and strategy	"Sustainable development"
		S 11 - Sustainable development principles and strategy	"Sustainable development"
		S 12 - Sustainable development principles and strategy	"Sustainable development"
		S 13 - Sustainable development principles and strategy	"Sustainable development"

Table 8.1 | *continued*

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 14 – Sustainable development principles and strategy	“Sustainable development”
		S 15 – Sustainable development principles and strategy	“Sustainable development”
		S 17 – Sustainable development principles and strategy	“Sustainable development”
	<i>Sustainable Forest Development Act, CQLR c A-18.1</i>	Preamble	“Sustainable development” and “sustainable forest development”
		S 1(1) – Object, scope and other provisions	“Sustainable forest development”
		S 5 – Object, scope and other provisions	“Sustainable forest development”
		S 6 – Provisions specific to Native communities	“Sustainable forest development”
		S 7 – Provisions specific to Native communities	“Sustainable forest development”
		S 8 – Provisions specific to Native communities	“Sustainable forest development”
		S 9 – Consultation policy	“Sustainable forest development”
		S 11 – Sustainable forest development strategy	“Sustainable forest development”
		S 12 – Sustainable forest development strategy	“Sustainable development” and “sustainable forest development”
		S 16 – Development units	“Sustainable forest development”
		S 20 – Teaching and research forests	“Sustainable forest development”
		S 38 – Forest development standards	“Sustainable forest development”
		S 45 – Chief forester	“Sustainable development”
		S 46(3)(5)(7)&(9) – Chief forester	“Sustainable forest development”
		S 46.1 – Chief forester	“Sustainable forest development”
		S 48(1) – Chief forester	“Sustainable forest development” and “sustainability”
		S 52 – Responsibilities of the Minister	“Sustainable development” and “sustainable forest development”

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 54 - Integrated forest development plans	"Sustainable forest development"
		S 55 - Integrated forest development plans	"Sustainable forest development"
		S 86.3 - Forestry permits	"Sustainable development"
		S 88 - Timber supply guarantees	"Sustainable development"
		S 119 - Timber marketing	"Sustainable development"
		S 128 - Plans and programs	"Sustainable development"
		S 149 - Objects	"Sustainable forest development"
		S 224(2)&(3) - Reporting	"Sustainable forest development"
Saskatchewan	<i>The Agri-Food Innovation Act</i> , SS 1995, c A-15.3	S 4(2)(c) - Objects and purposes	"Sustainable agricultural development"
	<i>The Fisheries Act (Saskatchewan)</i> , 1994, SS 1994, c F-16.1	S 9(k) - Powers of Minister	"Conserve, develop, maintain, enhance, manage and utilize ... in a sustainable manner"
	<i>The Forest Resources Management Act</i> , SS 1996, c F-19.1	S 3 - Purpose	"Sustainable use of forest land"
		S 6(1)(j) - Powers of minister	"Utilize ... in a sustainable manner"
		S 7(1)(k) - Power to enter into agreements	"Conserving, developing, enhancing, maintaining, managing, protecting and utilizing ... in a sustainable manner"
		S 12(1) - Provincial forests	"Managed in a sustainable manner"
		S 45(1.1) - Plans re term supply licence	"Sustainability"
	<i>The Litter Control Act</i> , RSS 1978, c L-22	S 2.1(d)(iii) - Powers of Minister	"Sustainable development"
	<i>Natural Resources Act</i> , SS 1993, c N-3.1	S 4(1)(h) - Powers of the Minister	"Conserve, develop, manage and utilize ... in a sustainable manner"
	<i>Planning and Development Act</i> , 2007, SS 2007, c P-13.2	S 3(c) - Purposes of the Act	"Development of ... sustainable communities"
		S 32(2)(a) - Contents of [an official community] plan	"Sustainable ... land use and development"
		S 97(1)(a)(ii)(c) - Agreement for establishment of planning district	"Sustainability"
		S 111(3)(e) - Northern planning commission	"Sustainability"

Table 8.1 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
Yukon	<i>Economic Development Act, RSY 2002, c 60</i>	Preamble	“Sustainable economy,” “sustainable development goals” and “sustainable economic development”
		S 1 - Interpretation	“Sustainable development”
		S 2(c) - Goals of the Government	“Sustainable development”
		S 3(2)(e) - Work of the Department	“Sustainable development”
		S 7(1)(e) - Yukon Council on the Economy and the Environment	“Sustainable development”
	<i>Environment Act, RSY 2002, c 76</i>	S 2 - Definitions	“Sustainable development”
		S 5(1)(c) - Objectives	“Sustainable development”
		S 39(1)(a)&(c) - Responsibilities of the members of the executive council	“Sustainable development”
		S 41(1)&(2)(d) - Powers and duties of the Council	“Sustainable development”
		S 44(b) - Purpose of the Yukon conservation strategy	“Sustainable development”
		S 52(1)(c) - Inter-jurisdictional and circumpolar cooperation	“Sustainable development”
		S 54(b) - Partnership with the Government of Canada	“Sustainable development”
		S 57(a) - Incentives and assistance	“Sustainable development”
	<i>Oil and Gas Act, RSY 2002, c 162</i>	S 82(a) - Purpose of development approval process	“Sustainable development”
		S 141(b) - Regulations concerning Part 3	“Sustainable development”
<i>Parks and Land Certainty Act, RSY 2002, c 165</i>	S 2(b) - Objectives of the Act	“Sustainable development”	
<i>Parks and Land Certainty Act, RSY 2002, c 165</i>	Preamble (i)	“Sustainable economic development” and “sustainable development”	
	<i>Yukon Development Corporation Act, RSY 2002, c 236</i>	S 5(c) - Objects	“Sustainable development”

Table 8.2 | References to other Sustainability Language in Canadian Legislation

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
Canada (Federal)	<i>Canada Marine Act, SC 1998, c 10</i>	S 25(a)(iii) - No appropriation	"Sustainability"
	<i>Canada National Marine Conservation Areas Act, SC 2002, c 18</i>	Preamble	"Ecologically sustainable"
		S 4(3) - Management and use	"Managed and used in a sustainable manner"
		S 4(4) - Zones	"Ecologically sustainable"
	<i>Canada Transportation Act, SC 1996, c 10</i>	S 5 - Declaration [on National Transportation Policy]	"Sustainable environment"
	<i>Farm Income Protection Act, SC 1991, c 22</i>	S 4(2)(e) - Statement of principles	"Sustainability"
		S 5(2)(e) - Environmental requirements to be provided for in agreements	"Sustainability"
	<i>Fisheries Act, RSC 1985, c F-14</i>	S 6.1 - Purpose	"Sustainability"
	<i>International Boundary Waters Treaty Act, RSC 1985, c I-17</i>	S 37(1)(f) - Orders of Court	"Sustainable water resource management"
	<i>International River Improvements Act, RSC 1985, c I-20</i>	S 45(1)(g) - Orders of Court	"Sustainable water resource management"
	<i>Migratory Birds Convention Act, 1994, SC 1994, c 22</i>	Schedule	"Sustainable uses [in migratory bird population management]"
	<i>Official Development Assistance Accountability Act, SC 2008, c 17</i>	S 3 - Definitions	"Sustainability"
	<i>Parks Canada Agency Act, SC 1998, c 31</i>	Preamble (h)	"Ecologically sustainable"
	<i>Pest Control Products Act, SC 2002, c 2</i>	Preamble	"Sustainable pest management" and "sustainable development"
S 4(2)(a) - Ancillary objectives		"Sustainable development" and "sustainable pest management"	
<i>Rouge National Urban Park Act, SC 2015, c 10</i>	Preamble	"Sustainable farming practices"	
	S 9(2)(b) - Area management approach	"Sustainable farming practices"	
Alberta	<i>Agricultural Service Board Act, RSA 2000, c A-10</i>	S 2(d) - Agricultural service board duties	"Sustainable agriculture"
	<i>Climate Change and Emissions Management Act, SA 2003, c C-16.7</i>	Preamble	"Environmentally sustainable technologies" and "sustainable development"

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Forests Act, RSA 2000, c F-22</i>	S 16(1) - Forest management agreements	"Sustainable forest management"
	<i>Renewable Electricity Act, SA 2016, c R-16.5</i>	S 1(l)(v) - Definitions	"Sustainable biomass [as a form of renewable energy resource]"
British Columbia	<i>Nisga'a Final Agreement Act, RSBC 1999, c 2</i>	Ch 8, s 39 - General [on Nass steelhead]	"Sustainable harvest [of Nass steelhead]"
		Ch 9, s 99(b) - Objects of [Lisims Fisheries Conservation] Trust	"Sustainable management of fisheries"
	<i>Range Act, SBC 2004, c 71</i>	S 53(4) - Earned increase in animal unit months or quantity of hay	"Sustainable [increase in animal unit months or quantity of hay on Crown range]"
	<i>Tla'amin Final Agreement Act, SBC 2013, c 2</i>	Schedule, Ch 7, s 22(a) - Groundwater	"Sustainability"
	<i>Water Protection Act, RSBC 1996, c 484</i>	S 2 - Purpose	"Sustainable use of British Columbia's water resources"
	<i>Water Sustainability Act, SBC 2014, c 15</i>	S 1(1) - Definitions	"Water sustainability plan"
		S 17(3)(a)(i) - Sensitive streams mitigation	"Sustainability"
S 128(2)(a) - Regulations respecting sensitive streams		"Sustainability"	
Manitoba	<i>The CentrePort Canada Act, SM 2008, c 45, CCSM c C44</i>	S 3(a)(iv) - Mandate of the Corporation	"Environmentally sustainable"
	<i>The Labour-Sponsored Venture Capital Corporations Act, SM 1997, c 39, CCSM c L12</i>	S 6(1)(b) - Investment policies and criteria	"Sustainability"
	<i>The Manitoba Agricultural Services Corporation Act, SM 2005, c 28, CCSM c A25</i>	S 1 - Definitions	"Sustainability"
		S 9(a) - Purposes	"Sustainability"
	<i>The Peatlands Stewardship Act, SM 2014, c 27, CCSM c P31</i>	S 3(2)(d)&(f) - Principles	"Sustainably managed" and "sustainability"
	<i>The Planning Act, SM 2005, c 30, CCSM c P80</i>	S 62.2(3)(b)(iii) - Content [of drinking water and wastewater management plans]	"Sustainability"
	<i>The Sustainable Development Act, SM 1997, c 61, CCSM c S270</i>	S 1 - Definitions	"Sustainability" and "sustainable development"
S 4(2)(a)&(f) - Duties of Manitoba Round Table		"Sustainable development" and "sustainability"	

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 5(b)(c)(i)(iii) (iv)&(v) – Responsibilities of the Department of Conservation and Water Stewardship	“Sustainable development” and “sustainability”
		S 7(1)(2)&(3) – Sustainable development strategies	“Sustainable development” and “sustainability”
		S 9(1) – Provincial sustainability indicators established	“Sustainability”
		S 10(1)(2)&(4) – Provincial sustainability report required	“Sustainability”
		S 12(1)(a)&(c) – Financial management guidelines and reporting	“Sustainability” and “sustainable development”
		S 15(a) – Guidelines for local authorities and others – “sustainability”	Sustainability”
		S 17(2)(a)&(b) – Purpose of [the Sustainable Development Innovations] Fund	“Sustainability” and “sustainable development”
	<i>The Water Protection Act, SM 2005, c 26, CCSM c W65</i>	S 25(e) – Responsibilities of the Water Council	“Sustainability”
	<i>The Water Resources Conservation Act, SM 2000, c 11, CCSM c W72</i>	Preamble	“Sustainable water resource management practices”
New Brunswick	<i>Community Planning Act, SNB 2017, c 19</i>	S 2(a) – Purposes of Act	“Development of environmentally, economically, socially and culturally sustainable communities”
		S 13(2)(b) – Establishing statement of provincial interest	“Development of environmentally, socially and culturally sustainable communities”
	<i>Electricity Act, SNB 2013, c 7</i>	S 100(2) – Integrated Resource Plan	“Sustainability”
Newfoundland and Labrador	<i>Foresters Act, SNL 2011, c F-22.1</i>	S 2(j)(i) – Definitions	“Sustainable forest management”
	<i>Forestry Act, RSNL 1990, c F-23</i>	S 2(f)(f.2)(r)(r.1)&(s) – Definitions	“Sustainable forest management” and “sustainable development”
		S 6(2)(3)(4)&(5) – Timber resource analysis	“Sustainable forest management strategy”

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
		S 7(3)(4)(5)(6)&(7) - Forest Management District	"Sustainable forest management" and "sustainable development"
		S 38(o) - Regulations	"Sustainable forest management"
		S 113(1)&(2)(a) - Construction or abandonment to be approved	"Sustainable forest management," and "sustainable forestry practices"
Northwest Territories	<i>Community Planning and Development Act</i> , SNWT 2011, c 22	S 3(1) - Purpose [of community plans]	"Sustainability"
Nova Scotia	<i>Community Easements Act</i> , SNS 2012, c 2	S 4(2)(f) - Nature and purpose of community easement	"Sustainable and responsible use of lands"
	<i>Endangered Species Act</i> , SNS 1998, c 11	S 2(1)(b)&(g) - Purpose	"Use ... in a sustainable manner" and "sustainable management practices"
	<i>Environment Act</i> , SNS 1994-95, c 1	S 3 (as)&(aw) - Interpretation	"Sustainability" and "sustainable development"
		S 9(3)(b) - Advisory committees, experts and Round Table	"Sustainability"
		S 156(1)&(2)(c) - Lead agency	"Sustainable environmental industries, innovations and technologies" and "sustainable environmental innovations, technologies and services"
	<i>Environmental Goals and Sustainable Prosperity Act</i> , SNS 2007, c 7	S 2(g)&(h) - Interpretation	"Sustainability" and "sustainable prosperity"
		S 3(2)(b)(f)&(g) - Foundation and principles of Act	"Environmentally sustainable economic development," "sustainability" and "sustainable prosperity"
		S 4(1)(a)(2)(a)(q)(r)(s) & (3)(b) - Long-term objectives of Province	"Sustainable prosperity," "sustainable practices," "sustainable management" and "sustainable uses of energy"
		S 5(m) - Sectoral agreements	"Sustainable prosperity"
		S 6(1) - Review and annual reports	"Sustainability" and "sustainable prosperity"
		S 7(1)(da)&(f) - Programs and measures	"Sustainable practices" and "sustainable prosperity"
		S 8(2) - Agreements	"Sustainable prosperity"

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Fish Harvesters Registration and Certification Board Act, SNS 2012, c 5</i>	S 2(d) - Purpose of Act	"Sustainability"
	<i>Forests Act, RSNS 1989, c 179</i>	S 7 - Principles of forest management programs	"Sustainable forest management"
		S 19(2) - Buyer of forest products	"Sustainable basis"
		S 40(j) - Regulations	"Sustainable forest practices"
	<i>Fur Industry Act, SNS 2010, c 4</i>	S 4(f)&(g) - Powers of Minister	"Sustainability"
	<i>Petroleum Resources Removal Permit Act, SNS 1999, c 7</i>	S 2 - Purpose of Act	"Sustainable use of petroleum resources"
	<i>Public Service Act, RSNS 1989, c 378</i>	S 38(b) - Powers of Minister	"Sustainability"
	<i>Tourism Nova Scotia Act, SNS 2015, c 10</i>	S 14 - Objects of Corporation	"Sustainable tourism"
	<i>Water Resources Protection Act, SNS 2000, c 10</i>	Preamble	"Sustainability"
Nunavut	<i>Wildlife Act, SNu 2003, c 26</i>	S 1(2)(i) - Values	"Use in a sustainable manner"
Ontario	<i>City of Toronto Act, 2006, SO 2006, c 11, sched A</i>	Preamble	"Sustainable city"
	<i>Climate Change Mitigation and Low-Carbon Economy Act, SO 2016, c 7</i>	Preamble	"Live, work and travel in sustainable ways ..."
	<i>Crown Forest Sustainability Act, 1994, SO 1994, c 25</i>	S 1 - Purposes	"Sustainability"
		S 2(1)(2)&(3) - Sustainability	"Sustainability"
		S 9(2) - Criteria for approval [of a forest management plan]	"Sustainability"
		S 26(1) - Sustainable forest licenses	"Sustainability"
		S 27(3)(a) - Agreements	"Sustainability"
		S 42(2) - Exception [to conduct of forest operations]	"Sustainability"
		S 55(1) - Damage by forest operations	"Sustainability"
S 68(3)(b)(c)&(d) - Forest management planning manual		"Sustainability"	

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Electricity Act, 1998, SO 1998, c 15, sched A</i>	S 1(a)&(g) - Purposes	"Sustainability"
	<i>Environmental Bill of Rights, 1993, SO 1993, c 28</i>	S 2(1)(b) - Purposes of Act	"Sustainability"
	<i>Great Lakes Protection Act, 2015, SO 2015, c 24</i>	S 1(2) - Purposes	"Environmentally sustainable economic opportunities, innovation and environmentally sustainable use of natural resources"
	<i>Greenbelt Act, 2005, SO 2005, c 1</i>	S 5(k) - Objectives	"Sustainable resource use"
	<i>Housing Services Act, 2011, SO 2011, c 6, sched 1</i>	S 4(1)(l) - Provincial interest	"Sustainability"
	<i>Lake Simcoe Protection Act, 2008, SO 2008, c 23</i>	Preamble	"Environmentally sustainable land and water uses"
		S 4(b)(h)&(i) - Objectives of [the Lake Simcoe Protection] Plan	"Environmentally sustainable recreational activities" and "environmentally sustainable land and water uses"
	<i>Metrolinx Act, 2006, SO 2006, c 16</i>	S 5(1)(a)(iii) - Objects	"Sustainable environment"
	<i>Nutrient Management Act, 2002, SO 2002, c 4</i>	S 1 - Purpose	"Sustainable future for agricultural operations and rural development"
	<i>Ontario Forest Tenure Modernization Act, 2011, SO 2011, c 10</i>	S 5 - Objects of [an Ontario local forest management] corporation	"Sustainability"
	<i>Ontario Water Resources Act, RSO 1990, c O.40</i>	S O.1 - Purpose	"Sustainable use [of Ontario's waters]"
		S 75(1.5) - Regulations, charges	"Sustainable use [of Ontario's waters]"
	<i>Planning Act, RSO 1990, c P.13</i>	S 2(q) - Provincial interest	"Development that is designed to be sustainable"
		S 42(6.2) - Redevelopment, reduction of payment	"Sustainability"
	<i>Provincial Parks and Conservation Reserves Act, 2006, SO 2006, c 12</i>	S 1 - Purpose	"Ecologically sustainable recreation"
		S 2(1) - Objectives: provincial parks	"Ecologically sustainable outdoor recreation"
		S 2(2) - Objectives: conservation reserves	"Ecologically sustainable land uses"
	<i>Water Opportunities Act, 2010, SO 2010, c 19, sched 1</i>	S 1(1)(c) - Purposes	"Conserve and sustain water resources for present and future generations"
		S 25(1) - Water sustainability plan	"Sustainability"

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
Prince Edward Island	<i>Institute of Man and Resources Act</i> , RSPEI 1988, c I-3	S 3(a)&(d) - Objects and purposes	"Ecologically sustainable" and "environmentally sustainable"
	<i>Trails Act</i> , RSPEI 1988, c T-4.1	S 7(a) - Principles of management	"Sustainable use of the trail as a public resource"
Québec	<i>Act Respecting Land Use Planning and Development</i> , CQLR c A-19.1	S 84(8) - Contents of the planning program	"Sustainable urban planning"
	<i>Act Respecting the Ministère du Développement Durable, de l'Environnement et des Parcs</i> , CQLR c M-30.001	S 12(2.1) - Functions and powers	"Sustainability"
		S 15.1(2) - Green fund	"Sustainable management of hazardous materials"
	<i>Act Respecting the Régie de l'Énergie</i> , CQLR c R-6.01	S 74.1 - Obligations of the electric power carrier and of distributors	"Sustainability"
	<i>Act to Affirm the Collective Nature of Water Resources and to Promote Better Governance of Water and Associated Environments</i> , CQLR c C-6.2	Preamble	"Sustainable development" and "sustainably use [environments associated with water resources]"
		S 15.2(1)(c) - Regional planning related to wetlands and bodies of water	"Sustainable use"
		S 15.9(6) - Program to promote the restoration and creation of wetlands and bodies of water	"Sustainability"
	<i>Act to Ensure the Occupancy and Vitality of Territories</i> , CQLR c O-1.3	Preamble	"Occupancy and vitality ... in a sustainable manner"
	<i>Environment Quality Act</i> , CQLR c Q-2	S 31.76 - Withdrawal of surface water or groundwater	"Sustainable ... management of the resources"
		S 31.101(4)&(1) - Withdrawal of surface or groundwater	"Sustainable use of the waters," and "sustainable management"
	<i>Mining Act</i> , CQLR c M-13.1	Preamble	"Sustainable diversification of the regions' economies"
	<i>Natural Heritage Conservation Act</i> , CQLR c C-61.01	S 1 - Objects, definitions and scope	"Sustainable use [of natural heritage and the ecosystem it comprises]"
<i>Sustainable Development Act</i> , CQLR c D-8.1.1	S 6 - Sustainable development principles and strategy	"Sustainable development" and "sustainability"	
<i>Sustainable Forest Development Act</i> , CQLR c A-18.1	S 48(1) - Chief forester	"Sustainable forest development" and "sustainability"	

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
Saskatchewan	<i>The Forest Resources Management Act, SS 1996, c F-19.1</i>	S 3 - Purpose	"Sustainable use of forest land"
		S 6(1)(j) - Powers of minister	"Utilize ... in a sustainable manner"
		S 12(1) - Provincial forests	"Managed in a sustainable manner"
		S 45(1.1) - Plans re term supply licence	"Sustainability"
	<i>The Forestry Professions Act, SS 2006, c F-19.2</i>	S 2(m) - Interpretation	"Sustainability"
	<i>The Innovation Saskatchewan Act, SS 2009, c I-9.02</i>	S 4(a) - Purpose of agency [Innovation Saskatchewan]	"Long-term sustainable growth of Saskatchewan's economy"
	<i>The Irrigation Act, SS 1996, c I-14.1</i>	S 12(c) - Objects and purposes [of an irrigation district]	"Sustainable irrigation"
		S 43(d) - Objects and purposes of the Irrigation Crop Diversification Corporation	"Sustainable irrigation"
		<i>Planning and Development Act, 2007, SS 2007, c P-13.2</i>	S 3(c) - Purposes of the Act
	S 32(2)(a) - Contents of [an official community] plan		"Sustainable ... land use and development"
	S 97(1)(a)(ii) (c) - Agreement for establishment of planning district		"Sustainability"
	S 111(3)(e) - Northern planning commission		"Sustainability"
	Yukon	<i>Economic Development Act, RSY 2002, c 60</i>	Preamble
<i>Forest Resources Act, SY 2008, c 15</i>			S 2 - Purpose
		S 20(4) - Restrictions on harvesting licences	"Harvested sustainably"
		S 27(4)(c) - Cutting permits	"Sustainability"
<i>Quartz Mining Act, SY 2003, c 14</i>		S 130 - Purpose of Part [land use and reclamation]	"Development and viability of a sustainable, competitive and healthy quartz mining industry"

Table 8.2 | continued

<i>Jurisdiction</i>	<i>Name of Legislation</i>	<i>Section Number and Heading</i>	<i>Language</i>
	<i>Wilderness Tourism Licensing Act, RSY 2002, c 228</i>	Preamble	"Sustain continuing public access and wilderness tourism sector use"
		S 1 - Objective	"Sustain the wilderness quality of Yukon lands and waters"
		S 14(1)(c) - Regulations	"Sustainability"

NOTES

- 1 See, at the end of this chapter, Table 8.1 and Table 8.2 – References to Sustainability and Sustainable Development in Canadian Legislation.
- 2 John C. Dernbach and Federico Cheever respond to three of the most pernicious challenges to sustainable development—that it is “too boring,” “too vague,” and “too late.” John C. Dernbach and Federico Cheever, “Sustainable Development and Its Discontents” (2015) 4:2 *Transnational Environmental Law* 247.
- 3 Michael Jacobs, “Sustainable Development as a Contested Concept” in Andrew Dobson, ed, *Fairness and Futurity* (Oxford: Oxford University Press, 2004) 21 at 25 [Jacobs].
- 4 John Robinson, “Squaring the Circle? Some Thoughts on the Idea of Sustainable Development” (2004) 48 *Ecological Economics* 369 at 370.
- 5 Klaus Bosselmann, “Sustainability and the Courts: A Journey Yet to Begin?” (2010) 3:1 *Journal of Court Innovation* 337 at 338 [Bosselmann, “Courts”].
- 6 See Table 8.1 (tracking statutory use of “sustainable development”) and Table 8.2 (listing the use of other “sustainability” language in statutes) to this chapter.
- 7 Klaus Bosselmann, *Principles of Sustainability: Transforming Law and Governance* (Abingdon, UK: Ashgate, 2008) at 9 [Bosselmann, “Principles”].
- 8 New Zealand, Ministry for the Environment, *Resource Management Law Reform: Sustainability, Intrinsic Values and the Needs of Future Generations*, Working Paper 24 (Wellington: Ministry for the Environment, 1989) at 9.
- 9 Bosselmann, “Principles,” *supra* note 7 at 9.
- 10 *Ibid* at 10.
- 11 World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987) [*Brundtland Report*].
- 12 For a discussion of the principle of integration as articulated in other international instruments, see Alan Boyle & David Freestone, “Introduction” in Alan Boyle & David Freestone, eds, *International Law and Sustainable Development* (Oxford: Oxford University Press, 1999) 1 at 10.
- 13 Bosselmann, “Principles,” *supra* note 7 at 23.
- 14 See United Nations, Sustainable Development Goals, online: <<https://sustainabledevelopment.un.org/?menu=1300>>.
- 15 Dernbach suggests that in countries like the United States there is a failure to grapple with the idea of the law of development, as such law is dismissed as only relevant to “developing countries.” John C. Dernbach, “Creating the Law of Environmentally Sustainable Economic Development” (2011) 28:3 *Pace Environmental Law Review* 614.
- 16 Jacobs, *supra* note 3 at 31–32.

- 17 Vaughan Lowe, "Sustainable Development and Unsustainable Arguments" in Boyle & Freestone, *supra* note 12, 19 at 31.
- 18 Bosselmann, "Courts," *supra* note 5 at 346.
- 19 This is now reflected in art 191(2) of the Lisbon Treaty.
- 20 See Chris Tollefson & Jamie Thornback, "Litigating the Precautionary Principle in Domestic Courts" (2008) 19:1 J Envtl L & Prac 33.
- 21 See, e.g., Brian J. Preston, "The Role of the Judiciary in Promoting Sustainable Development: The Experience of Asia and the Pacific" (2005-06) 9:2-3 Asia Pacific Journal of Environmental Law 109; Eloise Scotford, *Environmental Principles and the Evolution of Environmental Law* (Oxford: Hart, 2017).
- 22 114957 *Canada Ltée (Spraytech Société d'irrigation) v Spraytech (Town)*, 2001 SCC 40, [2001] 2 SCR 241 at para 31, citing *Bergen Ministerial Declaration on Sustainable Development*, GA Res 44/228, UN GAOR, 1990, UN Doc A/CONF 151/PC/10.
- 23 See Edith Brown-Weiss, *In Fairness to Future Generations* (Dobbs Ferry, NY: Transnational Publishers, 1989).
- 24 *Brundtland Report*, *supra* note 11 at 43.
- 25 See Jerry DeMarco, "Law for Future Generations: A Theory of Intergenerational Equity in Canadian Environmental Law" (2005) 15 J Envtl L & Prac 1 at 27.
- 26 Hon Justice Brian J Preston, "Judicial Implementation of the Principles of Ecologically Sustainable Development in Australia and Asia" (Paper delivered at the Law Society of New South Wales Regional Presidents Meeting, Sydney, 21 July 2006) [Preston] (on file with author).
- 27 The components of biological diversity are discussed in John Moffet & Francois Bregha, "The Role of Law in the Promotion of Sustainable Development" (1996) 6 J Envtl L & Prac 1 at 5.
- 28 *Ibid* at 4.
- 29 John Dernbach, "Achieving Sustainable Development: The Centrality and Multiple Facets of Integrated Decision-Making" (2003) 10 Ind J Global Legal Stud 247 at 248.
- 30 Philippe Sands, "International Law in the Field of Sustainable Development: Emerging Legal Principles" in Winfried Lang, ed, *Sustainable Development and International Law* (London: Graham & Trotman, 1995) 53 at 61.
- 31 Preston, *supra* note 26 at 30.
- 32 *Imperial Oil Ltd v Quebec (Minister of the Environment)*, 2003 SCC 58 at para 23, [2003] 2 SCR 624 [*Imperial Oil*].
- 33 These three pillars of participation have emerged from the *Aarhus Convention*, signed in 1998. *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*, 25 June 1998, 2161 UNTS 450, 38 ILM 517 [*Aarhus Convention*].
- 34 *Gray v The Minister for Planning*, [2006] NSWLEC 720.
- 35 *Ibid* at para 122.
- 36 See, e.g., the incorporation of the precautionary principle in the *Canadian National Marine Conservation Areas Act*, SC 2002, c 18, s 9(3); in the *Canadian Environmental Protection Act, 1999*, SC 1999, c 33, ss 2(1), 6(1); in the *Canadian Environmental Assessment Act*, SC 1992, c 37, s 4(2); in the *Oceans Act*, SC 1996, c 31, s 30; and in the *Federal Sustainable Development Act*, SC 2008, c 33, ss 2, 9(1).
- 37 *Sustainable Development Act*, RSQ c D-9.1.1, s 1.
- 38 *British Columbia v Canadian Forest Products Ltd*, 2004 SCC 38 at para 7, [2004] 2 SCR 74 [*Canfor*].
- 39 *Imperial Oil*, *supra* note 32 at para 24 (emphasis added).
- 40 *Re Ainsworth Lumber Co*, [2000] AEABD No 33.
- 41 *Ibid*.
- 42 *Ibid*.
- 43 *R v Hape*, 2007 SCC 26 at para 53.
- 44 For a fuller discussion of the reception of international environmental

- law in Canada, see Natasha Affolder, “Domesticating the Exotic Species: International Biodiversity Law in Canada” (2006) 51 McGill LJ 217.
- 45 *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v Slovakia)*, [1997] ICJ Rep 7 at para 140.
- 46 *Marrakesh Agreement Establishing the World Trade Organization*, 15 April 1994, 1867 UNTS 154, 33 ILM 1144, at preamble [WTO Agreement].
- 47 WTO, Appellate Body, *United States—Import Prohibition of Certain Shrimp and Shrimp Products*, WTO Doc WT/DS58/AB/R (1998) at para 129, online: WTO <https://www.wto.org/english/tratop_e/dispu_e/58abr.pdf>.
- 48 *Ibid* at para 153.
- 49 In 2002, senior judges and chief justices from around the world signed the *Johannesburg Principles on the Role of Law and Sustainable Development*, affirming principles that should guide the judiciary. *Johannesburg Principles on the Role of Law and Sustainable Development* (Statement adopted at the Global Judges Symposium on Sustainable Development and the Role of Law, Johannesburg, South Africa, 18–20 August 2002) (2003) 15 J Envtl L 107.
- 50 On the problem of “Unsustainability” in Canada, see C. Scott Findlay, Jamie Benidickson, Hugh Benevides & Karen Kraft Sloan, “Sustainability Lost: Comments on ‘Planning for a Sustainable Future: A Federal Sustainable Development Strategy for Canada’” (2010) 22:1 JELP 77 at 80.