



Deputy Minister

Sous-ministre

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April 29, 2016

MEMORANDUM TO: Stephen LeClair
Financial Accountability Officer
Financial Accountability Office of Ontario

FROM: Paul Evans
Deputy Minister
Ministry of the Environment and Climate Change

RE: **FAO Information Request FA1507-01**

Thank you for your letter of April 6, 2016, requesting information pertaining to the financial impact of Cap and Trade in Ontario.

The Ministry of the Environment and Climate Change acknowledges the important role played by you and your office in providing independent analysis of the state of the Province's finances. The Ministry has undertaken a review in response to your list of questions. Please find attached our response in the forms you provided.

Bill 172, *Climate Change Mitigation and Low-Carbon Economy Act, 2016*, is before the Legislature. As such, the information that you have requested which stems from the implementation of the proposed legislation is not yet available.

The information requested regarding "Cap and Trade – Other Costs" cannot be released because it would permit the drawing of accurate inferences with respect to the substance of deliberations of Cabinet or its committees.

As you are aware, subsection 12(1) of the *Financial Accountability Officer Act* (FAOA) requires every ministry of the Government of Ontario and every public entity to give, upon request, any financial, economic or other information that is in its custody or under its control that you believe to be necessary to perform your duties under the FAOA.

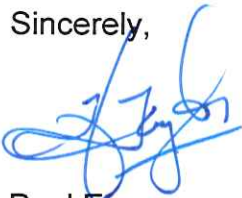
Subsection 12(2) of the FAOA prohibits a ministry or public entity from giving you a record described under subsection 12(1) of the *Freedom of Information and Protection of Privacy Act* (FIPPA), unless either of the circumstances in clause 12(2)(a) or (b) of FIPPA exists. Subsection 12(1) of FIPPA creates a non-exhaustive list of records that a head shall refuse to disclose because they would reveal the substance of deliberations that have taken place, or are intended to take place in Cabinet (i.e. the Executive Council) or any of its committees (e.g. Treasury Board/Management Board of Cabinet [TB/MSC]). A record would reveal the substances of deliberations of Cabinet or its committees if the disclosure would permit the drawing of accurate inferences with respect to the substance of those deliberations.

The Ministry has endeavoured to provide your office with as much detail as possible at this time given that the Bill is being considered by the Legislature and the regulation remains in development and subject to the Bill's passage. We note that, should the Bill and proposed regulation be approved, the Minister of the Environment and Climate Change would be required to prepare an annual report providing details on the Greenhouse Gas Reduction Account.

If you require further clarification, please don't hesitate to contact myself or Lucia Lau, Director, Business and Fiscal Planning Branch, Ministry of the Environment and Climate Change at (416) 314-7370.

We look forward to continuing to assist you in your legislative duties.

Sincerely,



Paul Evans

c: Robert Fleming, Assistant Deputy Minister, Climate Change and Environmental Policy Division, MOECC

Jim Whitestone, Assistant Deputy Minister, Environmental Programs Division, MOECC

Heather Taylor, Chief Administrative Officer/Assistant Deputy Minister, Corporate Management Division, MOECC

Lucia Lau, Director, Business and Fiscal Planning Branch, Corporate Management Division, MOECC

Chris Giannikos, Assistant Deputy Minister, Office of the Budget, Ministry of Finance