

Bill-5 disregards the environment and Indigenous rights



By Nate Smelle

On June 5, the Ford government passed Bill-5, formally titled the Protecting Ontario by Unleashing Our Economy Act. While the bill is presented as a tool for economic acceleration, critics argue it marks a significant erosion of environmental protection, public participation, and Indigenous rights in Ontario.

As conservation campaigns and advocacy manager with Ontario Nature Shane Moffatt has been actively engaged in the fight to stop Bill-5. Acknowledging how devastating the consequences of this bill will be on both the environment and the economy in Ontario, he explained to Bancroft This Week how Bill-5 strips away vital protections and concentrates power in areas with little oversight. Highlighting how it prioritizes the short-term economic gains of a handful of developers over long-term ecological and social sustainability, Moffatt said, "It's a funny thing, his [Premier Doug Ford's] standing up Trump, but then behaving like Trump. It doesn't really add up. And, you know, Doug Ford talks a lot about the little guy. Well, who's littler than some of these endangered species we have to protect? Why isn't he standing up for them; standing up for those species that are voiceless? Not only that, but polling consistently shows how much Ontarians of all stripes and all political persuasions care deeply about nature and biodiversity. And I think he's really riding roughshod over public concerns for the environment and that's really unfortunate."

Moffatt said what has so many people up in arms about Bill-5 is that it grants the provincial cabinet sweeping authority to override municipal bylaws, environmental legislation, and long-standing regulations whenever a project is deemed economically important. He said the underlying problem with the bill is that it allows the government to bypass normal checks and balances, including environmental assessments and community consultations, particularly in designated "economic zones."

One of the most alarming elements of Bill-5, Moffatt said, is its weakening of the Endangered Species Act, which safeguards over 240 species at risk in Ontario. Noting that many of these species rely on wetlands, rivers, forests, and grasslands' ecosystems now exposed to unregulated development, he said the bill removes the requirement to properly assess harm to these species, allowing nesting grounds, migration corridors, and breeding habitats to be destroyed without any plan to mitigate damage.

"I think we're going to be seeing a whole range of resistance to this legislation. The stakes are too high," declared Moffatt. "We all depend on biodiversity and the natural world for our own survival. We're a part of biodiversity. We can't separate ourselves from it. Whether it's a healthy economy, that depends on a healthy environment; whether it's healthy wetland habitats that provide the water, that we depend on; whether it's the forests that purify our air, that are also species' habitats, our future is deeply interconnected with the future diversity of wildlife across the province. We really do depend on the natural world for our own survival, and those are the kind of stakes that we're talking about. I think that's why we see a huge public response; and why people are going to continue to

resist this until we overturn Bill-5.?

A very disturbing aspect of Bill-5, Moffatt shone a light on is its profound disregard for Indigenous rights and governance. While the Ford government has legal obligations to consult with First Nations before proceeding with developments on their traditional territories, he said Bill-5 enables the government to move forward without that consultation whenever it sees fit. Noting that he tries to be mindful not to speak for Indigenous peoples, Moffatt said talking with Indigenous friends and allies he understands why everyone is outraged.

?As a non-Indigenous person, what really strikes me is this bill being pushed forward in the face of such visible, clear, and compelling Indigenous opposition. That really shocked me, I have to say; and I'm surprised that the government didn't stop, pause, and actually listen to those voices and say, 'We need to go back to the drawing board if we're going to do this right.' So I think even for this government, that was a slap in the face; and as I mentioned before, the fact that this legislation doesn't mention free, prior, and informed consent, even once a lot about how seriously the government has taken reconciliation.?

According to the government of Canada's website, free, prior, and informed consent is a principle enshrined in international human rights law, particularly in the United Nations Declaration on the Rights of Indigenous Peoples and the ILO Convention 169 that dictates that Indigenous peoples have the right to give or withhold their consent for any action that could affect their lands, territories, or rights. FPIC is not about having a veto over government decisions, but rather about working together in partnership and respect, striving for consensus.?

The bill, which was rushed through the legislature by a vote of 71 to 44, was met with widespread criticism from opposition parties. Critics from across the political spectrum, including the New Democrats and Liberals, tabled thousands of amendments in an effort to delay or amend the bill.

?That's the silver lining to a lot of this?the bill being rammed through in the end?Ford has kicked a hornets' nest. I don't think he fully understands the scale and the breadth of the opposition, that he's going to encounter, if and when he tries to implement this legislation.?

Though ultimately unsuccessful in stopping its passage, Moffatt said these actions reflect growing discontent with the Ford government's environmental policies. But resistance to Bill-5 is far from over. A coalition of over 100 environmental, Indigenous, labour, and community organizations is actively opposing the legislation. The coalition includes farmers, youth activists, conservation groups, and concerned residents from across Ontario. Thousands of Ontarians submitted comments through the Environmental Registry before the bill passed, and many others are continuing to write letters, sign petitions, and contact local MPPs. Moffatt praised the groundswell of public engagement, calling the mobilization 'incredible.' Moffatt said efforts to repeal or reform Bill-5 will require a multi-pronged approach: legal challenges, public advocacy, political pressure, and leadership rooted in Indigenous rights.

?It's very short-sighted and I don't think people are going to take lying down,? Moffatt said. ?I think the resistance to this piece of legislation starts today. The kind of outpouring of public opposition is something? I've been doing this a while and I haven't seen that level of really organic opposition. In small towns, big cities, right across the province, people have been protesting, they've been marching, they've been demonstrating, they've been contacting MPs, they've been signing petitions. They've been doing everything they can to stop this bill. And Ford might have rammed it through, but this is not over, that's for sure.?