

OPINION

Bill 5 threatens consequential changes

by Brenna Lattimore

Imagine living in a place where the provincial and municipal laws no longer applied, and where transparency and consultation with local people prior to major development activities were not required.

Imagine living in a place where environmental review processes were not necessary prior to placing a dump alongside a riverbank.

Essentially, imagine living in a place where the provincial government had unilateral power to pursue any and all development projects they wished, in the name of “unleashing the economy”, with no need for due process, review, or accountability.

Imagine also an Ontario where virtually no protection existed for threatened or endangered species.

These Orwellian concepts are dangerously close to becoming a reality in Ontario, if the Ford government passes Bill 5 *Protect Ontario by Unleashing the Economy*. Hidden within this bloated omnibus bill are a number of chilling and highly consequential legislative changes, quietly introduced and pushed past second reading. The most worrying of these are Schedule 9 – *Special Economic Zones Act*, and Schedules 2 and 10 – *Species Conservation Act*.

As the bill is currently written, Schedule 9 gives the provincial cabinet and ministers overriding authority to create zones of their choosing for any reason and in any place. Within these zones they can then designate “trusted projects and proponents” to be exempt from all provincial and municipal laws, review processes and transparency requirements. As written, this Act could also override requirements to consult with First Nations on development activities impacting their communities. Under Schedule 9, development in designated SEZs can essentially take place unchecked and unabated, with no requirements for impact reviews and no legal recourse (barring any applicable federal laws) for local people who may be seriously impacted by fast-tracked development activities.

It is likely that Schedule 9 has been introduced at this particular moment with an eye to speed up development in the Ring of Fire, a mineral-rich region in northern Ontario, home to First Nations communities and a number of highly sensitive, carbon-rich ecosystems. However, it could just as easily be applied anywhere in the province where the government sees a lucrative development opportunity – regions along the proposed 401 tunnel, places like Dresden, Ontario,

where a new and potentially highly impactful dump has been proposed to go ahead without requirement for environmental assessment, and even to ecologically sensitive areas along the Niagara Escarpment.

As written, the provincial government could designate all of Clearview Township as a Special Economic Zone if they so choose. There is nothing to stop them.

The 1830s saw a rebellion in Upper Canada, inspired by civil unrest that stemmed from the abuse of powers by the oligarchic British colonial government. Citizens wanted their government to be held accountable to them – and to the law – and this rebellion and subsequent civic actions began the reformation of our democracy towards responsible government, with a separation of powers between the cabinet and the legislature.

If enacted, Bill 5 would set us back to the 18th century, concentrating power once more in the hands of a few and leaving Ontarians at serious risk of the impacts of corruption. The Ford government claims they would act responsibly to “protect Ontarians,” but there is nothing in this Bill to ensure that they do. Ironically, given the title of the Bill – *Protecting Ontario by Unleashing the Economy* – what it actually does is the opposite of protecting Ontarians, taking away our rights to due process and to the protections afforded by provincial and municipal laws.

One could argue that there are too many protective laws in place and as a result, development is hindered and economic progress is slowed. This argument may have some legs but it is important to remember: many of the laws and processes applicable to development are necessary to ensure that irreparable and serious harm is not done to our environment or to human health, safety and quality of life. There are ways to reform legislation to reduce unnecessary delays that may result from things like NIMBYism, without handing government carte blanche to override critical legislation that was put in place to safeguard our lands and our people.

The other most consequential change tucked into Bill 5 can be found in Schedules 2 and 10, which repeal the 2007 *Endangered Species Act* and replace it with the so-called *Species Conservation Act (SCA)*.

In short, this change would be absolutely catastrophic for threatened and endangered species in Ontario. As currently written, the SCA is essentially smoke and mirrors, with no actual power to protect species.

Recovery of species populations is no longer a goal, and harassment is no longer regulated. The definition of “habitat” has been reduced to the actual dwelling of a threatened species and the area immediately necessary for the existence of that dwelling, such as a nest and the tree the nest is in, or in the case of plants and trees, the critical root mass of the plant or tree. Any ecologist would insist that this definition of habitat is completely insufficient to protect species in any meaningful way. Furthermore, even with this reduced definition, there is nothing in the Act to explicitly prevent the destruction of deemed habitat or the killing of threatened species – only a requirement to fill out a form, pay a fee, and register the activity with the government.

As written, habitat and species destruction is automatically permissible as long as registered. There may be requirements for permits in some cases, but there are no clear stipulations written in the SCA of when or how permitting would be required or managed.

Ontario is an astonishingly beautiful province, full of rich ecosystems, diverse species (housing greater species diversity than any other province, in fact), and beautiful landscapes. And it is our home – to love, to enjoy, and to protect, for now and for future generations. It doesn’t belong to the provincial government, and it doesn’t belong to developers whose bottom line is profit, not people. Responsible government is something we take for granted, and as much as we may complain about government corruption now, we at least have checks and balances and systems of accountability in place. Remove these, and all bets are off.

Opposition to Bill 5 is extremely urgent, as public consultation closes on May 17. If this bill concerns you please make your opposition known by:

- Submitting a comment here: ero.ontario.ca/notice/025-0416;
- Sharing this information with friends, family and on social media, and encouraging people to speak up
- Writing to or phoning your MPP (brian.saunderson@pc.ola.org, 705-428-0104);
- Writing to or phoning Premier Ford;
- Signing petitions and joining existing campaigns (e.g. Environmental Defence, Ontario Nature, change.org and others).

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