



**WRITTEN SUBMISSION TO THE STANDING COMMITTEE
ON THE INTERIOR**

**Bill 5, Protecting Ontario by Unleashing Our Economy Act, 2025
Submitted by: Métis Nation of Ontario**

Submitted May 26, 2025

Introduction

The Métis Nation of Ontario (“**MNO**”) is the democratically elected, provincially and federally recognized¹ Métis government representing Métis citizens and Métis communities in Ontario recognized as holding Aboriginal rights protected by section 35 of the *Constitution Act, 1982* (“**Section 35**”). These rights-bearing Métis communities include, but are not limited to, the modern-day Section 35 rights-holding Métis community in and around Sault Ste. Marie that was recognized by the Supreme Court of Canada (“**SCC**”) in *R v. Powley* (“**Powley**”).² The Government of Ontario (“**Ontario**”) has recognized other historic Métis communities in the province outside of Sault St. Marie,³ and we have negotiated agreements with Ontario on harvesting and other land related matters.⁴ The MNO also has a Crown consultation agreement with Canada.⁵

The MNO respectfully submits the following comments to the Standing Committee on the Interior regarding [Bill 5, Protecting Ontario by Unleashing Our Economy Act, 2025](#) (“**Bill 5**”). This legislation proposes sweeping amendments to eight provincial statutes, introduces a new Special Economic Zones Act, and revokes and modifies numerous regulations related to development, resource extraction, and procurement in Ontario.

While MNO recognizes the province’s efforts to modernize regulatory frameworks and advance economic development, we want to ensure Ontario’s efforts include meaningful Métis participation consistent with the promise and purpose of recognized and accommodated Métis Section 35 rights protected under the *Constitution Act, 1982*.

Summary of the MNO’s Concerns

Bill 5, in its current form, may:

- **Undermine the Crown’s duty to consult and accommodate** by dramatically accelerating permitting processes and expanding ministerial discretion;
- **Erode environmental and cultural protections**, potentially affecting Métis lands, waters, and traditional practices;
- **Centralize power in the hands of Ministers** without sufficient transparency or accountability mechanisms;
- **Permit exemptions and extinguishments** that may shield Crown actions from judicial review or legal recourse; and
- **Lack clarity or commitment to Métis consultation or participation**, despite legislative changes directly impacting their rights and territories.

¹ For more information, see a copy of our legally binding self-government agreement with the Government of Canada *MNO-Canada Métis Self-Government Recognition and Implementation Agreement* (23 February 2023), ss. 6.04-6.07, 6.09-6.11 [**2023 Self-Government Agreement**]; [Métis Nation of Ontario Secretariat Act](#), 2015, S.O. 2015, c. 39 - Bill 153.

² *R. v. Powley*, [2003] 2 S.C.R. 207, 2003 SCC 43.

³ Indigenous Affairs Ontario, News Release, “[Identification of Historic Métis Communities in Ontario](#)” (August 22, 2017).

⁴ [Framework Agreement on Métis Harvesting](#), the Province of Ontario and the Métis Nation of Ontario, April 30, 2018.

⁵ Indian Affairs and Northern Development, “[Consultation Agreement between the Métis Nation of Ontario and the Government of Canada](#)” (July 2015).

These changes will occur across multiple statutes, but notably in the *Ontario Heritage Act*, *Environmental Assessment Act*, *Mining Act*, *Endangered Species Act*, and through the creation of Special Economic Zones (“SEZ”)—all of which have direct and indirect implications for MNO citizens, communities, and the exercise of Métis rights. Further detail on the above noted concerns is outlined below.

1. Ontario Heritage Act

- While the revised Act permits the deposit of seized artifacts within Indigenous communities, the power to exempt properties from archaeological protection (at the discretion of the Lieutenant Governor in Council) presents a serious threat to cultural heritage.
- These exemptions cannot occur without proper consultation with affected Métis communities. Without proper consultation, these exemptions could lead to the loss or destruction of Métis heritage sites, especially in areas of ongoing Métis harvesting, habitation, or historical occupation.

3. Mining Act

- Granting the Minister powers to suspend, deny, or fast-track mining activities based on strategic economic priorities cannot circumvent existing consultation practices.
- These changes risk excluding Métis communities from decision-making on projects that directly impact their traditional lands, waters, and harvesting rights.

4. Endangered Species Act

- Removal of species protections, discretionary regulation-making, and warrantless inspections will erode environmental stewardship practices essential to Métis culture and way of life.
- Métis knowledge systems and land stewardship principles must be included in species-at-risk planning, which is notably absent from the amendments.

5. Special Economic Zones Act

- The proposed Act provides minimal information about how SEZ designations will interact with Métis rights and interests.
- SEZs could accelerate development in sensitive areas without adequate safeguards or mechanisms for the inclusion of Métis voices, particularly for customary harvesting territories and spiritual sites.

Constitutional and Legal Considerations

The Government of Ontario has a constitutional duty to consult and accommodate Métis communities when contemplating decisions or legislative changes that may adversely impact their rights. As the Supreme Court of Canada has stated, this duty arises when “the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and

contemplates conduct that might adversely affect it.”⁶ Bill 5, as currently drafted, appears to prioritize economic expediency and regulatory efficiency at the expense environmental safeguards and good-faith consultation processes which could result in conduct which adversely affect Indigenous rights—including those of Métis communities—in Ontario.

The seven rights-bearing Métis communities in Ontario—which the Government of Ontario formally recognizes and accommodates Section 35 rights related to⁷—are recognized as rights-bearing Métis communities, in part, because they developed their own shared customs, traditions, and collective identities rooted in their special Aboriginal relationship to the land, among other things.

In *Powley*, the Supreme Court of Canada explicitly recognized the importance of the Métis “special Aboriginal relationship to the land” (i.e., Métis traditional territories) as intimately connected to the Court’s recognition of Métis Section 35 rights and, as a result, held that Métis Section 35 rights should track to the co-existing rights of First Nations communities:

[50]...In the immediate future, the hunting rights of the Métis should track those of the Ojibway...In the longer term, a combination of negotiation and judicial settlement will more clearly define the contours of the Métis right to hunt, a right that we recognize as part of the special aboriginal relationship to the land.

The Court was also clear in *Powley* that Canada’s recognition of and commitment to Métis, as distinct communities is fundamental to our survival:

[17]...The purpose of s. 35 as it relates to the Métis is therefore different from that which relates to the Indians or the Inuit. The constitutionally significant feature of the Métis is their special status as peoples that emerged between first contact and the effective imposition of European control. The inclusion of the Métis in s. 35 represents Canada’s commitment to recognize and value the distinctive Métis cultures, which grew up in areas not yet open to colonization, and which the framers of the Constitution Act, 1982 recognized can only survive if the Métis are protected along with other aboriginal communities.

Drawing on the Supreme Court’s direction that governments should begin to negotiate with Métis to determine, recognize, and respect Métis Section 35 rights, since 2003 the MNO and Ontario have achieved the following:

- In 2004, [the MNO and Ontario entered into an interim Métis harvesting agreement](#);
- In 2015, the Ontario legislature unanimously passed the [Métis Nation of Ontario Secretariat Act, 2015](#), which recognizes the unique governance of the MNO;

⁶ *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511, 2004 SCC 73 at para 35.

⁷ For more information, see Indigenous Affairs Ontario, News Release, “[Identification of Historic Métis Communities in Ontario](#)” (August 22, 2017); [Framework Agreement on Métis Harvesting](#), the Province of Ontario and the Métis Nation of Ontario, April 30, 2018.

- In 2017, after a 10-year collaborative process, Ontario [recognized the existence of seven historic Métis communities in Ontario](#) and has bound itself to this recognition. While the recognition of these communities was “new”, the existence of these Métis communities pre-dates Canada;
- In 2017, [the MNO, Ontario, and Canada signed a framework agreement to engage in formal negotiations to advance reconciliation](#) with the MNO and the Métis communities it represents; and
- In 2018, based on the above-noted recognition, [the MNO and Ontario signed a “legally binding and justiciable” Métis harvesting rights agreement](#), which remains in place today.

Métis communities in Ontario, like other Indigenous peoples, have a fundamental right to be consulted on projects which may impact their rights. Expanding ministerial discretion while reducing environmental and heritage protections without statutory requirements for consultation with Métis and First Nations communities is inconsistent with the Honour of the Crown, the principles of reconciliation, and the United Nations Declaration on the Rights of Indigenous Peoples (“**UNDRIP**”)—which is further outlined below.

Recommendations

- 1. Undertake Meaningful Consultation with the MNO:** Ensure that the MNO and the Métis communities that it represents are consulted on all legislative changes and projects enabled by Bill 5 that could impact Métis territories or rights.
- 2. Create Co-Development Frameworks and Shared Decision-Making Structures:** For SEZs and other major development areas, co-governance mechanisms should be established with Métis representatives to ensure that development aligns with Métis rights, values, and stewardship practices.
- 3. Reinstate and Strengthen Environmental and Heritage Protections:** The government should reconsider the repeal of the Endangered Species Act and the broad exemptions under the Ontario Heritage Act and SEZs. Cultural and ecological protections must be embedded in all planning and permitting processes
- 4. Ensure Transparency in Exemption and Discretionary Powers:** Provide publicly accessible rationales and impact assessments for any exemptions issued under the Ontario Heritage Act, Mining Act, or Special Economic Zones Act.
- 5. Implement UNDRIP Principles Across Legislation:** Ontario should seek to endorse all principles of the UNDRIP including through Bill 5. UNDRIP is an international human rights instrument that sets out the minimum standards for the survival and dignity of Indigenous peoples around the world. Adopted in 2007 by the UN General Assembly, and recognized through Canada’s [United Nations Declaration on the Rights of Indigenous Peoples Act](#) in 2021, UNDRIP confirms:
 - Indigenous peoples’ rights to self-determination (Article 3);
 - Indigenous peoples’ right to “own, use, develop and control the lands, territories and resources ...” (Article 25);

- Indigenous peoples’ right to “maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs...” (Article 11); and
- Indigenous peoples’ right “to determine and develop priorities and strategies for the development or use of their lands or territories and other resources” (Article 32).

Conclusion

Bill 5, while intended to promote economic development, risks undermining hard-fought legal protections for Indigenous Peoples in Ontario—particularly for the Métis, whose historic and contemporary presence across the province is often overlooked in land and resource decision-making processes.

The MNO urges the Standing Committee on the Interior to consider the potentially irreversible impacts of these legislative changes. Ontario must work collaboratively with the recognized Métis communities in Ontario to ensure that the provinces growth does not come at the cost of Métis traditional territories which are vital to the survival of Metis communities, heritage, and culture of future generations.

The MNO reiterates that the Section 35 rights of Métis communities in Ontario cannot be disregarded or diminished in the pursuit of economic growth. Rather, Ontario should ensure Métis communities in the province can participate in—and benefit from—Ontario’s economic growth through distinctions-based partnership, while upholding the promise of recognized and accommodated Métis Section 35 rights.

Respectfully submitted,



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