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Omnibus Bills: Heavy-handed tools erode democracy, promote climate breakdown

Before being elected Premier of Ontario, Doug Ford was asked to explain how bills become law. He dodged the question. Pundits wondered whether he was aware of a basic fact of democracy.

Once in office he demonstrated that he certainly knew how to put together and pass omnibus bills.

An omnibus bill is a proposed law that covers a number of diverse or unrelated topics. Such bills are single documents. They are intended to pass in a single vote by a legislature.

Adam M. Dodek, an associate professor at the University of Ottawa's Faculty of Law, has a problem with such bills. That is because they "undermine parliamentarians' ability to responsibly and effectively carry out their duties to examine and debate legislation." Dodek teaches public law and legal ethics.

These bills are becoming more common in Canada. It is a worrisome tactic used by ruling parties. It is anti-democratic. The Ford government, however, has taken their use to a completely new level. The sheer size and scope of omnibus bills means that analyzing them and mounting well-informed political opposition is exceptionally difficult. Which is the point.

A few examples of laws with titles couched in typically Orwellian doublespeak:

- Significant changes to the Employment Standards Act were made in Bill 66. *The Restoring Competitiveness by Amending Certain Acts Bill* eliminated protections for thousands of workers.
- *The Peoples' Health Care Act* (Bill 74) created a super health care agency. That piece of legislation merged twenty existing agencies that had different responsibilities and mandates to form one Super Agency. This wholesale restructuring of our health system handed over unfettered powers to this super agency, erasing much of what was left of local control.
- At 210 pages the *Protecting What Matters Most Act* (Bill 100) included 61 schedules and changes to various Acts.
- Schedule 3 was inserted into the omnibus bill *Broadband and Infrastructure Expansion Act* (Bill 257). The Ford government was forced to add this Schedule because it had not bothered to fulfill its constitutional obligations -- including the duty to consult Indigenous communities.



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Two bills are particularly notable for how they reversed good environmental policies, slowing the fight against climate breakdown.

Firstly, the *Support and Recover from Covid 19 Act* (Bill 229). This particularly harmful law used the pandemic as cover for environmentally destructive policies by introducing numerous policy changes utterly unrelated to the pandemic. Its 260 pages included gutting the *Conservation Authority Act*. Former conservative federal cabinet minister and Toronto Mayor David Crombie said that Bill 229 wasn't policy reform but "high-level bombing and needs to be resisted." Crombie and six others resigned from the Greenbelt Council in protest.

Then there *the Restoring Trust, Transparency and Accountability Act* (Bill 257). This Bill eliminated the position of Ontario's Environmental Commissioner (ECO) and terminated important green initiatives.

The Canadian Environmental Law Association (CELA) explained that the ECO "has served as our environmental conscience by raising important public interest issues – such as species at risk, wetlands protection, wilderness preservation and safe drinking water – that require urgent attention within the province."

Doug Ford may not understand democracy, but his government's omnibus bills effectively undermine it. Ford continues to use such measures to delay or eliminate action against climate breakdown.

The Standing Orders of the Ontario Legislature should be amended to prohibit such legislation.



Sources:

Adam M. Dodek - Omnibus Bills: Constitutional Constraints and Legislative Liberations, 2017 *Candido's* 131

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Ontario Nature - <https://ontarionature.org/news-release/bill-257/>