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THE FORD GOVERNMENT

CLIMATE CRIME # 19 UPDATE JAN 2023

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

Before being elected in 2018, someone asked Doug Ford to explain how bills become law. He dodged the question. Voters were left to wonder whether the aspiring Premier understood the basic facts of democracy.

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

An omnibus bill is a 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, avoiding scrutiny.

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

Such an approach is becoming more common in Canada. It is a worrisome anti-democratic tactic used by ruling parties. 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 cringe-worthy Orwellian doublespeak:

- The Ford government made big changes to the Employment Standards Act with Bill 66. The *Restoring Competitiveness by Amending Certain Acts* law eliminated protections for workers across the province.
- The *Peoples' Health Care Act* (Bill 74) created a super health care agency. It merged twenty existing agencies that had different responsibilities and mandates, forming a single Super Agency. This wholesale restructuring of our health system handed over unfettered powers to this 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.
- The government inserted Schedule 3 into its 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 it constitutional obligations -- including the duty to consult Indigenous communities.

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Two bills are particularly noteworthy for the ways 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 polices 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 in November, 2022 the Ford government passed the fraudulently-named *More Homes Built Faster Act* (Bill 23), ramming the bill through the legislative process with only the most paltry scrutiny.

Yet it constituted a total overhaul of the planning regime across Southern Ontario and particularly in the Greater Golden Horseshoe area. This approach had, just before the 2022 election, been implicitly denounced by the government's own Housing Affordability Task Force, chaired by the CEO of Scotiabank.

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

One solution: 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

Canadian Environmental Law Association (CELA) -

https://cela.ca/province-proposes-to-abolish-ontarios-environmental-watchdog/

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