

## CASE STUDY:

# Imperfections in our Law- Making: Omnibus Bills

A proposed law—also known as a bill—can only be passed after legislators (and the general public) have had the opportunity to consider the bill. But what happens if a bill is so large, and contains so many elements, it is impossible for any single person to fully consider and understand the bill. This is the quandary created by omnibus bills.

## ***What is an Omnibus Bill?***

An omnibus bill is a single bill that introduces, repeals, or amends numerous laws. Omnibus bills can run into the hundreds of pages, containing dozens if not hundreds of provisions.

There are few rules that regulate omnibus bills. Canada's parliamentary traditions and guidelines simply require that bills deal with a single principle or purpose. This means that as long as the proposals are related, omnibus bills are generally allowed. There is no limit to how many changes to the law can be included in a bill, and no maximum length for a piece of proposed legislation.

Recent history provides countless examples of omnibus bills. For example, in the late 1960s the *Criminal Law Amendment Act* passed into law in Canada. This omnibus bill implemented sweeping reforms to Canada's criminal laws. Changes were made to how the law dealt with abortion, gun ownership, intimidating phone calls, cruelty to animals, and lotteries, just to name a few things. The bill was 126 pages long, and contained 120 clauses. The basic principle and purpose of the bill was to align Canada's criminal laws with the values of the day.

Recent omnibus bills have been even longer. Federal governments of all stripes have been transforming budget implementation acts—the law that puts the government's annual budget into effect—into massive omnibus bills. Between 1995 and 2000, the average length of a budget implementation act was 12 pages. During the early part of the 2000s, the average length grew to 139 pages. Since 2009, almost every budget implementation act has been several hundred pages in length.

2010's *Budget Implementation Act* (Bill C-9) is perhaps the best example of a runaway omnibus bill. It was 883 pages long. The government claimed that everything in the bill was related to implementing the federal budget. Parliamentary scholar



C.E.S. Franks disagreed. He wrote in the *Globe and Mail* that:

In far too short a period, the House and Senate finance committees examining C-9 had to inform themselves and vote on changes and innovations to taxation and other financial measures. They had to consider amendments to the laws governing pensions and the *Federal-Provincial Arrangements Act*. They had to examine a Canada-Poland agreement on social security, a proposal to eliminate Canada Post's monopoly over mail to be delivered outside Canada, provisions to permit credit unions to act as banks, and legislation permitting to sell off much of AECL [Atomic Energy of Canada Limited]. Other provisions of C-9 permit fundamental changes to the environmental review process.

This is only a few of the topics in C-9. Many of these sections have little if any relationship to the budget—they should have been presented to Parliament as stand-alone bills and examined by appropriate specialist committees.

The problems with Bill C-9 led C.E.S. Franks to conclude that “omnibus budget implementation bills subvert and evade the normal principles of parliamentary review of legislation.” It is simply impossible for anyone to fully comprehend every legal change stuffed into such sweeping omnibus bills.

## **Omnibus Bills: All Bad?**

To be sure, there are some benefits to omnibus legislation. They do save time and shorten the amount of days that legislators must spend in parliament. The House of Commons used to sit for about 175 days a year in the 1990s. By stuffing more changes into less legislative bills, Parliament can shorten its sessions. Today, Parliament sits for about 130-140 days a year.

Ideally, if parliamentarians spend less time in Ottawa, they will have more time to spend in their constituency. This opens up more opportunities to meet individuals and community groups, and more time to tend to the needs the constituency.

As well, some omnibus bills facilitate broad social and legal changes. For example, when the Supreme Court ruled on granting same-sex couples the same rights as opposite-sex couples, the Saskatchewan government passed omnibus legislation updating 24 laws to reflect this change.

However, omnibus bills also allow contentious legislation to be bundled in with popular ideas. For example, Bill C-9 contained controversial changes to environmental regulations. However, it also contained popular investments in public housing. Legislators had no choice but to vote for looser environmental regulations if they also wanted better public housing.

As a whole, thoughtful and reasoned debate leads to the creation of better laws. The sheer size and broad subject matter of omnibus bills restricts the ability of our elected representatives and the public in general to examine and debate proposed laws. This is detrimental to the democratic process as a whole.

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## DISCUSS

1. Bundling several unrelated issues into one omnibus bill forces law-makers to vote for things that they disagree with, in order to get the things they agree with. Is this fair?
2. Often, politicians will say that their opponent “voted against Policy X.” Such statements are usually an attempt to paint the opponent in a bad light.
  - a) How much value can we put in such statements, in light of the proliferation of omnibus bills that force politicians to cast a single vote for several barely-related laws?
  - b) Do simple statements harm the liberal value of reason?
3.
  - a) Why do you think omnibus bills have become more common?
  - b) Does the growth of omnibus legislation concern you?
4. As a whole, are omnibus bills good or bad for democracy?