

NEWS

Omnibus bills could be 'new normal,' says Samara researcher

By PALAK MANGAT (/AUTHOR/PALAK-MANGAT) JAN. 21, 2020

In the last Parliament, the Senate appears to have exercised its authority more of providing 'sober second thought.'



MPs on the House's Canada-China Relations Committee convene on Jan. 20, 2020, for their first meeting since the special committee was formed in December. *The Hill Times* photograph by Andrew Meade

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Lengthy government bills are shaping up to be “the new normal” in Parliament, despite the Liberals’ campaign pledge in 2015 to halt the practice, according to a new report.

In a report published on Jan. 21 by Samara Centre for Democracy, researchers found that the use of omnibus bills—legislation that is complex and lengthy—grew by almost 10 per cent. For example, one of the Liberal government’s budget bills in the last Parliament amounted to 884 pages, the third longest since 2004 at 286 pages.

“You can debate what constitutes an omnibus bill, but, in any case, it’s going to be a problem for scrutiny if the bills keep getting bigger,” he said Mike Morden, research director with Samara, in a phone interview on Jan. 20. “The concern is that there’s a new normal setting in.”

When the Conservatives under Stephen Harper were in power, the Liberals criticized their use of such tactics, arguing at the time that it leaves little time for scrutiny. The Liberals were called out on at least one occasion in 2018 by then-Speaker Geoff Regan (Halifax West, N.S.) when Finance Minister Bill Morneau put forward what he called a “massive” budget bill.

“You have to take seriously this trend of [longer] bills,” said Mr. Morden. “It doesn’t tell us everything about what’s in the bill, but it’s a fairly profound change,” he added, noting such bills put “strain” on members, as reading longer proposals cuts into the time given for each bill.

The report gathered data from a variety of sources, including Legisinfo and Parlinfo; publications from the House of Commons, the Senate, and committees; transcripts of House proceedings; and other data provided by University of Montreal professor Jean-François Godbout to analyze the trends. Data was also pulled from Samara surveys with MPs done in 2017 to 2019, which had a response rate of 20 to 30 per cent.

Increase in Senate amendments

In the last Parliament, the Senate appears to have spent more time poring over legislation than in years past. According to the report, the Senate spent more than 60 per cent longer considering government bills than the previous Parliament.

The Red Chamber also amended the final text of 27 government bills during Prime Minister Justin Trudeau's (Papineau, Que.) first mandate, compared to eight bills that were amended under Stephen Harper from 2011 to 2015.

"There was a surprising number of government bills that were amended in Parliament, so it does actually suggest there is some work happening [there], it's not just a rubber stamp," said Mr. Morden.

On average, the Senate spent 15 days considering government legislation, more than double the 6.1-day average from 2006 to 2008, which was also a minority Parliament. That figure sat at six days from 2008 to 2011, another minority, and at 8.8 when Mr. Harper took a majority.

"Despite being a majority [in 2015], the percentage of bills getting amended were even higher than some minority governments," he said. "But that's just a sign of legislative life."

This is the first time Samara has done a wide-ranging report on one Parliament, said Mr. Morden.

When asked what he expects of this new minority Parliament, he said he hopes MPs across the aisle will collaborate and "overcome [the] toxic partisanship."

"Where we'd like it to change is for the government to recognize its diminished position and use that as an invitation to engage Parliament more collaboratively and for opposition parties to enter into that collaboration in good faith," he said.

Samara's report suggested the average MP voted along party lines 99.6 per cent of the time, with the "most rebellious" MP pegged at a slightly lower 96.6 per cent. Liberal MP Nathaniel Erskine-Smith (Beaches-East York, Ont.), who has developed a reputation as a bit of a maverick, was found to be the most rebellious MP in the last Parliament; he voted against his party 3.4 per cent of the time, or on 37 votes. The top five list was rounded out by: then-Liberal MP Robert-Falcon Ouellette, who dissented 1.8 per cent of the time; then-Conservative MP Sylvie Boucher; and Conservative MPs Michael Chong (Wellington-Halton Hills, Ont.) and Peter Kent (Thornhill, Ont.).

The Hill Times

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