

# **Omnibus Budget Bills and the Covert Dismantling of Canadian Democracy**

by Jacqueline Kotyk

supervised by Dr. Dayna Scott

A Major Project submitted to the Faculty of Environmental Studies  
in partial fulfillment of the requirements for the degree of Master  
in Environmental Studies, York University, Toronto, Ontario,  
Canada

July 31, 2017

**Foreword:**

My major project, which is a study on the rise of omnibus budget bills in Canadian Parliament, supports my learning objectives and the curriculum developed in my plan of study in a number of ways. Initially, and as expounded upon in my major paper proposal, this project was intended to aid in my understanding of the role of law in extractive capitalism as the bills were linked to deregulation of extractive industries. In addition, the bills were at once decried as a subversion of Canadian democracy and also lawful, and thus I understood that an examination of the bills would assist me in understanding the manner in which law mediates power in the Canadian state. I further wanted to focus on legislative process to comprehend potential points of resistance in the Canadian Parliamentary regime. Upon the completion of this project, I enhanced my understanding on the above learning objectives and much more. This project on omnibus budget bills also brought with it a focused examination of the construction of the neoliberal political project and its influence on power relations within extractive capitalism. In addition, I gained knowledge of the integral role of law reform in re-structuring capitalist social relations such that they enhance the interests of the economic elites. In addition, I came to better understand the limitations and weaknesses of Canadian Parliamentary democracy, which will re-orient my own strategies for political activism going forward.

# Omnibus Budget Bills and the Covert Dismantling of Canadian Democracy

Jacqueline Kotyk

## Abstract

This paper examines the rise of omnibus budget bills in Canadian Parliament and argues that the bills are a ruling class political tactic aimed at subverting democracy and restructuring Canadian social relations along neoliberal lines. Research results show that the increase in use of the bills corresponds with the rise of neoliberal politics in Canada. Further, the bills have by and large operated to subvert Canadian Parliamentary democracy while implementing neoliberal policy reforms such as dismantling the social safety net, introducing regressive tax reforms, rolling back regulation, and privatizing previously public enterprises. Finally, the bills have contributed to a political nihilism in Canada, that operates to further de-democratize the population and may contribute to the disintegration of a democratic political imaginary in this country. Social movements such as Idle No More, who have faced down the politics of domination and exploitation as represented by omnibus budget bills are powerful counterforces to the neoliberal political project in Canadian society.

**Keywords:** Omnibus Budget Bills, Canadian Parliament, Neoliberalism, Democracy, Idle No More

## Introduction

On June 29<sup>th</sup>, 2012, omnibus budget bill C-38 received royal assent.<sup>1</sup> On December 14<sup>th</sup>, 2012, omnibus budget bill C-45, received royal assent, too.<sup>2</sup> Many were devastated. In both substance and form, the bills issued multiple blows to the Canadian body politic. The bills rolled-back federal environmental protection laws, offering up treaty rights, land, rivers, lakes, and wildlife to barely regulated resource extraction.<sup>3</sup>

---

<sup>1</sup> LEGISinfo, House Government Bill: C-38, accessed July 30, 2017, <http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=5514128&Language=E>.

<sup>2</sup> LEGISinfo, House Government Bill: C-45, accessed July 30, 2017, <https://www.parl.ca/LegisInfo/BillDetails.aspx?billId=5754371&Language=E>.

<sup>3</sup> Doelle, M. "The CEAA 2012: The End of Federal EA as we Know It". *Journal of Environmental Law and Practice* 24 (2012): 1-17; See Gibson, R. "In full Retreat: The Canadian Government's New Environmental Assessment Law Undoes Decades of

Furthermore, these shocking amendments to the environmental protection regime were packaged in such a way that parliamentarians were unable to effectively challenge the legislation in Parliament.<sup>4</sup> Mass public protest ensued. Indeed, in the two-day lead-up to a vote on Bill C-38 in Parliament, Finance Minister Jim Flaherty received more than 3,200 pages of correspondence from Canadians concerned about the bill.<sup>5</sup> Later in the year, Idle No More, an Indigenous sovereignty movement led by Indigenous women, rose up in response to Bill C-45.<sup>6</sup> Drawing on a legacy of 500 years of Indigenous resistance to genocidal British and then Canadian laws, the movement orchestrated teach-ins, flash-mob round dances, Attawapiskat Chief Theresa Spence's hunger strike, and mobilized Indigenous communities and settlers in demos across the country.<sup>7</sup> Despite the

---

Progress,” *Impact Assessment and Project Appraisal*, 30, no. 3 (2012): 179-188; Stacy Douglas and Suzanne Lenon (2014). “Introduction,” *Canadian Journal of Law and Society* 29(2014): 141-143 doi:10.1017/cls.2014.9; Denis Kirchhoff and Leonard J.S. Tsuji, “Reading between the lines of the ‘Responsible Resource Development’ rhetoric: the use of omnibus bills to ‘streamline’ Canadian environmental legislation,” *Impact Assessment and Project Appraisal*, 32, no. 2(2014), 108-120, DOI:10.1080/14615517.2014.894673.

<sup>4</sup> Bruce Cheadle, “Bill C-38: Omnibus Budget Legislation Passes As Elizabeth May Challenges Tories to Take Quiz,” *The Canadian Press*, June 18, 2012.

<sup>5</sup> Fred Chartrand, “Bill C-45 is an Affront to Democracy,” *The Canadian Press*, October 18, 2012.

<sup>6</sup> Kino-nda-niimi Collective, *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement* (Winnipeg, ARP Books, 2014), 21.

<sup>7</sup> In support of the movement, Leanne Simpson stated:

I support #idlenomore because I believe that we have to stand up anytime our nation's land base is threatened – whether it is legislation, deforestation, mining prospecting, condo development, pipelines, tar sands or golf courses. I stand up anytime our nation's land base is threatened because everything we have of meaning comes from the land – our political systems, our intellectual systems, our health care, food security, language and our spiritual sustenance and our moral fortitude...#idlenomore is standing upon the shoulders of generations of people that were never idle because they couldn't afford to be idle. Neither can we.

Leanne Betasamosake Simpson, “Aambe! Maajaadaa! (What #Idle No More Means to Me,” *Decolonization: Indigeneity, Education, and Society*, accessed July 30, 2017,

tremendous show of democracy on the streets, and the fact that Idle No More continues to grow and maintain global networks of solidarity, Bills C-38 and C-45 are now law.<sup>8</sup> In addition, amid the cries that legislating through omnibus budget bills is anti-democratic, the use of omnibus budget bills has become routine.<sup>9</sup>

Following the aftermath of the 2012 omnibus budget bills, Parliamentary scholars and researchers compiled basic facts and data about the use of this kind of bill to assist with public comprehension of what had just happened.<sup>10</sup> These guides revealed that no comprehensive study about this manner of legislating and its appropriateness has been completed.<sup>11</sup> There is now one journal article on the bills in Canadian Parliament, published in 2017, which provides background information on the history of omnibus bills and omnibus budget bills as well as the potential for curbing the anti-democratic extremes of the legislative practice through the use of the courts.<sup>12</sup> The purpose of the following paper is to extend the analysis of omnibus budget bills and assess why this particular legislative form has gained popularity in this particular political moment.

---

<http://decolonization.wordpress.com/2012/12/21/aambe-maajaadaa-what-idlenomore-means-to-me/>.

<sup>8</sup> LEGISinfo, Bill C-45 (see n. 2).

<sup>9</sup> Brian Platt, “‘Profoundly Disappointed’: Senate Liberal Leaders Tears into Trudeau Over Omnibus Budget Bill, National Post, June 14, 2017, accessed July 30, 2017, <http://nationalpost.com/news/politics/profoundly-disappointed-senate-liberal-leader-tears-into-trudeau-over-omnibus-budget-bill/wcm/adfee87b-277f-4efa-9a25-ba45cfe68f12>; Adam Dodeck, “Omnibus Bills: Constitutional Constraints and Legislative Liberations,” *Ottawa Law Review*, 28,1 (2017) 1- 42.

<sup>10</sup> Michel Bedard, “Omnibus Bills: Frequently Asked Questions,” *Library or Parliament Background Paper*, 2012-79-E, October 1, 2012; Louis Massicotte, “Omnibus Bills in Theory and Practice,” *Canadian Parliamentary Review*, Spring 2013, 13-17.

<sup>11</sup> Bedard, Omnibus Bills (see n. 10); Massicotte, Omnibus Bills in Theory (see n. 10).

<sup>12</sup> Dodek, Omnibus Bills (see n. 9). There are also many articles on specific amendments to particular laws altered through an omnibus budget bill, see for example: Kirchoff, D., Gardner H.L. and Tsuji J.S. “The *Canadian Environmental Assessment Act, 2012* and associated policy: Implications for Aboriginal Peoples,” *The International Indigenous Policy Journal*, 4, No. 1 (2013), 1-14.

To complete this study, I spent from October of 2015 to July of 2017 compiling a data set of all documents discussing and pertaining to omnibus budget bills in Federal Parliament. These documents included: newspaper articles, advocacy materials, academic journal articles, budget statements in Parliament, the budget bills themselves, legislative summaries of the bills prepared by Library of Parliament, Speaker's rulings on the admissibility of omnibus budget bills, Hansard transcripts of debates about budget bills and omnibus budget bills through Parliament's history, and information on the evolution of the Canadian federal budget-making process. I also examined the Application Record in *Mikisew Cree First Nation v Canada (Minister of Aboriginal Affairs and Northern Development)*, 2014 FC 1244, a court case that tests the constitutional validity of the 2012 omnibus budget bills. To triangulate the analysis of these documents, and gain insight into the passing of the bills in practice, on January 26, 2016, and January 27, 2016, in Ottawa, I conducted interviews with five Parliamentary staff members who have worked with omnibus budget bills throughout the law-making process.<sup>13</sup> Study Participants were selected for their proximity to law-making through omnibus budget bills in Parliament, non-partisan Parliamentary occupation, and were identified through a snowball technique.

Data analysis was completed in two phases as my research findings unfolded and patterns and themes emerged. Initial data analysis consisted of mining Hansard transcripts to pin down facts about the inception of omnibus budget bills and patterns of use in Parliament. I also began an initial coding exercise of interview transcripts and affidavits from the Mikisew Cree Application, to establish themes from those engaging

---

<sup>13</sup> Staff had concerns about maintaining anonymity and I will therefore not be providing identifying markers within the paper.

with the bills.<sup>14</sup> Through this process, I read multidisciplinary accounts of geopolitical forces informing the present configuration of liberal democratic institutions. I repeatedly found that what I was learning about omnibus budget bills from the documents and study participants, corresponded with what I was learning about the workings of the neoliberal political project in reshaping liberal democratic institutions across the Euro-Atlantic.

Phase two of my data analysis then involved a further round of coding in each data type using the tenants of neoliberalism as an interpretive frame. In addition, I assessed the content of the bills against known neoliberal policy prescriptions and found overlap. I also looked for information that would refute a connection between omnibus budget bills and neoliberalism to test the strength of my emerging analysis.

Unfortunately, I was limited from doing so in all contexts. For example, I did not conduct a systematic content analysis of every clause of every omnibus budget bill, but rather looked for examples of neoliberal policy prescriptions contained within the bills.<sup>15</sup> In the writing process, I worked to integrate my assessment of each data type into one coherent

---

<sup>14</sup> See Janice M. Morse and Lory J. Maddox, “Analytic Integration in Qualitatively Driven (QUAL) Mixed and Multiple Methods Design,” *Sage Handbook of Qualitative Analysis*, ed Uwe Flick (Thousand Oaks, CA, Sage Publications Ltd., 2014), 527-533 for a delineation of the necessity to develop codes and find themes within each data type as an initial step in qualitative mixed methods studies.

<sup>15</sup> The lack of systematic analysis of the content of all the omnibus budget bills occurred in part because it would be an awesome task to decipher thousands of pages of legislative amendments, which was not possible within the confines of a masters program. However, it is also my contention that an omnibus budget bill need not be entirely focused on achieving neoliberal legal and policy change to have been created for neoliberal purposes. Rather if one or two, potentially unpopular neoliberal policy reforms are contained within the bills, this constitutes evidence that the omnibus package may have been created to transport those policy reforms through Parliament. See Johanna M. M. Goertz, “Omnibus or Not: Package Bills and Single-issue Bills in a Legislative Bargaining Game,” *Soc. Choice Welf.*, 36 (2011), 547-563, for a finding that legislators proffering ideological extremes prefer legislating through omnibus bills, while moderate legislators prefer single issue bills.

analysis. What emerged from this research and analytical process is the following argument.<sup>16</sup>

This research demonstrates that the use of omnibus budget bills in Canadian Parliament is a neoliberal political tactic that is successfully dismantling democracy in Canada. The paper is organized as follows: *Part 1*: provides a road map of commonly used tactics by the neoliberal political project to subvert democracy; *Part 2*: gives a history of the deployment of the neoliberal political project in Canada; *Part 3*: presents omnibus budget bills in Parliament as a neoliberal tactic successfully subverting Canadian democracy; and *Part 4*: concludes with an epilogue that places the results of this study in dialogue with social movements that have emerged as a counter force to the neoliberal project, working to realize a more radically democratic society in Canada and across Turtle Island.

## **Part 1: Neoliberalism's subversion of democracy**

### *A. The aims of neoliberalism*

There is an overriding principle. The principle is that the powerful and privileged have to be able to do what they want (of course, pleading high motives). The corollary is that the sovereignty and democratic rights of people must go...<sup>17</sup>

Neoliberalism is a political project launched in the early 1970s because a group of wealthy elites - academics, politicians, and members of the corporate class - felt threatened by the inroads that social movements were making toward political and

---

<sup>16</sup> Janice M. Morse and Lory J. Maddox, *Analytic Integration* (see n. 14).

<sup>17</sup> Noam Chomsky, *Rogue States: the Rule of Force in World Affairs*, (Cambridge, MA, South End Press, 2000), 212.

economic power-sharing at that time.<sup>18</sup> This unease was precipitated by an economic downturn caused by inflation combined with growing unemployment. Since the wealthy corporate class was power-sharing with other peoples and classes as the economy went south, they suffered too.<sup>19</sup> As a result, a portion of the corporate class was looking for a means of transforming social relations such that they would maintain access to resource and wealth accumulation even in times of economic volatility.<sup>20</sup> This particular set of economic elites came to adopt neoliberal theory, a mode of utopian economic reasoning long-circulating in the upper classes and among conservative thinkers, as a rhetorical device to influence social and economic policy in their favour.<sup>21</sup> This tie to neoliberal theory is what gives this political project its name.<sup>22</sup>

The founder of neoliberal thought is Friedrich August von Hayek, an Austrian political philosopher whose body of work focused on responding to the demise of the Austro-Hungarian Empire and the economic conditions of the Great Depression, throughout which his aristocratic family lost some of their wealth and status.<sup>23</sup> His theory of neoliberalism was centered on warning of the dangers of central government planning and interference with market transactions, which would ultimately constrain the freedom

---

<sup>18</sup> David Harvey, “Neoliberalism is a Political Project,” *Jacobin Magazine*, July 23, 2016, 2; David Harvey, *A Brief History of Neoliberalism*, (New York, Oxford University Press, 2005), 19; For an excellent overview of the neoliberal political project also see George Monbiot, “Neoliberalism – the ideology at the root of all of our problems,” *The Guardian*, April 15, 2016.

<sup>19</sup> David Harvey, *History of Neoliberalism*, 14 (see n. 17).

<sup>20</sup> Harvey, *History of Neoliberalism*, 15 (see n. 17).

<sup>21</sup> Harvey, *History of Neoliberalism*, 19 (see n. 17).

<sup>22</sup> Harvey, *History of Neoliberalism*, 20, (see n. 17).

<sup>23</sup> *Ibid.*, Robert Leeson, “Introduction”, in Hayek: *A Collaborative Biography, Part II Austria, America, and the Rise of Hitler*, ed R. Leeson, (UK, Palgrave MacMillan, 2015) 1-2.

of individuals.<sup>24</sup> Hayek's work was initially marginalized as Keynesian welfare economics dominated public policy across the Euro-Atlantic following the World Wars.<sup>25</sup> Undeterred, Hayek gathered a small but loyal network of people who believed in his ideas and kept them in circulation.<sup>26</sup> Economic elites of the 1970s picked up Hayek's theories and portrayed them as genuine solutions to crises in capitalism at that time, deliberately masking the fact that ideas such as 'economic freedom' typically protect those who already have power in markets, the wealthy, at the expense of those who have less market share.

The corollary of the neoliberal plan to re-structure global social relations to protect the interests of the wealthy is that "the sovereignty and democratic rights of people must go."<sup>27</sup> For instance, the first experiments with neoliberal policy took place in Chile, in the 1970s, following Pinochet's coup of democratically elected Salvador Allende, who threatened stalwart capitalists domestically and abroad, with his socialist politics. The coup was planned and executed by Chilean business elites in collaboration with US corporations, the CIA, and then US Secretary of State Henry Kissinger and violently repressed social movements and left political organizing. Economists who studied under Milton Friedman were then called upon to recreate Chile's economy. Under the guise of getting inflation under control and pulling the economy out of crisis, the labour market was 'freed' from the control of trade unionists and income inequality

---

<sup>24</sup> Harvey, *History of Neoliberalism*, p. 20 (see n. 17).

<sup>25</sup> Harvey, *History of Neoliberalism*, p. 10 (see n. 18).

<sup>26</sup> In 1947 Hayek held an inaugural meeting of the Mount Pellerin Society, a group of like-minded individuals, who would eventually include University of Chicago economist Milton Friedman, advisor to Margaret Thatcher and Ronald Reagan. The Mount Pellerin Society was named after the spa in Switzerland where this inaugural meeting took place. See Harvey, *History of Neoliberalism*, p. 20 (see n. 17).

<sup>27</sup> Chomsky, *Rogue States*, 212 (see n. 16).

flourished.<sup>28</sup> On a visit to Chile post-coup to get a sense of how his theory was working in practice, Hayek remarked: “my personal preference leans toward a liberal dictatorship rather than toward a democratic government devoid of liberalism”.<sup>29</sup>

### *B. Neoliberal tactics to dismantle democracy*

A subtle and stealth war of ideas was necessary for neoliberalism’s infiltration into established liberal democracies across the Euro-Atlantic.<sup>30</sup> When discussing the neoliberal political project and democracy, this article takes up Wendy Brown’s conception of democracy and its relationship with neoliberalism. In a conversation with Katie Cruz at the London School of Economics in the spring of 2016, Brown said the following: “by democracy I mean two things: the idea of rule by the people at the level of an imaginary (which can be a radical critique of liberal and neoliberal democracy) and then concrete institutions of liberal democracy. I think neoliberalism is demolishing both.”<sup>31</sup>

In the 1970s and 1980s think tanks backed by corporate cash put major resources into developing neoliberal economic theory as a legitimate academic pursuit through which economic crises could be solved. Equipped with rhetorical devices, economic indices, and statistical measures of well-being the neoliberals then set out to win the war of ideas. Academics, journalists and PR firms supported through neoliberal think tanks, worked to

---

<sup>28</sup> Harvey, *History of Neoliberalism*, 8 (see n. 17); Wendy Brown, *Undoing the Demos, Neoliberalism’s Stealth Revolution*, Zone Books page 20.

<sup>29</sup> As cited by Greg Grandin, *The Road from Serfdom*, Counterpunch, November 17, 2006, accessed July 30, 2017, <https://www.counterpunch.org/2006/11/17/the-road-from-serfdom/>; Monbiot, *Neoliberalism – Ideology* (see n. 17).

<sup>30</sup> Wendy Brown, *Undoing the Demos*, 17 (see n. 27).

<sup>31</sup> Katie Cruz, “Feminism, Law, and Neoliberalism: An Interview and Discussion with Wendy Brown,” *Fem Leg Stud* 24: 69-89 (2016), 87.

disseminate information such that it flooded airways and took up more space and time than other modes of reasoning advanced to address social ills.<sup>32</sup>

Neoliberal ideas attained new levels of legitimacy when they were given a political platform. In the late 70s and early 80s, on the basis of neoliberal political rhetoric and PR machines, the United Kingdom elected Margaret Thatcher as Prime Minister and the United States elected Ronald Reagan as President.<sup>33</sup> At the time, economic crises left many at the whims of those claiming knowledge of the functioning of the economy and neoliberals capitalized on this vulnerability.<sup>34</sup> These leaders went on to crush labour organizing and drastically roll back social welfare programs in their respective countries, while implementing neoliberal market reforms and stating: “There is No Alternative”.<sup>35</sup> Indeed, in the seat of political power both Thatcher and Reagan were able to create long-lasting structural changes to economic and social relations in the UK and the US by amending many laws.<sup>36</sup> Reagan made use of the budget process as a means of rolling out entire packages of economic reform. He created the Office of Management and Budget to develop and enact an entire program of economic reform. His 1981 neoliberal economic program was written as budget policy and implemented through an omnibus budget bill,

---

<sup>32</sup> Henry A. Giroux, *Neoliberalism's War on Higher Education*, (Toronto: Between the Lines Press, 2013); Sarah Babb, “The Washington Consensus as Transnational Policy Paradigm: Its Origins, Trajectory and Likely Successor,” *Review of International Political Economy*, 20, no. 2, 268-297, DOI: 10.1080/09692290.2011.640435 p. 273.

<sup>33</sup> Harvey, *History of Neoliberalism*, 1-2, (see n. 17).

<sup>34</sup> Chomsky, *Rogue States*, p. 212, (see n. 16).

<sup>35</sup> Harvey, *History of Neoliberalism*, 1-2, (see n. 17).

<sup>36</sup> The implementation of the neoliberal political project is frequently implemented through law. Ruth Buchanan and Sundhya Pahuja, “Legal Imperialism: Empire’s Invisible Hand” in *The Empire’s New Clothes: Reading Hardt and Negri*, eds Jodie Dean and Paul Passavant, (New York, Taylor and Francis Books, Inc, 2005), 82; H. W. Arthurs, “The Administrative State Goes to Market (And Cries ‘Wee, Wee, Wee’ All the Way Home),” *University of Toronto Law Journal*, 55 (2005): 797-831.

such that legislators had only one vote on whether they would accept all of the reforms contained in the bill. As Sinclair points out: “this strategy enabled Reagan and his supporters to achieve major policy change quickly in a system resistant to such change.”<sup>37</sup>

Coercion of state governments to adopt neoliberal policy reform was heightened when neoliberal economists took key positions in the regulation of global finance through economic measures. In the 1970s, the United States Federal Reserve took over the regulation of exchange rates from the Bretton Woods system, comprised of the International Monetary Fund and the World Bank, and initially designed by the US and Britain, to regulate exchange rates and allow controls on capital flow in the 1940s.<sup>38</sup> The change came following Nixon’s 1971 decision to detach the American dollar from gold.<sup>39</sup> Neoliberal economist Paul Volcker was appointed as chair of the US Federal Reserve from 1979 until 1987, and in this role drastically altered global monetary policy along neoliberal lines. In 1979, Volcker issued what is now known as “the Volcker shock” which comprised of an increase in interest rates, “designed to establish a permanent anti-inflation parameter which would guarantee that the dollar, backed by Treasury bonds, would provide a reliable anchor for international finance.”<sup>40</sup> With the rise of normative pressure by neoliberal economists and US-backed global monetary policy, the Bretton

---

<sup>37</sup> Barbara Sinclair, “Unorthodox Lawmaking, Budget Bills, and Comprehensive Policy Making in the 1990s,” *Paper for Congress Project Seminar*, February 11, 2000, 2.

<sup>38</sup> Chomsky, *Rogue States*, p. 204, (see n. 16), Margaret Thatcher famously coined the phrase: “There Is No Alternative”, described by Noam Chomsky as cruel and a self-serving fraud.

<sup>39</sup> Leo Panitch and Sam Gindin, *The Making of Global Capitalism: The Political Economy of American Empire*, (Verso: Brooklyn, New York, 2012), 13.

<sup>40</sup> Panitch and Gindin, *Making of Global Capitalism*, 14 (see n. 39).

<sup>41</sup> Harvey, *History of Neoliberalism*, 1-2, (see n. 17).

Woods institutions transformed into neoliberal entities. The liberalization of financial markets and floating exchange rates became the new governing order.<sup>42</sup>

International global financial bodies quickly developed a list of policy prescriptions, which they then coercively required states to adopt through conditional loans and credit ratings. For example, in exchange for a loan from the IMF, a country in Latin America would have to amend its national laws and reorder its society through financial policy. These policy prescriptions were enumerated in the 1990s and called: the Washington Consensus. See below for a summary of the prescriptions:<sup>43</sup>

- a. Budget deficits...small enough to be financed without recourse to the inflation tax;
- b. redirecting [public] expenditure from politically sensitive areas [that]... receive more resources than their economic return can justify...toward neglected fields with high economic returns and the potential to improve income distribution, such as primary health and education, and infrastructure
- c. Tax reform...[so as to broaden] the tax base and cut... marginal tax rates
- d. Financial liberalization, [involving] an ultimate objective...of market- determined interest rates
- e. a unified...exchange rate...at a level sufficiently competitive to induce a rapid growth in nontraditional exports.
- f. Quantitative trade restrictions should be rapidly replaced by tariffs, and these should be progressively reduced until a uniform low rate of 10 [to 20] percent is achieved
- g. Barriers impeding the entry of foreign [direct investment] should be abolished
- h. Privatization of state-owned enterprises
- i. [Abolition of] regulations that impede the entry of new firms or restrict competition.
- j. The legal system should provide secure property rights without excessive costs and make these available to the informal sector.

The effect of these prescriptions is that they re-order social relations around markets, such that wealthy upper-class elites can accumulate wealth from resources within states

---

<sup>42</sup> Chomsky, *Rogue States*, 213, (see n. 16).

<sup>43</sup> John Williamson, "The Washington Consensus as Policy Prescription for Development," *Institute for International Economics*, January 13, 2004,

that have implemented neoliberal reforms, even in and especially during an economic downturn.<sup>44</sup> The prescriptions themselves are anti-democratic, do not allow for a fulsome debate about improving the condition of life for the people, and are criticized for again proffering the neoliberal slogan: “there is no alternative” to fixing the economy but to implement these reforms.<sup>45</sup>

Neoliberal developments on a global financial level has impacts on domestic Parliaments apart from a very direct requirement that states implement Washington Consensus policies in exchange for loans. The free capital flow created by US monetary policy and the transition of the Bretton Woods Institutions creates “what’s called a ‘virtual parliament’ of global capital, which can “exercise veto power over government policies that it considers irrational.”<sup>46</sup> Put simply, “any regime pursuing another course (outside of neoliberalism) faces fiscal crises, downgraded credit, currency or bond ratings, and lost legitimacy at the least, bankruptcy and dissolution at the extreme”.<sup>47</sup> Under these conditions, domestic policies “like labor rights, or educational programs, or health, or efforts to stimulate the economy or, in fact, anything that might help people and not profits (and therefore is irrational in a technical sense)” are met with punitive measures by global financial institutions.<sup>48</sup>

In her book *Undoing the Demos: Neoliberalism’s Stealth Revolution*, Wendy Brown

---

<sup>44</sup> Babb, Washington Consensus, 273 (see n. 32).

<sup>45</sup> Babb, Washington Consensus, 273 (see n. 32), while there has been debate that the Washington Consensus policy prescriptions are not longer the governing order of international finance, Babb argues otherwise, stating that there has been no replacement for this economic policy paradigm and stressing that bureaucratic inertia and adoption of the policy prescriptions without conditionality required by international institutions is ongoing.

<sup>46</sup> Chomsky, Rogue States, 213, (see n. 16).

<sup>47</sup> Brown, *Undoing the Demos*, 22 (see n. 27).

<sup>48</sup> *Ibid.*

argues that the neoliberal political project also dismantles democracy by producing subjects without the capacity to imagine democracy and a collective future.<sup>49</sup> She argues that:

“neoliberal ‘economization’ of the political transform both state and citizen as both are converted, in identity and conduct, from figures of political sovereignty to figures of financialized firms. This conversion in turn effects two significant reorientations: on the one hand, it reorients the subject’s relation to itself and its freedom. Rather than a creature of power and interest, the self becomes capital to be invested in, enhanced according to specified criteria and norms as well as available inputs. On the other hand, this conversion reorients the relationship of the state to the citizen. No longer are citizens most importantly constituent elements of sovereignty, members of publics, or even bearers of rights. Rather, as human capital, they may contribute to or be a drag on economic growth; they may be invested in or divested from depending on their potential for GDP enhancement.

For Brown, the neoliberal political project deploys anti-democratic tactics at the level of the human soul, wherein neoliberal reasoning governs conduct such that subjects are no longer capable of effectively demanding democracy within liberal democratic institutions or imagining more radical demands than that which is allowed for by the liberal democratic institutions.<sup>50</sup> She reminds us that desire for democracy is neither “a given nor incorruptible”.<sup>51</sup>

*C. Neoliberal political efforts are made possible by past suppression of democracy*

The architects of ruling class power in prior generations built the platform from which neoliberalism could be launched. This platform strongly influences the trajectory of neoliberal political tactics, the bodies that this political project most significantly impacts, and the reforms required to address neoliberalism at its root. First, Neoliberalism is a particular mode of organizing social relations within capitalism. A precursor to

---

<sup>49</sup> Brown, *Undoing the Demos*, 110, (see n. 27).

<sup>50</sup> Brown, *Undoing the Demos*, 19, (see n. 27).

<sup>51</sup> Brown, *Undoing the Demos*, 18, (see n. 27).

neoliberalism is therefore a capitalist society built on ongoing primitive accumulation and the dispossession of peoples from their lands.<sup>52</sup> American capitalism, which has gone on to dominate and create the conditions for which global neoliberalism was made possible, exists because of the attempted genocide of Indigenous communities in efforts to access resources on Indigenous land. American capitalism also exists through slavery, which extended beyond the abolition of the trans-Atlantic slave trade, and through which America was able to become an empire.<sup>53</sup> US imperialist military initiatives around the globe further reinforce its empiric stature.<sup>54</sup> Capitalism has also benefitted and flourished throughout the Euro-Atlantic through heteropatriarchal divisions of labour and women's unpaid reproductive and domestic work.<sup>55</sup> As a result, those on the receiving end of neoliberal suppression tactics are still very much determined by white supremacist, heteropatriarchal, colonial and imperialistic systems of oppression, which have created the wealth exploited by ruling classes, which they are now so desperately trying to hang on to.

Liberal democratic institutions to their ends have also been compromised by past suppression of democracy and as a result have been malleable to neoliberal tactics. Liberal democracy as it has come to develop across the Euro-Atlantic "repeatedly co-opted various radical and republican societal surges and emerged in a limited form, full

---

<sup>52</sup> Glen Sean Coulthard, *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition*, (Minneapolis, MN, University of Minnesota Press, 2014).

<sup>53</sup> Cornell West, *Race Matters*, (Boston, Beacon Press, 1994).

<sup>54</sup> Chomsky, *Rogue States* (see n. 16)

<sup>55</sup> Silvia Fredericci, "Reproduction" in *Key Words for Radicals: The Contested Vocabulary of Late Capitalist Struggles*, eds. Kelly Fritsch, Clare O'Connor, and AK Thompson, (Chico, CA AK Press, 2016).

of societal exclusions, entrenching bourgeois white male privilege and property rights”.<sup>56</sup> Furthermore liberal democracies are structured to falsely separate the economic and the political spheres thus containing the sphere through which people power conceives of its sovereignty and influence and keeping it separate from economics.<sup>57</sup> Indeed, critics of liberal democracy write: “What is called representational democracy – in our own time said to consist of free elections, free political parties, a free press and, of course, the free market – is in fact an oligarchic form: representation by a minority granted the title of stewards or trustees of common affairs.”<sup>58</sup>

## **Part 2: Neoliberalism and Canada**

The neoliberal political project has been reproduced within states across the globe, unevenly. Indeed, external forces pushing for neoliberal transitions, such as the virtual parliament of unconstrained global capital, do not have the same coercive force to alter policy within each state. In addition, each local context has unique power dynamics influenced by demographics, geography, class dynamics, and political systems with which the neoliberal political project contends as it is reproduced.<sup>59</sup> As a result of distinctive localized influences on neoliberalism, it is a difficult political project to map.<sup>60</sup> The purpose of the following section is to outline the paths through which neoliberalism found its way to altering social relations and dominating the Canadian citizenry. It will

---

<sup>56</sup> Brown, *Undoing the Demos*, 44 (see n. 27).

<sup>57</sup> Ellen Meiksins Wood, *Democracy Against Capitalism: Renewing Historical Materialism*, (New York, Cambridge University Press, 1995), 19.

<sup>58</sup> Kristin Ross, “Democracy for Sale,” in *Democracy in What State?*, (New York, Columbia University Press, 2011), 98.

<sup>59</sup> Harvey, 2005, *History of Neoliberalism*, 87, (see n. 17).

<sup>60</sup> *Ibid.*

therefore take up the broad aims of the neoliberal project (i.e. restructuring society such that economic freedom is paramount, democracy is subverted, and the powerful and privileged have access to resources even in times of economic volatility), and identify the unique means through which these political aims have been produced within Canada.

*A. Canada's background conditions eased a neoliberal transition*

Power dynamics in Canada, for the most part, present an accommodating nest in which the neoliberal political project could be nurtured and unleashed. Indeed, the country was founded for the purposes of growing the wealth of the British Empire through the suppression of social relations antithetical to capitalism and of democratic conditions. Canada was established through British and French colonization of Indigenous lands and the attempted genocide of Indigenous peoples.<sup>61</sup> The British and French each set up a settler colony in the region for the purposes of exploiting the natural resources of the country and supplying raw goods to the British and French Empires.<sup>62</sup> The British would eventually overtake the French and populate the country through racist immigration policies wherein white European settlers were given privileged settlements and the labour of people of colour was exploited in a continuing effort to build up the wealth of the British Empire.<sup>63</sup>

---

<sup>61</sup> Arthur Manual, *Unsettling Canada: A National Wake-Up Call* (Toronto, Between the Lines, 2015); Also see William K. Carroll and William Little, "Neoliberal Transformation and Antiglobalization Politics in Canada: Transition, Consolidation, Resistance, *Int. Journal of Political Economy*, 31, no. 3, Fall 2001, 33–66, 36.

<sup>62</sup> Timothy Lewis, *In the Long Run We're All Dead: The Canadian Turn to Fiscal Restraint*, (Vancouver, UBC Press, 2003), 23.

<sup>63</sup> Sherene Razack, *Race Space and the Law: Unmapping a White Settler Society*, (Toronto, Between the Lines, 2002) p. 2.

Eventually Canada would become independent of the British, not through a process of democratic revolution, but rather through the production of a domestic capitalist class, colonials by proxy, who have worked to maintain the oppression of Indigenous communities and the exploitation of labour through white supremacist heteropatriarchal societal divisions. The maintenance of systems of oppression in Canada and the suppression of a more fulsome democracy is accomplished in part by using media and educational strategies that have built up a national mythology disavowing Canada's violent foundations.<sup>64</sup>

As a result of Canada's colonial foundations, its liberal democratic institutions are some of the least democratic among established liberal democracies.<sup>65</sup> The Prime Minister's office inherited the immense power once held by Governor-Generals representing the British throne in the colony, and has been referred to as an 'elected dictatorship'.<sup>66</sup> Indeed, there are few limits defining a Prime Minister's political authority and no established political controls to restrain a Prime Minister in the exercise of their authority.<sup>67</sup> For example, the Prime Minister has power over making cabinet appointments and has political controls over the Privy Council Office, which oversees and manages the entire Canadian Bureaucracy.<sup>68</sup> Canada's adoption of Keynesian welfare economics post World Wars and its build-up of the social welfare state throughout the 50s and 60s did little to alter the fundamental power structures underpinning the

---

<sup>64</sup> *Ibid.*

<sup>65</sup> Bryan Evans and Greg Albo, "The State, Neoliberalism, and the Election," *The Bulletin*, Socialist Project E-Bulletin No. 139, September 25, 2008; also see Donald Savoie, "The Rise of Court Government in Canada," *Canadian Journal of Political Science*, 32, No. 4 (Dec. 1999), 635-664.

<sup>66</sup> Evans and Albo, State, Neoliberalism, and the Election (see n. 65).

<sup>67</sup> Savoie, Rise of Court Government, 663, (see n. 65).

<sup>68</sup> Evans and Albo, State, Neoliberalism, and the Election (see n. 65).

Canadian state.<sup>69</sup> As a result, with only a few victories, neoliberal take over occurred swiftly in Canada.

### *B. Neoliberalism comes to Canada*

Neoliberal dynamics present in the US in the 1970s were similarly present in Canada at that time. In the 1960s and 1970s, democracy for the people by the people in Canada was surging. For instance, between 1971 and 1975, Canadian labour militancy was at an all time high and the labour movement was poised to gain power within the Canadian political system. Wages were rising as a result.<sup>70</sup> In response, the Canadian capitalist class consolidated and began developing groups such as the Business Council on National Issues, created in 1976, to institute a communications strategy aimed at influencing the Canadian government and the Canadian people to adopt policies that would strengthen the power of the capitalist class.<sup>71</sup> Over the next twenty years the business class would consolidate further and create more think tanks and organizations through which to push a neoliberal agenda.<sup>72</sup> The Conference Board of Canada, established in 1954 is now the largest neoliberal think tank in the country, with a mandate to develop and disseminate knowledge on maintaining international economic competitiveness.<sup>73</sup> The C. D. Howe Institute, transitioned from a more moderate past to a

---

<sup>69</sup> Jim Stanford, "Canada's Transformation Under Neoliberalism," *Canadian Dimension Magazine*, March 29, 2014.

<sup>70</sup> Susanne Soederberg, "Political Restructuring of Exploitation: An Historical Materialist Account of the Emergence of Neoliberalism in Canada", 4, accessed July 30, 2017, <http://clogic.eserver.org/3-1&2/soederberg.html> 4.

<sup>71</sup> William K. Carroll and Murray Shaw, "Consolidating a Neoliberal Policy Bloc in Canada, 1976-1996. *Canadian Public Policy*, 27, no. 2, (June 2001), 195-217, 196.

<sup>72</sup> *Ibid.*

<sup>73</sup> Carroll and Shaw, *Consolidating Neoliberal Bloc*, 197 (see n. 71).

champion of free trade, privatization, and cutting social services. The C.D. Howe Institute develops policy it believes will best serve Canadians along neoliberal lines.<sup>74</sup> The Fraser Institute, a trenchant neoliberal advocacy group funded by CEOs in the west coast mining sector is another staunch proponent of neoliberal reforms.<sup>75</sup> The Atlantic Institute for Market studies, based in Halifax, is the Fraser Institutes east coast equivalent.<sup>76</sup> Taken together, these 5 groups demonstrate that the neoliberal project has a strong organizational base, spanning the country, just as labour organizations have been deflated in Canada.<sup>77</sup>

As the business class was consolidating its efforts at influencing policy, the Canadian economy entered a series of crises and recessions. The Central Bank of Canada, helmed by chairs sympathetic to the neoliberal cause, imposed macroeconomic monetarism by controlling the money supply and issuing interest rate shocks, which ensured that through any economic volatility it would be workers and not the capitalist class that suffered. For example in the 1980s, Gerald Bouey of the Bank of Canada issued an interest rate shock to counter inflation that is heralded as the moment that neoliberalism came to Canada.<sup>78</sup> By the 1980s, it was clear that monetarism had in fact not successfully lowered inflation in Canada, yet the policy continued.<sup>79</sup> From 1989 to 1995, the Bank of Canada followed restrictive monetary policy while pursuing zero inflation that again hit labour.<sup>80</sup> At the time, the Bank of Canada was under the control of

---

<sup>74</sup> Carroll and Shaw, *Consolidating Neoliberal Bloc*, 199 (see n. 71).

<sup>75</sup> Carroll and Shaw, *Consolidating Neoliberal Bloc*, 201 (see n. 71).

<sup>76</sup> Carroll and Shaw, *Consolidating Neoliberal Bloc*, 203 (see n. 71).

<sup>77</sup> Carroll and Shaw, *Consolidating Neoliberal Bloc*, 203 (see n. 71).

<sup>78</sup> Stanford, *Canada's Transformation* (see n. 69).

<sup>79</sup> Soederberg, *Political Restructuring*, 10 (see n. 70).

<sup>80</sup> Stanford, *Canada's Transformation*, 5-6 (see n. 69).

John Crow, who issued a more aggressive monetary policy than predecessor Gerald Bouey.<sup>81</sup> John Crow was a former staffer of the International Monetary Fund's Latin American team and had ample experience in shocking a nation's economy.<sup>82</sup> Indeed, the Bank of Canada's macro economic approach simply made Canada's economy more volatile, launching it into a series of recessions, which were then used to justify further neoliberal policy reforms.<sup>83</sup>

Facing the pressure of a consolidated business class, monetarist Bank of Canada conduct, and virtual parliament policy pressures, successive Prime Ministers of both Liberal and Conservative parties have wielded their enormous powers to restructure Canadian social relations along neoliberal lines. Democratic debate about such extreme policy reforms was stifled as each PM used economic crises of inflation, recession, and debt to state "there is no alternative" to sacrificing Canadian society to the market reforms. For example, from 1975 to 1978 Pierre Trudeau implemented an anti-inflation program that suspended free collective bargaining for all workers. Furthermore, in the 1982 Federal Budget he introduced a wage restraint program.<sup>84</sup>

Conservative Prime Minister Brian Mulroney pushed through a free trade agenda under the guise of needing to guarantee access to the American market, for Canada. Yet, NAFTA negotiations were kicked off in 1985 by Brian Mulroney and Ronald Reagan and for many the free trade negotiations were seen as a means through which Reaganomics

---

<sup>81</sup> *Ibid.*

<sup>82</sup> Carroll and Little, *Neoliberal Transformation*, 40 (see n. 61).

<sup>83</sup> Soederberg, *Political Restructuring*, 8 (see n. 62).

<sup>84</sup> Soederberg, *Political Restructuring*, 11 (see n. 70).

could be imposed on Canada.<sup>85</sup> Following trade liberalization the entire Canadian economy was transformed to focus on continental competitiveness over domestic concerns.<sup>86</sup> As a result, foreign investment was deregulated in Canada and the Foreign Investment Review Agency was replaced by Investment Canada.<sup>87</sup> Further, lowering corporate tax rates and increasing those on personal income were introduced to become an attractive place for corporations to set up shop. These tax reforms worked to harmonize the Canadian taxation scheme with US tax policy<sup>88</sup> In addition, in the NAFTA deal, America won guaranteed access to Canadian bitumen which set the stage for the next wave of neoliberal policies, increased extractivism.<sup>89</sup>

In the 1990s, Liberal Prime Ministers Jean Chrétien and Paul Martin would use Canada's large debt to GDP ratio, created through monetarist bank of Canada policies, to justify cuts to social programming and regressive tax reforms.<sup>90</sup> Indeed, as Finance Minister under Chretien, Paul Martin engineered social policies through his budgets, to bring Canada in line with US benchmarks including historic cuts to employment insurance and provincial transfers.<sup>91</sup> The campaign against the deficit was aided in large part through the work of neoliberal think tanks.<sup>92</sup> These same think tanks worked closely with Paul Martin to develop his neoliberal social policies as he downloaded social-welfare costs to the provinces exactly as prescribed in the "Agenda for Action" adopted

---

<sup>85</sup> Stanford, Canada's Transformation (see n. 69); Carrol and Little, Neoliberal Transformation, 38 (see n. 61).

<sup>86</sup> Soederberg, Political Restructuring, 12 (see n. 70).

<sup>87</sup> Carroll and Little, Neoliberal Transformation, 33 (see n. 61).

<sup>88</sup> Soederberg, Political Restructuring, 15 (see n. 70), Carroll and Little, Neoliberal Transformation, 33 (see n. 61).

<sup>89</sup> Stanford, Canada's Transformation, 7 (see n. 69).

<sup>90</sup> Soederberg, Political Restructuring 12 (see n. 70).

<sup>91</sup> Stanford, Canada's Transformation, 8 (see n. 69).

<sup>92</sup> Carroll and Little, Neoliberal Transformation, 41 (see n. 61).

by the Business Council on National Issues.<sup>93</sup> In addition, provincial governments play an important role in Canadian neoliberalism as they are responsible for many key social policies as well as resource development.<sup>94</sup> As more and more responsibilities were downloaded to provincial governments by the federal government, neoliberal Premiers took hold. Ontario under Mike Harris, Alberta under Ralph Klein, and British Columbia under Gordon Campbell further entrenched neoliberal rule in Canada.<sup>95</sup> It is also worth noting, that by this point, neoliberalism was working as planned, the middle class was shrinking, and “while in 1973 the richest 10 percent of families with dependent children received 21 times the income of the poorest decile of Canadian families, by 1996 the richest decile received 314 times more than the poorest decile.”<sup>96</sup>

Stephen Harper’s Conservatives took power from February 6, 2006, until November 4, 2015, and implemented an extreme neoliberal agenda. By this time, Canada had lost manufacturing exports to the global economy, which could produce goods with cheaper labour and the Canadian economy had shifted back to a staples economy reliant on raw goods and resource extraction for growth, bringing Canada back to its initial role in empire building.<sup>97</sup> Harper pushed through aggressive pre-resource extraction reforms, muzzling scientists such that they could not discuss climate change, cutting all funding to environmental programs, rolling back environmental protection legislation, while creating new government agencies to focus specifically on major resource extraction

---

<sup>93</sup> Carroll and Little, *Neoliberal Transformation*, 40 (see n. 61).

<sup>94</sup> Carroll and Little, *Neoliberal Transformation*, 38 (see n. 61).

<sup>95</sup> Gregory Albo, “Neoliberalism, the State, and the Left: A Canadian Perspective,” *Monthly Review*, 54, No. 1 (May 2002), 47.

<sup>96</sup> Carroll and Little, *Neoliberal Transformation*, 35 (see n. 61).

<sup>97</sup> Stanford, *Canada’s Transformation*, 9 (see n. 69).

projects.<sup>98</sup> In addition, he gave corporations a \$60 billion tax cut and laid off 30,000 federal employees. Finally, Harper generated a record on ‘democracy’ using his already ample power as Prime Minister to subvert any remaining democratic capacity in Canadian Parliament, through prorogation and instituting a strict party discipline among other anti-democratic practices.<sup>99</sup> Justin Trudeau, elected in part as an antidote to Stephen Harper’s brutal neoliberal reign has yet to amend many of the major changes implemented by Harper and his own spin on neoliberal rule is currently taking shape.<sup>100</sup>

### **Part 3: Omnibus budget bills subvert Canadian democracy for neoliberal aims**

It is my contention that the recent rise of omnibus budget bills in Canadian Parliament, most notable by the Harper regime, is part of the Canadian neoliberal political project. As I will argue below, the increased frequency of use of omnibus budget bills corresponds with the infiltration of neoliberalism into Canadian politics. Next, the bills have the effect of dismantling any possible democratic scrutiny in Canadian Parliament, a neoliberal aim in and of itself. In addition, omnibus budget bills have often, if not always, packaged large-scale neoliberal legislative reforms and have therefore been key tools in the implementation of neoliberal restructuring.

---

<sup>98</sup> Donald Gutstein, “Harperism: How Stephen Harper and his Think Tank Colleagues have Transformed Canada”, (Toronto, James Lorimer & Company Ltd., 2014), 9; also see Kirchhoff and Tsuji, *Responsible Resource Development* (see n. 3).

<sup>99</sup> Canadian Centre for Policy Alternatives, “The Harper Record 2008 – 2015: Democracy”, eds. Teresa Healy and Stuart Trew eds. (Ottawa: Canadian Centre for Policy Alternatives, 2015), 19 – 129.

<sup>100</sup> Jordy Cumming, “Justin Trudeau is Not Your Friend.” *Jacobin Magazine*. Accessed July 30, 2017, <https://www.jacobinmag.com/2016/09/justin-trudeau-unions-environment-arms-saudi-arabia/>.

*A. The rise of omnibus budget bills corresponds with the rise of neoliberalism*

Crises of capitalism were used to justify many neoliberal political reforms, including consolidating power between the Prime Minister and the Minister of Finance.<sup>101</sup> As a result of this consolidation, budget policy has also gained a seat of prominence in governance strategies. In his affidavit before the Federal Court of Canada in the Mikisew Cree challenge to the 2012 omnibus bills, pre-eminent Parliamentary scholar Donald Savoie explained<sup>102</sup>:

It is hardly possible to overstate the point that effective decision-making authority in government still rests with the Prime Minister and the Minister of Finance. The two, along with their most trusted political and bureaucratic advisers, determine the broad contours of the budget, decide which new spending commitments they are prepared to support, have the final say on important policy issues and agree on how to deal with the spending departments. The budget also still holds considerable appeal to the Prime Minister as a means of bringing together various policy initiatives under one package. For the Prime Minister, the Minister of Finance and their advisors, it is neat, tidy, and much of the deliberations shaping new policy measures can be done in relative secrecy. It enables them to get a number of things done quietly and effectively.

As budget policy has gained prominence, budget implementation bills have grown in size too. Indeed, prior to the 1990, Canadian budget implementation acts were short and implemented only minor items from the Budget speech.<sup>103</sup>

Over the past twenty-seven years, use of the bills has grown. In 1990, the first omnibus bill budget implementation act was tabled in Parliament by the Mulroney government.<sup>104</sup> Each successive government since Mulroney has continued this practice.

---

<sup>101</sup> Savoie, *Rise of Court Government*, 656 (see n. 65).

<sup>102</sup> Donald Savoie, “Affidavit” in *Mikisew Cree First Nation v Canada (Minister of Aboriginal Affairs and Northern Development)*, 2014 FC 1244, 248 ACWS (3d) 491.

<sup>103</sup> CES Franks, “Omnibus Bills Subvert Our Legislative Process,” *Globe and Mail*, July 14, 2010.

<sup>104</sup> Massicotte, *Omnibus Bills*, 14 (see n. 10).

Chretien and Martin's first budget bill in 1994 was twenty-four pages and over the next seven years, until 2000, their budgets averaged fifty pages.<sup>105</sup> In 2001, the size and scope of budget implementation bills changed and from this point on, it became rare, and an exception, for a bill to be less than one hundred pages. The 2001 budget was 124 pages in length.<sup>106</sup> The 2002 - 2003 fiscal year was implemented in one budget bill of 144 pages and in 2004 there were two budget bills totaling 146 pages.<sup>107</sup> In 2005, Paul Martin's last year as Prime Minister, the budget bill was 128 pages, a full one hundred pages longer than the 1994 Liberal budget, a decade earlier.<sup>108</sup>

In 2006, Stephen Harper became Prime Minister with a minority government and the size of omnibus budget bills changed again, this time reaching previously unfathomable extremes. In 2006, Harper's budget bill was 198 pages, in 2007, it was 378 pages and in 2008 back down to 152 pages, still so much larger than budget bills of the

---

<sup>105</sup> Bill C-17, An Act to amend certain statutes to implement certain provisions of the budget tabled in Parliament on February 22, 1994, 1<sup>st</sup> Sess, 35<sup>th</sup> Parl, 1994; Bill C-76, An Act to implement certain provisions of the budget tabled in Parliament on February 27<sup>th</sup>, 1995, 1<sup>st</sup> Sess, 35<sup>th</sup> Parl, 1995; Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on March 6<sup>th</sup>, 1996, 2<sup>nd</sup> Sess, 35<sup>th</sup> Parl, 1996; Bill C-93, An Act to implement certain provisions of the budget tabled in Parliament on February 18<sup>th</sup>, 1997, 2<sup>nd</sup> Sess, 35<sup>th</sup>, Parl, 1997; Bill C-36, An Act to implement certain provisions of the budget tabled in Parliament on February 24<sup>th</sup>, 1998, 1<sup>st</sup> Sess; 36<sup>th</sup> Parl, 1998; Bill C-71, An Act to implement certain provisions of the budget tabled in Parliament on February 16<sup>th</sup>, 1999, 1<sup>st</sup> Sess, 36<sup>th</sup> Parl, 1999; Bill C-32, An Act to implement certain provisions of the budget tabled in Parliament on February 28<sup>th</sup>, 2000, 2<sup>nd</sup> Sess, 36<sup>th</sup> Parl, 2000.

<sup>106</sup> Bill C-49, An Act to implement certain provisions of the budget tabled in Parliament on December 10<sup>th</sup>, 2001, 1<sup>st</sup> Sess, 37<sup>th</sup> Parl, 2002.

<sup>107</sup> 2003: Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on February 18<sup>th</sup>, 2003, 2<sup>nd</sup> Sess, 37<sup>th</sup>, Parl, 2003.

<sup>108</sup> 2004: Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on March 23<sup>rd</sup>, 2004, 3<sup>rd</sup> Sess, 37<sup>th</sup> Parl, 2004; Bill C-33, A Second Act to implement certain provisions of the budget tabled in Parliament on March 23<sup>rd</sup>, 2004, 1<sup>st</sup> Sess, 38<sup>th</sup> Parl, 2004; Bill C-43, An Act to implement certain provisions of the budget tabled in Parliament on February 23<sup>rd</sup>, 2005, 1<sup>st</sup> Sess, 38<sup>th</sup> Parl, 2005.

90s.<sup>109</sup> Following the 2008 federal election, where the Harper government won more seats, but was still a minority, budget bills were amped up once more. In 2009, there were two budget bills totaling 610 pages and in 2010, the Harper government tabled Bill-C-9 the Jobs and Economic Growth Act, an omnibus budget bill that came in at 904 pages.<sup>110</sup> Bill C-9 was followed later that year by Bill C-47: A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures, coming in at 152 pages. In 2012, two budget bills were passed, each over 400 pages long amending 70 federal Acts.<sup>111</sup> In 2013, two budget bills were passed, together just under 450 pages.<sup>112</sup> In 2014 again, the form was used and two omnibus budget bills together reaching 817 pages were passed.<sup>113</sup> Further, the budget bill tabled May 8<sup>th</sup>, 2015 was

---

<sup>109</sup> Bill C-13, A second Act to implement certain provisions of the budget tabled in Parliament on May 2<sup>nd</sup>, 2006, 1<sup>st</sup> Sess, 39<sup>th</sup> Parl, 2006; Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007, 2<sup>nd</sup> Sess, 39<sup>th</sup> Parl, 2007; Bill C-50, An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget, 2<sup>nd</sup> Sess, 39<sup>th</sup> Parl, 2008.

<sup>110</sup> Bill C-10, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures, 2<sup>nd</sup> Sess, 40<sup>th</sup> Parl, 2009; Bill C-51, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and to implement other measures, 2<sup>nd</sup> Sess, 40<sup>th</sup> Parl, 2009; Bill C-9 An Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures, 3<sup>rd</sup> Sess, 40<sup>th</sup> Parl, 2010; Bill C-47, A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures, 3<sup>rd</sup> Sess, 40<sup>th</sup> Parl, 2010.

<sup>111</sup> Bill C-38: An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, 1<sup>st</sup> Sess, 41<sup>st</sup> Parl, 2012; Bill C-45: A second Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and measures, 1<sup>st</sup> Sess, 41<sup>st</sup> Parl, 2012.

<sup>112</sup> Bill C-60, An Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures, 1<sup>st</sup> Sess, 41<sup>st</sup> Parl, 2013; Bill C-4, A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures, 2<sup>nd</sup> Sess, 41<sup>st</sup> Parl, 2013.

<sup>113</sup> Bill C-31: An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures, 2<sup>nd</sup> Sess, 41<sup>st</sup> Parl, 2014; Bill C-43: A second

another omnibus bill of 157 pages in length.<sup>114</sup> Trudeau's budgets of 2016 and 2017 came in at 190 pages and 294 pages, respectively.<sup>115</sup>

*B. The anti-democratic effect of omnibus budget bills*

While the growth of omnibus budget bills is not in and of itself indicative that they are part of the neoliberal political project, the effect of the bills links their use to a very specific neoliberal aim: the subversion of democracy. As one study participant pointed out: "I think the public should know not so much about the bill but about the tactic, that it results in changes being pushed through very quickly and it reduces scrutiny because there is not the time."<sup>116</sup> Indeed, for the most part, omnibus budget bills work to reduce scrutiny by manipulating the time through which legislative amendments contained in the bill are exposed to democratic oversight.

This manipulation of time begins at the drafting phase. As described above, making budget policy is a highly centralized process that cuts out the participation of many actors who would ordinarily be involved in designing policy.<sup>117</sup> Once introduced to Parliament, the fact that legislative amendments are connected with the budget also limits the amount of time Parliamentarians have to scrutinize the bills. The budget bill might

---

Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures, 2<sup>nd</sup> Sess, 41<sup>st</sup> Parl, 2014.

<sup>114</sup> Bill C-59, An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures, 2<sup>nd</sup> Sess, 41<sup>st</sup> Parl, 2015.

<sup>115</sup> Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2016; Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017.

<sup>116</sup> Study Participant Number 3, in discussion with author January 27, 2016.

<sup>117</sup> Savoie, Rise of Court Government, 656 (see n. 65).

have tax measures that are very time sensitive, it could be confusing for individuals for tax payers or investors so you want to clarify those rules....you are all just tied into this train that has to go.<sup>118</sup> Typically specialized committees hear from stakeholders and experts about changes to law prior to voting on a bill. In the omnibus budget bill context, it is the Finance Committee alone that reviews the bills removing specialized study from the process.<sup>119</sup> As a result, there is less time to hear from witnesses who are subject matter specialists about the impact of each legislative amendment. Finally, once passed the committee stage, Members of Parliament must vote for or against the entire bill, not allowing for a complete parsing out of substantive changes.<sup>120</sup> Once the bills are passed and become law, time plays a factor in understanding their impact as well. As pointed out by one study participant, there is often a lag time between when a legal change takes place and the full effect of those changes becomes known, rendering democratic accountability difficult. This participant went on to say: “you need a major disaster with a lot of destruction and death before people take note of legislative changes”.<sup>121</sup>

In addition to introducing new anti-democratic manipulations to Canadian Parliament, the bills also exploit the anti-democratic colonial foundations on which Parliament was built. Indeed, the bills are possible only because of the unchecked power of the Prime Minister within the Canadian political system. Attempts by parliamentarians to thwart the bills provide evidence of Canada’s anti-democratic system. For instance, in

---

<sup>118</sup> Study Participant Number 2, in discussion with author, January 27, 2016.

<sup>119</sup> Franks, *Omnibus Bills Subvert* (see n. 103).

<sup>120</sup> John Ivison, “How Stephen Harper Learned to Love the Omnibus Bill,” *National Post*, May 3, 2012; Aaron Wherry, “The Omnibus Stops Here: At More than 400 pages, and Containing More than 700 clauses, the Budget Bill Provides more than Enough Fodder for Opposition Parties Angling for a Debate on the Economy and the Environment,” *Maclean’s*, May 28, 2012.

<sup>121</sup> Study Participant Number 4, in discussion with author, January 27, 2016.

2012, Green Party Leader Elizabeth May requested that Bill C-38 be ruled out of order.<sup>122</sup> May argued that Bill C-38 was inadmissible; it had been brought in imperfect form as it was not a proper omnibus bill, with one central theme, and that the Harper government failed to provide a link between the budget and the amendments proposed in the budget implementation bill. May's attempt to have the omnibus budget bill ruled out of order failed. Then Speaker of the House Andrew Scheer ruled that the bill was in proper form and met all the elements required of a bill and further that having the title: "an act to implement the budget *and other measures*" allowed the legislation to address issues outside of budgetary policy.<sup>123</sup> Parliamentary procedural rules lacked any other provision that would allow Parliamentarians to challenge the effect of omnibus budget bills in reducing time for scrutiny. According to one Parliamentary procedural expert: "crux of the matter, no real definition of what an omnibus bill is ...speakers have all declined to step in and say this bill is in imperfect form...tradition of speaker is not to make up rules that don't exist."<sup>124</sup>

Apart from challenges to the admissibility of the bills, when a party has a majority government, Members of Parliament have almost no capacity to cause substantive changes to proposed legislation. For example, at the report stage for Bill C-38, opposition parties collaborated to submit 871 motions in amendment asking for a recorded division for each vote.<sup>125</sup> While this tactic gave Members of Parliament more time to study the bills as voting on the motions took place over a marathon 22-hour Parliamentary session,

---

<sup>122</sup> House of Commons Debates, 41<sup>st</sup> Parl, 1<sup>st</sup> Sess, No 138 (11 June 2012) at 1205 (Speaker of the House Andrew Scheer).

<sup>123</sup> *Ibid.*

<sup>124</sup> Study Participant Number 5, in conversation with author, January 27, 2016.

<sup>125</sup> Bedard. Omnibus Bills (see n. 10).

Bill C-38 became law, without a single amendment passing.<sup>126</sup> In a minority context, voting on a budget bill is considered a confidence vote, therefore opposition parties have to weigh whether to vote the bill through or go to election.<sup>127</sup> Further, in Parliament, on February 19<sup>th</sup>, 2015 NDP MP Peter Stoffer introduced Private Members Bill C-654, *An Act to Amend Parliament of Canada Act (Omnibus Bills)*, to restrict the use of omnibus bills. This bill only made it to the phase of First Reading in the legislative process, typical of private member initiatives.<sup>128</sup> The same is true for citizens. Indeed, Mikisew Cree First Nation launched a court challenge arguing that the 2012 bills breached the federal governments Constitutionally mandated duty to consult. While successful at the Federal Court, on appeal the doctrines of parliamentary privilege and the separation of powers were used to shield the Executive from scrutiny in their law-making function.<sup>129</sup>

A lack of Parliamentary scrutiny, and capacity for parliamentarians to halt anti-democratic governing practices, has ramifications for the Canadian citizenry. In part, as a result of the expansion of budget policy implementation bills, Parliament is now at its

---

<sup>126</sup> Bedard, Omnibus Bills, 4 (see n. 10).

<sup>127</sup> Tim Naumetz and Allan Woods, Controversy Rages on in Ottawa over budget bill. *CanWest News*, April 1, 2005.

<sup>128</sup> *LEGISinfo*, accessed July 30, 2017,

<http://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=C654&Language=E&Mode=1&Parl=41&Ses=2>

<sup>129</sup> *Mikisew Cree First Nation v Canada (Minister of Aboriginal Affairs and Northern Development)*, 2014 FC 1244, 248 ACWS (3d) 491; *Canada (Governor General in Council) v. Mikisew Cree First Nation*, 2016 FCA 311; Also see Davis, Z. (2014) The Duty to Consult and Legislative Action. *Saskatchewan Law Review* 2016 Vol. 79: p. 17-48. ... At Trial, Justice Hughes granted the Mikisew Cree First Nations application for judicial review in part, and made a declaration that requiring the crown to give first nations impacted by proposed legislation notice and the opportunity to give submissions in Parliament. On appeal, the application was dismissed and the declaration struck. At the time of writing, this case has just been granted leave at the Supreme Court of Canada (*Chief Steve Courtoreille on behalf of himself and the members of the Mikisew Cree First Nation v. Governor General in Council, et al*, SCC Case No. 37441, 2017-05-18).

weakest in its capacity to scrutinize and challenge the manner in which public money is allocated. Donald Savoie writes further<sup>130</sup>:

If members of Parliament – who presumably are there to hold the government to account and who have staff and resources to turn to for help – are unable to scrutinize government spending, one can imagine what it is like for the average citizen. The inherent opacity of government documents, the horizontal nature of government decision making, and the many informational obstacles that exist make it virtually impossible for citizens, preoccupied as they are with the daily demands of their own lives, to understand how government decides and why’.

In addition, both major parties use the bills, rendering elections ineffectual as a means to block their use. While Justin Trudeau campaigned to regulate omnibus budget bills he continues their use.<sup>131</sup> Also note, it would be relatively simple to regulate the use of massive omnibus budget bills and other jurisdictions have regulated the practice.<sup>132</sup> Consequently, a measure of political nihilism was also present in study participants with any closeness to the bills. They are going to get their way anyway if it’s a majority, that they are going to get away with changes, it wasn’t a government open to amendments and changes from listening to concerns of various stakeholder groups. In the end does it matter that they pretended to listen.”<sup>133</sup> Inability for the Canadian public or their representatives to scrutinize and alter the course of legislative changes in omnibus budget bills renders the bills anti-democratic, and, considering the political moment in which they have risen in prominence, neoliberal.

---

<sup>130</sup> Donald Savoie, *What Happened to the Music Teacher: How Government Decides and Why*, (Montreal, McGill-Queens University Press, 2013), 6.

<sup>131</sup> In his election campaign Justin Trudeau specifically said: “We will change the House of Commons Standing Orders to bring an end to this undemocratic practice.” Jim Coyle, “Age of the Omnibus: Mike Harris’s Bully Bill was Passed 20 Years Ago”, *Toronto Star*, November 28, 2015; Also see: Aaron Wherry, “New Liberal Budget Bill Raises old Concerns About Omnibus Legislation”, *CBC News*, April 24, 2016.

<sup>132</sup> Dodeck, Omnibus Bills, 23 (see n. 9).

<sup>133</sup> Study Participant #3, in conversation with the author, January 27, 2016.

### *C. Omnibus budget bills package neoliberal policy reforms*

Omnibus budget bills are often used to package unsavoury political items with other measures to reduce scrutiny. Put simply by one study participant, “they never bundle a new park into an omnibus bill.”<sup>134</sup> An assessment of the omnibus budget bills that have passed through Canadian Parliament reveals that the unsavoury political items packaged in the bills are decidedly neoliberal in nature. For example, in 1990, the Mulroney government tabled an omnibus bill to implement tax measures from the 1989 budget, including measures that clawed back old age security pensions requiring the elderly with annual net incomes of \$50,000.00 to pay back some of their pension payments.<sup>135</sup> In addition, Jean Chretien and Paul Martin’s 1995 omnibus budget bills introduced historic neoliberal reforms, slashing social spending in an effort to reduce the deficit.<sup>136</sup>

In 2010, an omnibus budget implementation bill unilaterally reduced a negotiated salary increase by the Union of Canadian Correctional Officers, prompting a court challenge.<sup>137</sup> The 2012 omnibus budget bills, legislated sweeping changes to the Canadian environmental protection regime. For example, through the budget bill, the *Navigable Waters Protection Act* was reduced to the *Navigation Protection Act*, rendering 98% of the country’s lakes and rivers available for corporate use by eliminating the public processes once in place to assess whether resource exploitation would benefit a

---

<sup>134</sup> Study Participant #3, in conversation with the author, January 27, 2016.

<sup>135</sup> Eric Beauchesne, The Elderly Must be Protected from the Government’s Clawback, *CanWest News*, May 14, 1990.

<sup>136</sup> “Budget Blueprint: How Lessons from Canada’s 1995 Budget can be Applied Today,” *Fraser Institute*, February 2011, 22.

<sup>137</sup> Anonymous, Federal Correctional Officers to launch constitutional challenge to the federal budget legislation, Bill C-10, *CanWest News*, February 10, 2009

community on the whole.<sup>138</sup> Further, Bill C-45 included changes to the *Indian Act*, which among other legislative amendments in the omnibus bills, worked to eliminate the need for majority consent and even consultation with Indigenous nations over resource exploitation on reserve land.<sup>139</sup>

The 2013 omnibus budget bill contained a slight amendment to the word “danger” in the *Canada Labour Code*, which operated to restrict health and safety coverage for 80,000 Canadian workers.<sup>140</sup> In the 2014 omnibus budget bill, the Harper government introduced a clause wherein the federal government would be able to unilaterally decide who would be considered an essential service and who would have the right to strike. In addition, this same bill contained cuts to health care for refugees.<sup>141</sup> The 2015 omnibus bill buried a provision that amended the *Access to Information Act*, preventing access to long-gun registry data, after the registry had been scrapped. The legislation was backdated to come into effect before the date it had been passed by Parliament, effectively erasing national memory and arguable subverting the rule of law.<sup>142</sup> Finally, Trudeau’s 2017 omnibus budget bill has come out to much controversy, tabling

---

<sup>138</sup> Manual, *Unsettling Canada* (see n. 61); Kirchhoff, D., Gardner H.L. and Tsuji J.S. “The *Canadian Environmental Assessment Act, 2012* and associated policy: Implications for Aboriginal Peoples,” *The International Indigenous Policy Journal*, 4, No. 1 (2013), 1-14; Taylor, E. B. *Discovery*, 2012, 50-55; Klein, N. *This Changes Everything: Capitalism vs. the Climate*, (Toronto: Knopf Canada, 2013), 381. Favro, B, Reynolds J.D., & Cote, I. M., “Canada’s Weakening Aquatic Protection” *Science Express*, 2012, Letters.

<sup>139</sup> Douglas and Lenon, Introduction, 141 (see n. 3).

<sup>140</sup> Tom Korski, Sneaky and Subversive. *Blacklock’s Reporter: Minding Ottawa’s Business*, December 9, 2013

<sup>141</sup> Joan Bryden, “Editorials”, *Canadian Press*, October 27, 2014.

<sup>142</sup> Bruce Cheadle, “Omnibus Budget Bill rewrites history to clear RCMP of potential Criminal Charges”, *Canadian Press*, May 13, 2015.

legislation on the creation of the Canada Infrastructure Bank.<sup>143</sup> The bank is slated to among other things “create a pipeline of privatization for our public transit systems”.<sup>144</sup>

Neoliberal content contained within the anti-democratic bills is itself anti-democratic. First, most neoliberal reforms are justified through a rhetoric of ‘there is no alternative’, which in and of itself undermines democratic debate about the variety of ways a polity can address a particular social concern. Next, the means through which these reforms have been created is undemocratic, built up through an over-resourced political project that has covertly infiltrated civil society institutions, government, and has control over global financial institutions, a space ordinary citizens cannot access. Finally, the reforms themselves dismantle social systems, public works, and by proxy citizen participation in major decision-making, diminishing democratic capacity for holding decision-makers to account.

#### **Part 4: Alternatives to neoliberal tactics: omnibus budget bills and beyond**

The particular socio economic order that’s being imposed is the result of human decisions and human institutions. The decisions can be modified; the institutions can be changed. If necessary, they can be dismantled and replaced, just as honest and courageous people have been doing throughout the course of history.<sup>145</sup>

An analysis of omnibus budget bills is bleak, revealing the federal government as a liberal dictatorship by and for ruling class exploitation of the masses, emboldened by neoliberal modes of reasoning, and met with political nihilism. On the surface, it does not bode well for the rise of people power in Canada. However, my hope is that these

---

<sup>143</sup>Platt, ‘Profoundly disappointed’ (see n. 9).

<sup>144</sup> Canadian Union of Public Employees, The Bullet: A Socialist Project e-bulletin...No. 1449...July 17, 2017.

<sup>145</sup> Chomsky, Rogue States, 214 (see n. 16).

findings do not promote greater political nihilism, but instead turn us toward the rich and radical democratic movements occurring under these conditions, in solidarity with one another, and with everything we've got. Indeed, Idle No More was formed to counter the 2012 omnibus budget bills and persists in building a broad-based resistance.

Furthermore, this past year, the protest at Standing Rock First Nation in North Dakota saw participation from around Turtle Island in a similar effort to halt the construction of oil infrastructure on Indigenous lands. The protest included solidarity from another prominent and anti-neoliberal democratic movement, Black Lives Matter, who issued the following statement:

In the state of North Dakota, there is a movement for all of us. A movement for the recognition that water is life. A movement led by warriors, women, elders, and youth. A movement made possible by the actions taken by those who came before us, steeped in the wisdom of elders. ... The gathering at Standing Rock is a testimony against capitalism— we do not have to destroy the world and our resources for money to provide for one another.

.... Black Lives Matter stands with Standing Rock. As there are many diverse manifestations of Blackness, and Black people are also displaced Indigenous peoples, we are clear that there is no Black liberation without Indigenous sovereignty.... We are in an ongoing struggle for our lives and this struggle is shaped by the shared history between Indigenous peoples and Black people in America, connecting that stolen land and stolen labor from Black and brown people built this country.<sup>146</sup>

What omnibus budget bills teach us is that the systems in place to safeguard our democratic freedom do not work. Having made the above point I will caution, engagement with liberal democratic institutions is likely still highly important in achieving more radically democratic ends. As Wendy Brown argues, neoliberalism is

---

<sup>146</sup> Black Lives Matter, Black Lives Matter Stands in Solidarity with Water Protectors at Standing Rock, accessed July 30, 2017, <http://blacklivesmatter.com/solidarity-with-standing-rock/>.

producing subjects with less capacity for a democratic imaginary as individuals are pit against one another in the creation of entrepreneurial selves. Brown therefore sees liberal democratic institutions as one of the last modes where citizens view themselves as governing their society in common and can still provide a powerful entry point through which people engage with democratic values.<sup>147</sup> Ultimately, however, movements with radical democratic vision that challenge the roots of anti-democratic exploitation are the means through which the neoliberal bid to rule can be stopped. Only when all hierarchical social structures are dismantled, will the capacity for those with power and privilege to exploit and dominate for their own means be ceased. While the road to dismantling neoliberal hierarchy remains unclear, I believe we can get there. In solidarity.

Jacqueline Kotyk  
MES Candidate  
Faculty of Environmental Studies  
York University  
Canada

### **Draft Magazine Article**

#### **Trudeau's use of omnibus bills marks him as neoliberal**

Jacqueline Kotyk [Canadian Politics, Canadian Economy, Social Movements](#) July 31, 2017

In March of 2017, Justin Trudeau unveiled an omnibus budget bill counter to his election promises to curb the anti-democratic practice. The bill weighed in at 294 pages and is larger than Mike Harris's infamous 'bully bill', which wrought havoc on Ontario's social welfare state and implemented neoliberal reforms in 1995. Trudeau's omnibus budget bill is no less neoliberal, and includes among other proposed legislative changes,

---

<sup>147</sup> Cruz, *Feminism, Law, Neoliberalism* (see n. 29).

the introduction of the Canada Infrastructure Bank, an initiative likely to privatize public transport in Canada.

While Trudeau's use of omnibus budget bills is particularly gauche considering his election promises of sunny ways, and a return to pseudo-progressive rule in Canada, it is simply a continuation of the rise of the omnibus budget bill as a means of reshaping Canadian Parliament and Canadian democracy along neoliberal lines, a project that both the Liberal and Conservative parties have built, together, over decades. Indeed, Brian Mulroney, Paul Martin, Justin Trudeau and Stephen Harper were all equally friendly with this particular legislative form. Since the 1990s, during the onslaught of neoliberal reforms implemented in Canada, omnibus budget bills in Canadian Parliament have consistently grown in size and scope as each new Prime Minister has taken power.

That omnibus budget bills are connected with the neoliberal political project is not a novel argument. Ronald Reagan himself employed the legislative practice, finding that introducing a range of measures in an omnibus budget bill allowed for a rhetorical cover of 'there is no alternative' to these measures. In addition, the omnibus form of the bills ensured that scrutiny over every single disparate measure in the bill was evaded. However, what has remained an undercover story in Canadian politics is that omnibus budget bills have been consistently used as a covert means of dismantling Canadian democracy to make way for corporate rule and exploitation of the masses.

After omnibus budget implementation bills became common place in the Mulroney and Pierre Trudeau governments, they steadily grew in size and stature over the years. Bills that were 20 pages in the early 90s became 100 pages by the 2000s, reaching heights of 900 pages under Harper in 2010. The increased reliance on this

legislative tactic grafts perfectly with the increased consolidation of neoliberal rule in Canada.

Omnibus budget bills are popular among the neoliberal set because they accomplish anti-democratic neoliberal aims. First by legislating through budget policy, the Prime Minister and Minister of Finance have complete control and a relative amount of secrecy over what goes in the bills before they are even tabled. Next once in Parliament, because the bills are tied to the budget they are time limited, needing to be passed quickly as one of the main policy platforms of the coming year in Parliament. The bills also side-step committee scrutiny and are examined by the Finance Committee alone, whereas typically specialized committees would hear from many witnesses about proposed changes to a particular area of governance, such as environmental project. Finally, Parliamentarians only have one vote to pass the bills, rendering impossible a debate of each substantive change in the bills.

The bills have also often enough proved to be anti-democratic in substance as well as in form. It's through many omnibus budget bills over the years that social spending has been cut, regressive tax reforms have been created, regulations have been rolled back, and public projects have been privatized. These substantive changes are anti-democratic as they have operated to restructure Canadian society to ensure that the wealthy are able to accumulate resources at the expense of most Canadians with little democratic accountability. In sum, omnibus budget bills have been deployed to covertly dismantle democratic accountability mechanisms in Parliament and Canadian society. As the 2017 omnibus budget bill connotes, all those who expected sunny ways should prepare for continued domination by the corporate class under Trudeau.