

CANADIAN  
CIVIL LIBERTIES  
ASSOCIATION



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CANADIENNE DES  
LIBERTES CIVILES

*OPEN LETTER TO ALL ONTARIO MPPS*

Friday July 10, 2020

Dear Elected Member,

We are writing on behalf of the Canadian Civil Liberties Association to urge you to vote against Bill 195, the *Reopening Ontario Act (A Flexible Response to COVID-19) Act 2020*. The proposed legislation is unnecessary and eliminates essential democratic controls over unprecedented emergency powers. It is a significant threat to democratic oversight that should be rejected.

Ontario's current emergency laws give the executive branch of the government extraordinary powers to curtail basic rights and liberties. One essential check on that power is the requirement that government return to the legislative assembly once every 28 days to confirm an extension of the state of emergency. It provides a chance for justification, discussion, debate, dissent, and ultimately gives authority to you, our individual elected representatives, to decide whether these extraordinary powers should continue to be granted. Even in a majority government individual MPPs retain the ability to break rank and vote with their conscience rather than toe the party line. In the face of an emergency, and the exercise of emergency powers, this democratic fail-safe is indispensable.

Bill 195 would eliminate this democratic requirement – authorizing the Premier and his Ministers to continue exercising unprecedented emergency powers without legislative approval for a year.

The Bill would allow current emergency orders to remain in place without a formal declaration of a state of emergency. It would also allow individual Ministers to extend and amend many of the emergency orders that are currently in force. The Bill's definition of an amendment is excessively broad. It includes imposing "more onerous or different requirements" and "extending" the application of the order being amended, including its "geographic scope and the persons it applies to". Orders can be amended to have retroactive effect.

In essence, Bill 195 would entrench the Premier and Ministers' ability to impose emergency orders while eliminating the need to regularly return to the Legislative Assembly to justify their need for these extraordinary powers. It eliminates the opportunity for democratic questions, debate and dissent about whether emergency powers are necessary or being used appropriately.

The powers governments have under emergency legislation are supposed to be exceptional – Bill 195 would make the exercise of those powers the “new normal”.

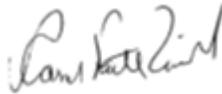
The *Reopening Ontario Act* has an illegitimate purpose and is seriously flawed. There is no need for this Bill – Ontario's existing emergency legislation gives the government all the tools it needs to respond to the pandemic. The question about when the state of emergency should end, and the government should relinquish its emergency powers, needs to remain the subject of regular democratic scrutiny, debate, and control.

CCLA is calling on all Ontario elected representatives to defend effective democratic oversight of emergency powers. We urge you to vote against Bill 195.

Sincerely,



Abby Dushman  
Program Director, CCLA



Cara Zwibel  
Program Director, CCLA