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The Right Honourable Stephen Harper
Prime Minister of Canada
Parliament Buildings
Ottawa KIA 0A6

June 23, 2011

Dear Prime Minister Harper,

We are writing to you regarding your promise to introduce and pass within 100 days an omnibus bill incorporating a number of very different pieces of legislation.

Omnibus bills are inherently problematic. They are supposed to have a unifying principle that holds together all the different provisions encompassed in the bill, whether those provide for the amendment or repeal of several different pieces of existing legislation or the enactment of new legislation, or both. Otherwise, it is difficult, if not impossible for members of parliament (and thus the public) to determine how they should vote on disparate parts of a bill that lacks such a unifying theme. Also, even if there may be a unifying theme, having too many aspects to any legislation can render debate and study of it incoherent and lead to regrettable results. In Canadian history there have been many instances where governments have introduced omnibus legislation and met with resistance from the public and opposition, not just to the principles involved in one or another aspect of the bill, but in the fact that so many different aspects were being put forward as one.

You may recall from Canadian history that in 1982, when the Trudeau government sought to pass various aspects of its energy policy in one omnibus bill, the Conservative opposition of that time objected and refused to have its parliamentary whip return so that a vote could be taken. The division bells rang for 14 days. Eventually, the bill was split into eight separate bills and they were debated. While the government of the day had a majority and its proposed legislation passed in due course, it was compelled to recognize that parliamentary procedure had to be respected in order that the debate and vote on legislation could be meaningfully done.

One of our specific concerns involves three bills from the last parliament that are proposed to be incorporated in the new omnibus bill. They will have

serious negative implications for the privacy rights of Canadians, and these aspects will not receive the scrutiny they deserve if rolled into an omnibus bill.

These pieces of legislation were Bills C-50, C-51 and C-52 from the last session of the previous parliament. They deal with increased inbuilt surveillance of telecommunications and warrantless access to telecommunications' customers' data, and Canada's federal and provincial Privacy Commissioners have identified a number of serious problems with the legislation. A link to their March 2011 letter to the Deputy Minister of Public Safety is below for your convenience.

http://www.priv.gc.ca/media/nr-c/2011/let_110309_e.cfm

None of these bills has had the benefit of hearings before any Parliamentary Committee, nor have their numerous predecessor bills introduced by both your government and the previous Liberal government.

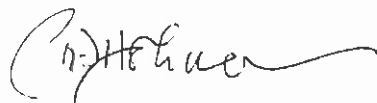
Your government has already recognized the divisibility of this proposed omnibus bill by creating Bill C-2, which deals with large criminal trials, which was originally proposed to be part of the omnibus bill.

Given the profound concerns raised by Canada's Privacy Commissioners which have yet to be answered, we ask you to at least give these pieces of legislation an appropriate hearing. That cannot happen if they are rolled into an omnibus crime bill with a large number of unrelated and also contentious pieces of legislation.

We look forward to your response, and are more than willing to provide you with any additional information you or your government may require in this regard.

Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Holmes", with a stylized flourish at the end.

Robert Holmes
President

cc. Jack Layton, NDP
Bob Rae, Liberal Party of Canada
Vivian Barbot, Bloc Québécois
Elizabeth May, Green Party