

Taylor, Laura

From: Legislative Assembly of Ontario
Sent: November 1, 2020 2:44 PM
To: Standing Committee on Justice Policy
Cc: Teng, Deborah
Subject: Webform submission: Submission of material 24206

Submitted on Sun, 11/01/2020 - 14:42

Application ID: 24206

Submitted values are:

Bill or item of business: **Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020**

Choose a topic

Do you know the bill title or business (e.g., pre-budget consultations) you'd like to speak or submit material about?

Yes

Choose an application

Which application would you like to submit?

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I am submitting material as an individual

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Re. Bill 218

This bill is one more wedge between Justice, and the Law. Its object is to protect government employees, and government agencies, from litigation related to the harm done to persons in their care.

Justice is a deeply embedded sinew in mankind. It is a universally held conviction on how persons should interact for the peace, harmony, and benefit of all. The Law was, in its origin, a record of this foundational understanding in society. However, the Law has become like a chess game, with arbitrary rules.

In this case we clearly see that Law, and Justice, are at odds. We, as individuals, are responsible for our actions. When we harm others, intentionally or not, we are held to account. The crime of involuntary manslaughter is based on this premise.

(1)

The Crown, its agencies, and employees, are all ‘persons’.

2) A reference in this Act to a person includes a reference to any individual, corporation or other entity, and includes the Crown in right of Ontario.

But, it is starkly clear, that government ‘persons’ have rights, and privileges, that are not shared by the general public. With Bill 218 not only are these ‘persons’ not held to account, but they are expressly excluded from that possibility. This begins to smack of totalitarianism.

(2) The citizens of Ontario have, for the most part, followed the Covid guidance set out by the province. It is now clear that these guidance rules have varied to a worrying degree; and their effectiveness has been questioned.

This Bill skilfully protects government ‘persons’ from litigation by using subjective fail-safe language, that is to be interpreted by government ‘persons’.

(2) Subsection (1) applies regardless of any conflict or inconsistency in the public health guidance or laws applicable to the person.

(3) A difference in the degree of specificity respecting a matter does not constitute a conflict or inconsistency for the purposes of subsection (2).

One does not require a degree in symbolic logic to know that these two statements are nonsense. A conflict could be an outright contradiction, or about-face. The very notion that specificity does, in some strange convoluted way, determine whether statements are inconsistent, is simply untenable.

The objective of this section of the act is clear. It gives the government the right to say whatever it likes, to be right or wrong with impunity, and to change its mind as each day breaks.

3)

This Bill makes clear that it knows, full well, that it is trampling on the rights of the people.

7) No person is entitled to any compensation or any other remedy or relief for the extinguishment or termination of rights under this Act.

The brazen extermination of rights is another indication that totalitarianism is a genuine threat to the people.

We now have Justice peeping from under her blindfold before she makes her decisions. This will not do.

There is a very dangerous move afoot, at all levels of government, to write laws for the convenience of government. Unfortunately, many people believe that such laws are good, proper, and an expression of Justice. They are nothing of the sort. Most of the obligatory rules put in place by the Covid suppression zealots, have erased the basic freedoms that we have forged from millennia of sacrifice. They tie both Justice, and Democracy, to the stake.

4)

Other subjective words are littered throughout the Bill. They create stumbling blocks for all the people who were hurt by the Covid outbreaks in nursing homes, senior residences, and community shelters.

What, for example, does 'gross negligence' mean? The number of deaths in nursing homes was such that some negligence must have occurred; but was it gross?

The Bill states that:

(b) the act or omission of the person does not constitute gross negligence.

Who says so? And by what power?

When the people elect a government, they do so with the understanding that the government serves the people. The people do not give the government carte blanche to create laws, and to twist the arm of Justice, so that the people are oppressed, without any recourse in Law.

Where does this particular section take us? On one occasion I took my car in for maintenance. The garage staff neglected to replace the oil they had drained. That is an omission, with costly consequences. This Bill argues, a priori, that the garage bears no responsibility. That is an outrageous perversion of justice.

Similarly, it is not acceptable that someone, by simply saying that they acted in good faith is absolved from the consequences of their total incompetence. The 'persons' employed by the government are assumed to have a certain level of competence as a pre-requisite. Any defence that argues that this is not the case would not be accepted in court.

I presume this Bill was created with only one purpose, and that is to sidestep the enormous cost of settling claims against the government. Money is indeed the mother of all evil, and one of those evils is manipulating the laws to suit a specific purpose.

I trust that this Bill will not pass a third reading.

Yours sincerely.

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