



PUBLIC ORDER
EMERGENCY
COMMISSION

COMMISSION
SUR L'ÉTAT
D'URGENCE

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Delivered by Email

James Bauder

bauderj@outlook.com

Dear Mr. Bauder,

Re: Participation in Public Order Emergency Commission

Thank you for meeting with me and my colleagues last week. I have reviewed the Facebook page where a recording of our meeting is available and where concerns about various issues relating to the Commission are discussed.

For your information, please be advised that:

1. Section 63(1) of the *Emergencies Act* requires the Governor in Council to establish a commission of inquiry in respect of a declaration of a public order emergency.
2. The same section of the legislation requires the focus of the inquiry to be on the “circumstances that lead to the declaration being issued and the measures taken for dealing with the emergency.”
3. The legislation requires the establishment of an inquiry, *in addition* to the Parliamentary Review Committee consisting of members of both Houses of Parliament (the Special Joint Committee), pursuant to s. 62 of the *Emergencies Act*.
4. The Governor in Council established the Public Order Emergency Commission on April 25, 2022 by Order-in-Council available [here](#).
5. The Governor in Council refers to the Governor General acting by and with the advice of the Queen’s Privy Council for Canada.
6. The Public Order Emergency Commission is an independent body. Neither the Commission, the Commissioner, nor Commission Counsel are controlled or influenced by any member of Cabinet.

7. The Confidentiality Agreement provided to you is modeled on that used in previous, unrelated, public inquiries. Confidentiality agreements are signed by all those who agree to participate in an interview with the Commission. It does not silence interviewees. It is limited to protecting the confidential nature of documents, if any, presented during the interview unless and until they are made public.

The Commission welcomes your participation in our work. As discussed in our meeting, if you wish to provide us with an affidavit, we are happy to review and consider it. The Commissioner may decide to call you as a witness at the public hearings. If this occurs, you will receive a subpoena. You will have an opportunity to speak with duty counsel, if you wish, about the subpoena and the Commission more generally.

Sincerely yours,



Senior Commission Counsel/avocate sénior de la Commission
Public Order Emergency Commission/Commission sur l'état d'urgence

cc: Jane Scharf, by email: mjslegalservices@outlook.com