



**NOTICE OF LIABILITY
FOR BREACH OF DUTY**

To: Minister of Justice Arif Virani

From: _____

Date submitted _____, 2024

Table of Content

PART I - No Scrutiny of the Federal Vaccine Mandates for Travel and Federal Government Employment under the Canadian Bill of Rights, Statutory Instruments Act and Common Law.

PART II - No Scrutiny of the provinces for civil liberties violations with covid measures. This included violations of liberty (regulations between borders, businesses shut down), security of person which includes the right to informed consent - forced mask and vaccine passports

PART III - No Scrutiny of the criminal activity of the Liberals illegally invoking the Emergencies Act against peaceful protesters at the truckers convoy protest in 2022. There were unlawful arrests and prosecutions, beatings, imprisonment and confiscation and damage of property, bank accounts frozen.

PART IV - Office of the Information Commissioner (OIC) Findings on Procedural Failure, Failure to Submit for Federal Review, and Failed to Notify the House of Commons.

PART V - Failure to Act on Contempt of Parliament

PART VI - Contempt of Parliament and Indigenous Right

PART VII - Failure to Act on Breach of National Security: Transfer of Scientific Secrets to the Chinese Communist Party

PART VIII - Failure to Act on Breach of National Security: Electoral Interference by the Chinese Communist Party

PART IX - Failure to act on the Federal gun grab law C21

PART X - Failure to act on the provincial/municipal land grabs and planned mobility and consumption restrictions with plans to implement 15 minute cities.

PART XI - Result of the Minister's failure to exercise his duty according to Common Law and statutes.

PART XII - No Scrutiny of tampering with official records which destroys transparency

PART XIII- Summary of action required

Notice of Liability Submitted _____, 2024

From: _____

To: Minister of Justice Arif Virani
Office of the Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

Subject: Breach of duty for failure to scrutinize the actions of the government of Canada and provinces for violations of human rights and fundamental freedoms regarding COVID-19 measures and the 2022 trucker's convoy protest. As well as breach of duty to protect the parliament from contempt and treason.

Dear Minister of Justice Arif Virani,

I am a citizen of Canada, and I hereby serve this **Notice of Liability** upon you in your capacity as the Minister of Justice and Attorney General of Canada. This notice pertains to your failure to fulfill the duties imposed by your office regarding the following critical matters of public and legal importance:

PART I - No Scrutiny of the Federal Vaccine Mandates for Travel and Government Employment under the Bill of Rights or Common Law and Statutory Instruments Act.

As Minister of Justice, it is your statutory duty under **Section 3 (1) of the Canadian Bill of Rights, R.S.C. 1960, c. 44** to ensure that all proposed government programs, laws and regulations are examined for compliance with the rights guaranteed therein. The federal vaccine mandates for travel and employment, which restricts the mobility of Canadians, raises serious concerns regarding its consistency with the rights to **life, liberty which includes freedom of movement, and security of the person which includes informed consent, and due process** under the **Canadian Bill of Rights**.

You also have a duty to consider Common Law principles concerning rights and due process of law.

And finally it is your job to apply the provisions of the Statutory Instruments Act 1985 in scrutinizing laws and regulations for compliance with the Canadian Bill of Rights.

Despite the obligation to scrutinize and address any infringement on these rights, your office has failed to provide any substantive action or review regarding this mandate's compliance with the Canadian Bill of Rights Common Law and Statutory Instruments Act. Canadians have

been subjected to limitations on travel and employment without proper legal examination to determine whether such restrictions violate their fundamental rights.

These rights are also protected under common law see ***Campbell Motors versus Gordon 1946*** which confirms that the right to life, liberty and property are inalienable and the government's primary responsibility under our rule of law is to protect these inalienable rights.

To analyze **mandatory vaccine mandates for travel and federal employment** under the **Canadian Bill of Rights (1960)** and **common law**, we must focus on the fundamental legal protections that have been established over centuries, including rights rooted in common law traditions that go back long before the Bill of Rights. These traditions provide a legal framework for defending individual liberties against government overreach.

1. Canadian Bill of Rights (1960)

The **Canadian Bill of Rights**, passed by Parliament in 1960, is a federal statute that protects certain fundamental rights and freedoms, including:

- **Life, liberty, and security of the person** (Section 1(a)).
- **Enjoyment of property** (Section 1(a)).
- **Equality before the law** (Section 1(b)).
- **Right to a fair hearing and due process** (Section 1(d)).

This statute is not subordinate to later legislation, meaning that any new law or regulation must conform to the rights protected in the Bill of Rights and Common Law unless the Federal Act of Parliament expressly states that these rights are to be overridden.

2. Common Law Protections

The **common law** tradition which was incorporated into our Constitution in the preamble which states that our constitution is based on the principle of the United Kingdom dating back centuries, is foundational to Canadian legal principles. **Common law** recognizes the inviolability of certain rights, particularly the rights to:

- **Liberty:** The freedom of individuals to make their own choices, particularly regarding bodily autonomy.
- **Informed consent:** The requirement that any medical procedure, including vaccination, must be undertaken voluntarily and with full knowledge of the risks and benefits.
- **Due process:** The right of individuals to challenge government actions that infringe on their rights.

These principles were inherited from English common law, which forms the bedrock of Canadian legal traditions. They are **centuries old** and form the basis for understanding **liberty** and **bodily autonomy** in Canada.

3. Liberty and Security of the Person (Section 1(a))

Liberty

The **Canadian Bill of Rights** protects the right to liberty, which includes the ability to make choices about one's own body, particularly in relation to medical procedures like vaccination. Any form of **government coercion**—such as employment or the ability to travel on receiving a vaccine—directly interferes with this right.

In the context of **mandatory vaccine mandates**:

- **Liberty** includes the right to refuse medical treatment without penalty. Vaccine mandates that force individuals to choose between their job or freedom of movement and submitting to vaccination effectively remove this freedom of choice.
- **Common law** has long protected bodily autonomy, recognizing that the government cannot force medical procedures on individuals without their consent. This principle is deeply rooted in common law and reinforced by the **Canadian Bill of Rights**.

Therefore, the **vaccine mandates** infringe upon the **common law right to liberty** and the protections enshrined in the **Bill of Rights**, unless such a mandate is explicitly authorized by Parliament through a specific act that clearly states that the right to liberty will be infringed.

Security of the Person

The **security of the person** is also protected under Section 1(a) of the Bill of Rights and common law. This includes the right to bodily integrity, meaning that individuals have the right to control what happens to their own bodies. A **vaccine mandate** forces individuals to undergo a medical procedure against their will or face significant penalties (loss of job or freedom to travel), which constitutes an infringement on their security of the person.

Under common law, any **medical procedure**, including vaccination, requires **informed and voluntary consent**. Coercive measures that undermine this consent (such as threatening job loss or travel restrictions) violate both common law principles and the **Canadian Bill of Rights**.

4. Informed Consent

The principle of **informed consent** is a cornerstone of **common law** and medical ethics. It requires that:

1. The individual be fully informed about the procedure, including potential risks and benefits.
2. The individual gives voluntary consent without coercion or undue influence.

By linking **vaccination** to continued **employment** or the ability to **travel**, the government undermines the voluntariness of consent. Individuals may feel forced to comply, not because

they have freely chosen to, but because they face significant negative consequences if they refuse.

The **common law** has long established that **forced medical treatment** without proper consent is unlawful, and the **Canadian Bill of Rights** reinforces this by protecting liberty and security of the person. If individuals are pressured into vaccination under threat of losing their livelihood or mobility, their consent cannot be considered **voluntary**, and the mandates violate these legal protections.

5. Right to Enjoyment of Property (Section 1(a))

The **Canadian Bill of Rights** also protects the right to **enjoyment of property**, which can extend to **employment** as a form of economic property. When a vaccine mandate threatens individuals with loss of employment for non-compliance, it infringes on their right to **enjoy their property (employment)** without being deprived of it except by **due process**.

Employment as a Property Right

- **Employment** is often viewed as an economic right, and under the **Canadian Bill of Rights**, individuals cannot be deprived of this right without **due process of law**.
- By enforcing **vaccine mandates** through regulations rather than **explicit legislation**, the government may be violating this right by coercing individuals into vaccination or causing them to lose their jobs without a proper legal process that allows them to contest the mandate.

6. Due Process of Law (Section 1(d))

The **Canadian Bill of Rights** guarantees that no person shall be deprived of their rights, including liberty and security of the person, without **due process of law**. **Due process** requires that individuals have:

- A clear legal framework within which they can challenge government actions.
- Access to the courts or another independent tribunal to contest the vaccine mandates.

The **vaccine mandates** were implemented through **regulations** and **executive orders**, not through an explicit **Act of Parliament**. This regulatory approach bypasses the due process protections required by the **Canadian Bill of Rights** and common law. If individuals do not have the opportunity to **challenge** the mandates or seek exemptions based on personal or medical reasons, this constitutes a violation of **due process**.

7. Legislative Authority and Ultra Vires

Under common law principles, any government action that infringes on individual rights must be backed by **explicit legislative authority**. **Vaccine mandates** were largely imposed through **regulations** rather than through a specific **Act of Parliament** that expressly authorized the infringement of rights.

Ultra Vires

- Regulations that **exceed the authority** granted by the enabling statute are considered **ultra vires** (beyond the powers of the law). If the enabling public health laws do not explicitly allow the government to impose **vaccine mandates** that infringe on liberty, security, and property rights, those mandates are **unlawful**.
- **Common law** and the **Canadian Bill of Rights** require that such serious infringements on rights be done through **an act of parliament that clearly indicates rights will be violated**.

Conclusion

Under the **Canadian Bill of Rights** and **centuries-old common law** traditions:

1. **Liberty:** The **vaccine mandates** violate the right to liberty by coercing individuals to undergo a medical procedure (vaccination) as a condition for employment or travel, without explicit parliamentary approval.
2. **Security of the Person:** These mandates infringe upon the right to bodily integrity and the principle of **informed consent**, as individuals are not freely consenting but are being coerced through threats to their employment or freedom of movement.
3. **Property Rights:** The threat of losing one's job for non-compliance with the vaccine mandate violates the right to **enjoyment of property** without due process.
4. **Due Process:** The regulatory approach to imposing mandates bypasses the requirement for **due process** as guaranteed by both common law and the Bill of Rights.
5. **Ultra Vires:** Without explicit legislative authority to infringe on these rights, the mandates are likely **ultra vires**, or beyond the legal power of the government to impose.

Thus, any vaccine mandate for federal employment or travel that was implemented without clear and explicit parliamentary legislation that expressly indicates that rights will be violated is required by both the **Canadian Bill of Rights** and **common law principles** of liberty, bodily autonomy, and due process.

Legislative Basis:

Under **Section 3(1) of the Canadian Bill of Rights**, you are required to examine every law or regulation to ensure it does not conflict with the rights enshrined in the Bill, including:

- The **right to life, liberty which includes freedom of movement and security of the person which includes informed consent** (Section 1. (a)).
- The **right to travel and move freely** within Canada, which is paramount in assessing

In sum, the vaccine passport policies represent an unlawful infringement of fundamental rights under common law principles unless properly legislated and explicitly indicate that rights will be violated.

The Minister of Justice has several obligations under the *Statutory Instruments Act* (SIA) of Canada. Some key responsibilities include:

1. Review of Statutory Instruments:

- Section 3(1) of the Act requires that the Minister of Justice review every statutory instrument to ensure that it complies with the Canadian *Bill of Rights* and other legislative norms. This includes ensuring that it:
 - Is not ultra vires (beyond the powers of the authority making it).
 - Does not infringe on rights or freedoms guaranteed under the *Bill of Rights*.
 - Does not contravene other legislation.

2. Recommendation for Changes or Revocation:

- The Minister has the authority to recommend the amendment or revocation of statutory instruments that do not conform with the legal or constitutional framework. The Minister plays an advisory role in the regulation of laws to prevent illegal, oppressive, or unauthorized regulations from remaining on the books.

3. Reporting Obligations:

- Under section 4, the Minister of Justice must ensure that any statutory instruments deemed non-compliant are reported to the Clerk of the Privy Council for further action.

Case Law Application: In cases such as *Attorney General of Canada v. Inuit Tapirisat of Canada* (1980), the scope of review under the *Statutory Instruments Act* was discussed in terms of the Minister's responsibility to evaluate instruments in light of constitutional principles, including administrative fairness and adherence to statutory limits.

These obligations ensure that the Minister of Justice acts as a safeguard for constitutional and legal compliance of statutory instruments, preserving legislative integrity within the scope of the *Bill of Rights* and common law.

For further details on the full legislative responsibilities and references, you can look into sections 3, 4, and 5 of the *Statutory Instruments Act*.

Under the *Statutory Instruments Act* (SIA), the Minister of Justice holds significant **common law obligations** that ensure statutory instruments comply with constitutional principles, legal norms, and respect for individual rights. These obligations are shaped by the principles of **natural justice**, **judicial review**, and **the rule of law**.

1. Duty of Fairness (Audi Alteram Partem):

At common law, the Minister of Justice must ensure that statutory instruments respect procedural fairness. This duty extends to ensuring that individuals affected by these regulations have the opportunity to be heard. Statutory instruments should not infringe on rights without due process. This is part of the broader legal principle that public decision-making bodies, including those involved in drafting regulations, must act fairly.

- **Example:** In *Baker v. Canada (Minister of Citizenship and Immigration)* [1999] 2 S.C.R. 817, the Supreme Court of Canada emphasized the importance of procedural fairness in administrative decisions. While not directly about statutory instruments, it underscores the Minister's responsibility to ensure that all regulations comply with procedural fairness under common law.

2. Ultra Vires Doctrine:

The Minister has a common law obligation to ensure that statutory instruments do not exceed the legal authority of the entity that creates them. The common law principle of **ultra vires** ensures that statutory instruments stay within the bounds of the enabling statute. If a statutory instrument exceeds these limits, the Minister must act to correct it.

- **Case Reference:** In *Shell Canada Products Ltd. v. Vancouver (City)* [1994] 1 S.C.R. 231, the Supreme Court discussed ultra vires acts, where an entity acts beyond its statutory powers. The same principle applies to the Minister of Justice's review under the *Statutory Instruments Act*, ensuring that regulations are not made outside the scope of authority granted by Parliament.

3. Consistency with the Rule of Law:

The Minister must ensure that statutory instruments are consistent with **the rule of law**, a foundational principle in Canadian common law. This requires that regulations are clear, predictable, and do not confer arbitrary power. The Minister's duty is to avoid instruments that might create vague or overly broad laws, which could lead to arbitrary enforcement or unequal treatment.

- **Case Reference:** In *Reference re Secession of Quebec* [1998] 2 S.C.R. 217, the Supreme Court emphasized the importance of the rule of law in ensuring that government actions are grounded in legal authority. The Minister's review process under the SIA must reflect this principle by ensuring statutory instruments comply with the overarching framework of Canadian law.

4. Obligation to Protect Rights under the Canadian Bill of Rights (1960):

The *Canadian Bill of Rights* (1960), is part of Canada's common law framework, and it still applies. The Minister of Justice must ensure that statutory instruments do not infringe on rights guaranteed under this Bill. The Bill protects freedoms such as freedom of speech, religion, and equality before the law, which are still relevant in reviewing statutory instruments.

- **Example:** In *R. v. Drybones* [1970] S.C.R. 282, the Supreme Court used the *Canadian Bill of Rights* to strike down a discriminatory law. The Minister must ensure no statutory instrument contravenes rights protected under this Bill, reflecting a common law duty to safeguard individual liberties.

5. Judicial Review:

Under common law, the Minister is subject to **judicial review** when statutory instruments are challenged in court. The principle of **reasonableness** and **correctness** applies, where courts will assess whether the Minister has appropriately exercised their statutory and common law obligations.

- **Case Reference:** In *Dunsmuir v. New Brunswick* [2008] 1 S.C.R. 190, the Supreme Court established that decisions by administrative bodies, including those relating to the creation and oversight of regulations, must be reasonable. The Minister's role in reviewing statutory instruments must meet this standard of reasonableness under judicial review.

Conclusion

The Minister of Justice's common law obligations under the *Statutory Instruments Act* include ensuring compliance with procedural fairness, protecting against ultra vires actions, safeguarding rights under the *Canadian Bill of Rights*, and ensuring that statutory instruments adhere to the rule of law. These obligations are subject to judicial review, where courts ensure the Minister acts within legal boundaries and respects common law principles.

Here are more **common law cases** relevant to the **Minister of Justice's obligations** under the *Statutory Instruments Act* (SIA), focusing on key principles like **fairness, ultra vires, reasonableness**, and **the rule of law**:

1. Roncarelli v. Duplessis (1959) S.C.R. 121

- **Key Principle: Rule of Law and Abuse of Discretion**
In this foundational case, the Supreme Court of Canada ruled that discretion must be exercised in accordance with the rule of law, not arbitrary decisions. The Minister of Justice, in reviewing statutory instruments, must ensure that regulations are applied lawfully and reasonably, without abuse of discretion.
 - **Application to SIA:** The Minister must not permit or recommend the continuation of regulations that enable arbitrary or oppressive use of power.

2. Crevier v. A.G. (Québec) (1981) S.C.R. 220

- **Key Principle: Judicial Review and Ultra Vires Doctrine**
The case reinforced that judicial bodies, including those responsible for statutory interpretation, cannot oust judicial review and must remain within their granted powers. The *ultra vires* doctrine—an essential common law principle—limits authorities from exceeding their statutory powers.
 - **Application to SIA:** The Minister of Justice must ensure that any statutory instruments under review do not exceed the powers conferred by their enabling statutes, in line with the *ultra vires* doctrine.

3. Re Manitoba Language Rights (1985) 1 S.C.R. 721

- **Key Principle: Rule of Law and Legal Continuity**

The Supreme Court recognized that legislation violating constitutional language requirements could not be automatically invalidated, as it would disrupt the rule of law. This case established the importance of maintaining legal continuity, even when regulations are flawed.

- **Application to SIA:** The Minister must carefully balance compliance with constitutional principles while ensuring that statutory instruments maintain legal continuity and do not cause undue disruption in the governance framework.

4. **Canada (Attorney General) v. Inuit Tapirisat of Canada (1980) 2 S.C.R. 735**

- **Key Principle: Duty of Fairness and Procedural Rights**

This case set out the procedural fairness owed to parties when administrative bodies (including the government) make decisions that affect their rights. The decision emphasized the need for adequate consultation and transparency.

- **Application to SIA:** When reviewing statutory instruments, the Minister must ensure that the regulatory process involves adequate procedural safeguards, especially where individual rights or interests are affected.

5. **R. v. Big M Drug Mart Ltd. (1985) 1 S.C.R. 295**

- **Key Principle: Infringement of Rights Under the Bill of Rights** This case involved the interpretation of the *Canadian Bill of Rights*, where the Supreme Court ruled that laws infringing on religious freedoms were invalid. The Minister of Justice has a duty under the *Statutory Instruments Act* to ensure statutory instruments respect fundamental freedoms, including those outlined in the *Bill of Rights*.

- **Application to SIA:** The Minister must scrutinize statutory instruments to ensure they do not infringe on the rights protected under the *Bill of Rights* and common law freedoms.

6. **Pushpanathan v. Canada (Minister of Citizenship and Immigration) (1998) 1 S.C.R. 982**

- **Key Principle: Reasonableness and Judicial Review**

This case developed the framework for judicial review, especially regarding the standard of reasonableness. The Court held that the decision-maker's actions must fall within a range of acceptable outcomes that are defensible in light of the law and facts.

- **Application to SIA:** The Minister must exercise discretion in reviewing statutory instruments in a manner that would withstand a reasonableness review by the courts. The statutory instruments must be coherent, clear, and justifiable under the law.

7. **Metropolitan Life Insurance Co. v. International Union of Operating Engineers, Local 796 (1970) S.C.R. 425**

- **Key Principle: Delegated Legislation and Ultra Vires Doctrine** The Court struck down certain regulations made under delegated authority because they went beyond what the enabling statute allowed. This case reinforces the importance of adhering to the enabling statute's limits when drafting or reviewing delegated legislation.
 - **Application to SIA:** The Minister's role in reviewing statutory instruments includes ensuring that they fall within the scope of the enabling legislation and do not overreach, as this would make them ultra vires.

8. Suresh v. Canada (Minister of Citizenship and Immigration) (2002) 1 S.C.R. 3

- **Key Principle: Procedural Fairness and Duty to Justify Decisions**
This case is important for its articulation of the procedural fairness owed by government officials when rights are at stake. The Court held that the government must provide justifications when fundamental rights are limited, even in the context of national security.
 - **Application to SIA:** The Minister of Justice, in reviewing statutory instruments, must ensure that any potential limitations on rights (including under the *Canadian Bill of Rights*) are justified and that affected parties have had a chance to be heard where necessary.

9. British Columbia v. Imperial Tobacco Canada Ltd. (2005) 2 S.C.R. 473

- **Key Principle: Validity of Regulations and Statutory Interpretation**
This case established that courts will defer to the government's policy choices in enacting legislation, as long as the regulations fall within the scope of the enabling statute. However, the regulations must not be arbitrary or unreasonable.
 - **Application to SIA:** The Minister must ensure that statutory instruments are both legally and rationally connected to the purposes of the enabling legislation. They must not be arbitrary or overreaching.

Conclusion

The **Minister of Justice's common law obligations** under the *Statutory Instruments Act* are governed by principles rooted in **procedural fairness, the rule of law, ultra vires, judicial review, and the protection of rights** under the *Canadian Bill of Rights*. These principles have been consistently upheld by Canadian courts in the aforementioned cases, establishing a legal framework that the Minister must follow in overseeing statutory instruments. These obligations ensure that regulations are fair, reasonable, lawful, and within the limits of the authority granted by Parliament.

PART II - No Scrutiny of the provinces for civil liberties violations with covid measures. This included violations of liberty (regulations between borders, businesses shut down), security of persons which includes the right to informed consent (forced mask wearing) and vaccine passports.

To support the exclusive jurisdiction of the federal government over civil liberties in Canada, with provincial limitations, the landmark case ***Reference Re Alberta Statutes (1938)*** confirms the precedent. The judgment established that provinces cannot override civil liberties based on federal supremacy under the division of powers set by the Canadian Constitution, which includes a strong reliance on common law and fundamental rights. Additional cases and principles that reinforce this include:

1. **Saumur v. City of Quebec (1953)**: This Supreme Court of Canada decision affirms that freedom of religion, like other fundamental civil liberties, falls under federal jurisdiction due to its role in maintaining national unity and upholding the rule of law.
2. **Roncarelli v. Duplessis (1959)**: Another critical Supreme Court ruling, which held that the provincial government could not arbitrarily revoke a liquor license as a punishment for religious activities, upholding federal oversight in protecting civil liberties.
3. **Switzman v. Elbling (1957)**: This case further supports that provinces cannot infringe upon civil liberties such as free expression, reinforcing the idea that such rights are matters of federal concern, consistent with democratic principles and the legal supremacy of the federal government.

4. *Switzman v. Elbling and the Attorney General of Quebec (1957)*

Citation: [1957] SCR 285

Key Takeaway: Civil liberties like freedom of expression fall under federal jurisdiction, and provincial governments cannot infringe upon them.

- Facts: Quebec's "Padlock Law" allowed the government to shut down premises used for "communist propaganda." This was challenged as an unconstitutional violation of free expression.
- Decision: The Supreme Court struck down the law, ruling that freedom of expression is a matter of federal jurisdiction. The province could not use its legislative power to infringe upon this civil liberty, even if it did so under the guise of protecting public order.

Impact: This case is critical in establishing that civil liberties, including freedom of speech, are federally protected and cannot be infringed upon by provincial laws. Even in the absence of the Charter, this ruling applies because freedom of expression is a core civil liberty in Canadian common law and is federally recognized.

These cases, alongside the **1938 *Reference Re Alberta Statutes*** ruling, solidify the understanding that civil liberties are protected at the federal level and cannot be undermined by provincial statutes .

Here are additional case law examples that support the exclusive jurisdiction of the federal government over civil liberties in Canada, based on principles of common law and constitutional interpretation:

1. **Boucher v. The King (1951)**: This Supreme Court of Canada decision dealt with freedom of expression. The case involved a pamphleteer charged with sedition, and the court ruled that critical speech about the government did not constitute sedition unless it incited violence or illegal actions. This case affirmed that civil liberties, such as freedom of speech, are safeguarded under federal law.
2. **R. v. Big M Drug Mart Ltd. (1985)**: In this landmark decision, the Supreme Court struck down a law that requires businesses to close on Sundays for religious observance. The ruling emphasized that the Canadian Bill of Rights protects individual religious freedoms and prevents laws from infringing on those rights, which falls within federal jurisdiction.
3. **Ontario (Attorney General) v. OPSEU (1987)**: This case examined the balance between provincial powers and the protection of civil liberties under federal law. The Supreme Court reaffirmed the federal government's overarching responsibility for ensuring that civil liberties are not infringed by provincial statutes.
4. **R. v. Morgentaler (1988)**: This case dealt with the federal government's jurisdiction over criminal law, which includes matters related to individual rights and civil liberties, such as a woman's right to make decisions about her body. The court struck down restrictive provincial abortion laws, reinforcing the principle that the federal government has ultimate authority over such fundamental civil rights issues.
5. **Reference Re Public Service Employee Relations Act (Alberta) (1987)**: The court ruled that while provinces have jurisdiction over labor relations, the federal government retains the power to protect fundamental freedoms, such as the right to collective bargaining, ensuring civil liberties remain within its jurisdiction.
6. **Dolphin Delivery Ltd. v. R.W.D.S.U., Local 580 (1986)**: This decision clarified the application of the Canadian Bill of Rights confirms that while provinces may regulate certain activities, the protection of fundamental freedoms, such as the right to peaceful assembly, remains a federal matter.

These cases collectively emphasize that civil liberties—such as freedom of expression, religion, and protection from arbitrary provincial law—are fundamentally under the purview of federal jurisdiction in Canada.

Here are additional case law examples that reinforce the federal government's exclusive jurisdiction over civil liberties in Canada, particularly based on the principles of common law:

1. **Reference re Secession of Quebec (1998)**: This important reference case reaffirmed that any changes to Canada's constitutional structure, including matters involving the fundamental rights of citizens, require the federal government's involvement. The court ruled that the principles of democracy, the rule of law, and federalism are central to the Constitution, highlighting the federal role in protecting civil liberties, particularly in the context of national unity.

2. **Singh v. Minister of Employment and Immigration (1985)**: In this case, the Supreme Court of Canada ruled that refugees have the right to a fair hearing before being deported, emphasizing that the federal government is responsible for ensuring civil liberties related to due process under the law. This case illustrates federal jurisdiction over rights like access to justice and fair procedure.
3. **Reference re Remuneration of Judges of the Provincial Court of Prince Edward Island (1997)**: This case reinforced judicial independence, an essential component of civil liberties. The court held that the federal government has the ultimate responsibility to protect civil liberties through an independent judiciary, ensuring that provincial governments cannot undermine judicial independence through salary controls.
4. **R. v. Edwards Books and Art Ltd. (1986)**: The Supreme Court ruled on Sunday-closing laws, examining whether these laws infringed on religious freedoms. The court ruled that while provincial laws can regulate commerce, they cannot do so in a way that violates federally protected civil liberties such as freedom of religion.
5. **Ford v. Quebec (Attorney General) (1988)**: In this case, the Supreme Court struck down Quebec's law requiring French-only commercial signs, holding that it violated freedom of expression, a civil liberty under federal protection. This decision reaffirmed that civil liberties such as freedom of expression cannot be overridden by provincial legislation.
6. **R. v. Drybones (1970)**: This case was one of the earliest under the Canadian Bill of Rights and struck down a law that discriminated against Indigenous people in terms of alcohol consumption. The court ruled that the law violated civil liberties and was in conflict with federal human rights protections, emphasizing that provinces cannot pass discriminatory laws that infringe on civil liberties.
7. **Reference re Same-Sex Marriage (2004)**: The Supreme Court ruled that the federal government has jurisdiction over marriage laws and that civil liberties, including equality rights, must be upheld. This decision clarified that issues of fundamental rights, such as marriage equality, fall within federal jurisdiction to protect civil liberties from provincial encroachment.

These cases highlight the consistent trend in Canadian jurisprudence that civil liberties, such as freedom of expression, religious rights, equality rights, legal rights and judicial independence, are predominantly within federal jurisdiction. The federal government is responsible for protecting these rights from potential infringement by provincial laws or actions.

The Minister of Justice must scrutinize provincial COVID measures due to their potential violations of civil liberties and breaches of the constitutional division of powers. Under the Canadian legal system, including the principles laid out in the Magna Carta and common law, civil liberties must be protected, and cannot have any limitations legally.

Violation of Civil Liberties:

Civil liberties, as guaranteed under common law and the Canadian Bill of Rights, include the right to life, liberty, and security of the person. COVID measures, such as lockdowns,

restrictions on movement restrictions on interprovincial travel and mandatory health health treatment without sufficient information to garner our consent i.e. mandatory masking and vax passports.

Provincial governments cannot arbitrarily impose measures that encroach on personal freedoms, transparency, and fair treatment of all individuals under the law is required. This principle is rooted in the idea that the government must operate under the rule of law, ensuring no individual or institution is above it.

Breach of Division of Powers:

In Canada's federal system, the division of powers between the federal and provincial governments is fundamental. The provinces have jurisdiction over matters such as healthcare and local governance under Section 92 of the Constitution Act, 1867, while the federal government holds powers related to public health in cases of national concern.

COVID measures instituted by provincial governments infringe on areas of federal jurisdiction, particularly if they affect interprovincial travel or the regulation of trade and commerce. Furthermore, if provincial measures undermine fundamental freedoms which are the exclusive jurisdiction of the Federal Government. The Constitution Act provides a clear division of powers, which must be respected to avoid encroachment by one level of government into the jurisdiction of another. Judicial review can assess whether provincial COVID measures, such as restrictions on movement or business operations, unlawfully encroach on federal authority.

Application of Legal Standards:

The scrutiny should apply key principles of judicial review:

- **Rule of Law:** Are the measures applied uniformly and transparently, with accountability to the public?
- **Federalism and Division of Powers:** Do the measures respect the respective jurisdictions of federal and provincial governments?

For example, in cases where measures imposed by provincial governments may impact national interests, such as restricting the freedom of movement between provinces, the federal government may have cause to intervene, as public health emergencies typically involve national coordination.

Conclusion:

The Minister of Justice has a duty to scrutinize provincial COVID measures to ensure they do not violate civil liberties or exceed provincial powers. Any measures must be consistent with common law principles, the Canadian Bill of Rights, and the constitutional framework that governs the division of powers between federal and provincial governments.

By ensuring that COVID measures respect both individual freedoms and the limits of provincial authority, the justice system can maintain the rule of law and protect against overreach.

Scrutiny of Provincial COVID Measures: Legal Framework

The **Minister of Justice** has an obligation to scrutinize provincial COVID-19 measures because they may violate civil liberties and breach the **division of powers** under Canadian law. This scrutiny is grounded in the **Magna Carta**, **common law principles**, and the **Canadian Bill of Rights**, which protect fundamental freedoms. Provincial governments, while empowered to manage public health within their jurisdiction, must ensure that any restrictions do not overreach their authority or infringe on individual rights without sufficient justification.

Civil Liberties Under Common Law and the Canadian Bill of Rights

The **Canadian Bill of Rights (1960)** safeguards civil liberties, such as the right to life, liberty, security, and the enjoyment of property. These rights must be balanced against government actions, especially during emergencies like the COVID-19 pandemic. Measures such as **lockdowns**, **mandatory mask mandates**, and **vaccine passports** potentially infringe on these freedoms.

- **Section 1(a)** of the Bill of Rights guarantees the right to life, liberty, and security of the person. Restrictions like quarantine or confinement orders may violate this right unless they are demonstrably necessary and proportionate to the public health objective.
- **Section 1(b)** protects the right to a fair hearing. The unilateral imposition of restrictions without providing adequate opportunity for affected individuals to challenge the measures may contravene this principle.

Courts have traditionally emphasized the need for **due process** when the state curtails individual rights, as seen in **Roncarelli v. Duplessis (1959)**, where the Supreme Court of Canada reinforced that government actions must respect the rule of law. Any arbitrary or disproportionate use of power, even during emergencies, can be struck down by the courts.

Division of Powers: Constitutional Framework

Under the **Constitution Act, 1867**, provincial governments have jurisdiction over matters like **health care** and **municipal affairs** (Section 92), but this authority is not absolute. The federal government has responsibility over **peace, order, and good government (POGG)** and **interprovincial matters** (Section 91). COVID-19 measures affecting interprovincial travel, trade, or national security could infringe on federal powers.

- In **R v. Morgentaler (1993)**, the Supreme Court of Canada ruled that provinces cannot regulate matters that encroach upon criminal law, a federal jurisdiction. This case underscores the importance of respecting the constitutional division of powers. Provincial health orders cannot stray into areas reserved for federal authority, such as quarantine or national emergencies.

Further, the federal government holds exclusive power over **criminal law** (Section 91(27)) and issues of **national concern** under the **POGG clause**. The courts have held that during national crises, including pandemics, the federal government may invoke its powers to regulate the situation. In **Reference re Anti-Inflation Act (1976)**, the Supreme Court of Canada recognized that national emergencies may justify temporary encroachments on provincial jurisdiction.

Case Law and Legal Precedent Supporting Scrutiny

Several key cases support the scrutiny of provincial COVID measures to ensure they do not violate civil liberties or the division of powers:

1. **Roncarelli v. Duplessis (1959):**
 - This landmark case established that government actions must adhere to **rule of law** and cannot be arbitrary. Roncarelli's liquor license was revoked without cause, leading to the court ruling that even high-ranking officials cannot act beyond their legal authority.
 - Application: If provincial COVID measures are imposed arbitrarily or without sufficient legal justification, they could be challenged as an abuse of power.
2. **R v. Morgentaler (1993):**
 - This case examined the limits of provincial authority in relation to federal criminal law. The Supreme Court struck down Nova Scotia's attempt to criminalize abortion services, ruling that the province's regulation conflicted with federal jurisdiction over criminal matters.
 - Application: Provincial COVID restrictions cannot intrude into areas of federal jurisdiction, such as criminal law or issues of national concern like interprovincial travel.
3. **Chaudhary v. Canada (Minister of Public Safety and Emergency Preparedness) (2015):**
 - This Federal Court of Appeal case emphasized the importance of habeas corpus (protection against arbitrary detention) during immigration proceedings. It underscored that even during emergencies, individuals have the right to challenge government-imposed restrictions.
 - Application: Individuals subjected to harsh quarantine or travel restrictions under provincial COVID measures may rely on the **habeas corpus** principle to challenge the legality of their confinement.
4. **Reference re Anti-Inflation Act (1976):**
 - The Supreme Court of Canada held that federal intervention was justified under the **POGG clause** in matters of national concern. The federal government's emergency powers were upheld to control inflation, which was considered a national crisis.
 - Application: The federal government could use its POGG power to challenge provincial overreach in areas like interprovincial travel or national economic measures related to the pandemic.
5. **Ontario (Attorney General) v. Fraser (2011):**

- The Supreme Court ruled on the issue of collective bargaining and the limits of provincial legislative power. The case reinforced that any infringement on civil liberties must be demonstrably justified and that the government must provide a rational basis for its actions.
- Application: Provincial governments must demonstrate that COVID measures are **justified and proportionate** to the public health risks involved. If not, the measures could be deemed unconstitutional.

The law places limits on how much authority the government has to make law. They do not have the authority to override common law or the Bill of Rights so they cannot put limits on our rights for any reason, even an emergency. If COVID-19 the government exceeds its legal limits with the COVID-19 measures they can and should be challenged in court to uphold the **rule of law** and protect individual freedoms.

PART III - No Scrutiny of the criminal activity of the Liberals illegally invoking the Emergencies Act against peaceful protesters at the truckers' convoy protest in 2022. There were unlawful arrests and prosecutions, of beatings, imprisonment and confiscation and damage of property.

The invocation of the *Emergencies Act* during the 2022 trucker's convoy protest raised significant legal and constitutional issues, especially when considering Justice Mosley's decisive ruling that there were no proper grounds for implementation of the *Emergency Act*. He found the invocation of the Emergency to be illegal. The focus here is on the government's violations of rights under common law, the *Canadian Bill of Rights*, and Magna Carta principles. Here, there will be an analysis of the actions of the government with reference to criminal charges, assault, property confiscation including frozen bank accounts, damage, and restrictions on liberty, supported by case law and principles of Canadian law.

1. Criminal Charges and the Right to Protest

The right to peaceful assembly and protest is recognized as part of common law traditions and protected by the *Canadian Bill of Rights section 1(D) freedom for speech (E) assembly and association (F) freedom of the press*. While the government can act to prevent unlawful protests that are tumultuous, it must ensure that any action against the protestors respects due process and avoids violations of rights including unnecessary criminalization.

The criminal charges laid against peaceful participants were often related to mischief, which has precedent in Canadian law. In *R. v. Papaschase*, the courts emphasized the importance of differentiating between legitimate protest and actions that go beyond peaceful assembly. The overuse of criminal charges in the convoy's case could be seen as punitive and excessive if protestors were merely exercising their right to peaceful protest and not directly involved in blockading. The invocation of *The Bill of Rights section 1 (D)* supports the protestors right to assemble peacefully without undue interference.

2. Assault and Excessive Use of Force

The use of force by law enforcement officers during the clearing of the protest raised concerns about potential violations of common law protections against unlawful assault. Under Canadian law, police may only use force that is proportional and necessary to the situation. The principle of *reasonable force* was outlined in the case of *R. v. Nasogaluak*, where the Supreme Court held that excessive use of force constitutes an assault, violating the common law rights of individuals.

Justice Mosley pointed out that this force was not necessary and he found law enforcement also used unnecessary force in Ottawa where protests were peaceful—such as using physical force against non-violent demonstrators—those actions are in breach of common law principles against assault and could give rise to civil or criminal liability against the officers involved. Justice Mosley’s ruling that the government’s actions were illegal, meaning force was not justified against peaceful participants, who were not engaged in any illegal activity. For those who were charged, prosecution was based on the person just being present on the streets of Ottawa when the charges were laid.

3. Confiscation and Damage to Property

Peaceful truckers who had their vehicles damaged, especially, under Emergency Measures must be compensated because their property and right to protest were violated. Seizure of property by freezing of trucker bank accounts is also illegal. The *Canadian Bill of Rights* section 1(b) protects individuals from the unlawful deprivation of their property. The Magna Carta’s influence also supports the right to property without arbitrary seizure by the state, a principle recognized in common law.

Cases like *R. v. Dyment* have held that the government must respect property rights and cannot confiscate property without clear legal authority. The *Emergencies Act* provided broad powers, but these powers must still be exercised within the limits of the Common Law and the Canadian Bill of Rights. The seizure of vehicles that were not directly involved in illegal activities (such as blockades) could be challenged as unlawful, and those affected could seek damages under Canadian tort law.

4. Loss of Liberty to Protest and Walk Freely

The loss of liberty experienced by the protestors through arrests, detentions, and the limitation of movement also raises issues under the *Canadian Bill of Rights*, section 1(c), which protects individual liberty. Canadian common law places a high value on the right to liberty, and any limitations must be justified by clear legal authority and must be proportionate to the threat posed.

In *R. v. Grant*, the Supreme Court of Canada clarified that arbitrary detentions violate the common law right to freedom of movement. If protestors were detained without sufficient cause, or if the detentions were conducted as a blanket measure rather than based on individual conduct, this could constitute unlawful detention under both the *Bill of Rights* And common law principles.

Conclusion

In summary, the government’s actions during the invocation of the *Emergencies Act* in response to the trucker convoy protest raise several legal concerns:

- **Criminal Charges:** Criminalizing protesters may have been excessive, particularly given their right to peaceful assembly under the *Canadian Bill of Rights*.
- **Use of Force:** Potential violations of common law protections against assault may have occurred if excessive force was used by police.

- **Confiscation of Property:** The seizure of vehicles could have breached common law property rights if not justified by necessity.
- **Liberty Restrictions:** Arbitrary detentions and limits on movement might have violated common law protections of liberty.
- **Bank Account Seizures:** Protesters could not pay their bills or feed their families first merely conducting non-violent peaceful protests in a symbolic location outside the Ottawa Parliament where laws are made.

1. Illegal Invocation of the *Emergencies Act*

Justice Mosley found that the government's use of the *Emergencies Act* was unjustified and thus illegal. This decision indicates that the threshold for invoking the Act—namely, a national emergency that could not be managed through existing laws—was not met. The federal court found that while the protests caused significant disruption, they did not constitute the type of national emergency the Act is intended to address. Specifically, there was **no blockade or occupation** occurring in Ottawa to justify the extreme measures taken by the federal government.

The illegal invocation of the *Emergencies Act* resulted in several rights violations, particularly concerning the peaceful protestors who were not engaged in any illegal activity, yet faced serious restrictions on their freedoms, arrests, assault, property damage and confiscation, and bank accounts frozen.. This misuse of the Act could lead to the following rights violations:

2. Criminal Charges and the Right to Protest

Peaceful assembly is a cornerstone of Canadian common law, rooted in Magna Carta principles and recognized by the *Canadian Bill of Rights*, which guarantees the right to freedom of speech, assembly, and association under section 1(d). Criminal charges laid against convoy protest participants, including mischief and obstruction, must be scrutinized. Misapplication of such charges against individuals who were merely exercising their right to protest without engaging in violence or blockading critical infrastructure would be a violation of their fundamental liberties.

In cases like *R. v. Behrens*, Canadian courts have held that the peaceful exercise of protest rights should not be criminalized unless it crosses a clear line into criminal conduct. The sweeping criminalization of convoy participants, many of whom were not involved in illegal blockades, reflects a misuse of police powers under the guise of an emergency that did not legally exist.

3. Assault and Excessive Use of Force

The use of excessive force by law enforcement during the clearing of the protest can be seen as an unlawful assault under Canadian law. The common law principle of proportionality requires that force used by police must be appropriate to the threat posed. In *R. v. Nasogaluak*, the Supreme Court of Canada emphasized that excessive use of force violates individuals' rights and can lead to civil or criminal liability for the officers involved.

Given that the protests were largely peaceful in many areas, the deployment of riot police, the use of physical force to remove protestors, and the use of weapons such as pepper spray or batons could be classified as excessive, especially in cases where protestors posed no immediate threat. This constitutes

a violation of the common law rights of individuals not to be subjected to unnecessary or disproportionate force.

4. Confiscation and Damage to Property

The *Emergencies Act* granted the government sweeping powers to confiscate property, including the seizure of trucks, bank accounts and vehicles belonging to protestors. However, the *Canadian Bill of Rights*, section 1(a), protects individuals from the unlawful deprivation of their property, and Magna Carta principles enshrine the right to property without arbitrary seizure by the state of private property or illegally freezing of trucker bank accounts.

In cases like *R. v. Dyment*, the courts affirmed that property rights are fundamental in Canadian law, and any state action that infringes upon these rights must be justified by a clear and pressing necessity. Given that the court found the invocation of the *Emergencies Act* illegal, the seizure of vehicles—especially those that were not involved in illegal blockades or other criminal actions—can be considered unlawful. Affected individuals could seek compensation for property damage or loss, raising serious concerns about the government's overreach in this case.

5. Loss of Liberty to Protest and Walk Freely

The government's actions also resulted in the unlawful detention of protestors and limitations on their freedom of movement. The *Canadian Bill of Rights*, section 1(b), protects the right to liberty, and common law principles have long established that arbitrary detention is a serious violation of individual rights. In *R. v. Grant*, the Supreme Court of Canada ruled that detaining individuals without sufficient cause is a violation of their right to liberty.

Given that the protests were primarily peaceful in certain areas, the widespread use of detention and arrests—based on the unlawful invocation of emergency powers—could be seen as an infringement on protestors' liberty. Any restrictions on the movement of individuals, including the establishment of “no-go” zones or curfews, would similarly violate common law protections, particularly where such measures were not justified by an actual emergency.

Conclusion

The illegal invocation of the *Emergencies Act* by the government during the trucker convoy protest resulted in multiple potential violations of Canadian common law, Magna Carta principles, and rights protected under the *Canadian Bill of Rights*. Specific issues include:

- **Criminalization of Protest:** Unlawfully charging protestors who were peacefully exercising their right to assembly violates their common law rights and protections under the *Bill of Rights*.
- **Use of Force:** The excessive force used by law enforcement constitutes a violation of the common law principle of proportionality, potentially amounting to assault.
- **Seizure of Property:** The confiscation of vehicles and property, when not justified by a lawful emergency, infringes on property rights enshrined in common law and the *Bill of Rights*.
- **Detention and Liberty Restrictions:** Arbitrary detentions and restrictions on movement violate the right to liberty, as affirmed in both common law and the *Bill of Rights*.

- **Seizure Bank Accounts:** Protesters could not pay their rent feed their family etc with access to their funds.

Each of these actions raises serious legal questions about the government's conduct, especially given the court's finding that there was no valid justification for invoking the *Emergencies Act*. Protestors who were affected by these measures have strong legal grounds for challenging the government's actions and seeking redress.

The Canadian government did employ anti-terrorism measures during the enforcement of the *Emergencies Act* in response to the trucker convoy protest. Specifically, the government extended the reach of its *Anti-Terrorism Financing Act* to monitor and freeze financial support for the convoy, citing concerns over money laundering and the potential use of funds for activities deemed threatening to national security. The broad powers allowed financial institutions to freeze accounts and target cryptocurrency donations used to support the protests. Over \$8 million in funds were frozen under this expanded regulatory framework, and these measures also targeted cryptocurrency transactions, which were harder to trace.

The Trudeau government used these anti-terrorism measures to crack down on what it labeled as potential threats to public safety and national security. Although there were no formal accusations of terrorism other than Crysta Freeland's repeated public statements, the extension of anti-terrorism financing laws signaled the government's intention to treat the situation with the utmost severity.

Reports also indicated that the protests garnered international attention, inspiring similar movements globally. The application of these measures came as part of a broader effort to suppress financial and logistical support for the convoy, which the government falsely linked to wider concerns of potential extremism and disruptions to critical infrastructure.

Furthermore, the *Emergencies Act* allowed for extensive collaboration with international partners, particularly in financial matters. The expanded use of *Anti-Terrorism Financing* laws enabled Canadian authorities to block or freeze transactions linked to the protests, invoking international agreements for cross-border financial surveillance and enforcement. ([Reason.com](https://www.reason.com))([Canada.ca](https://www.canada.ca))

Who is responsible to scrutinize the rights violations from the illegal invocation of the Emergencies Act?

The responsibility for scrutinizing potential rights violations, such as the illegal invocation of the *Emergencies Act*, does indeed fall within the purview of the **Minister of Justice and Attorney General of Canada**, who are responsible for ensuring the legality of government actions and defending the rule of law in Canada. This dual role is important in the context of any alleged abuse of state power, especially when it involves civil liberties.

Role of the Minister of Justice and Attorney General of Canada

The Minister of Justice has a duty to:

1. **Ensure the Government's Actions Comply with the Law:** The Minister of Justice serves as the chief legal advisor to the federal government. This role includes scrutinizing any

government decisions or actions that may involve legal issues, including the invocation of emergency powers.

2. **Uphold the Rule of Law:** As Attorney General, the officeholder is tasked with ensuring that government actions, including those that impact citizens' rights, adhere to Canadian law, statutes like the *Canadian Bill of Rights*, and principles of common law.
3. If the *Emergencies Act* is invoked illegally, it is within the responsibility of the Minister of Justice to:
 - **Investigate the legal grounds for the invocation.**
 - **Address any rights violations** that occurred as a result of this action.

Duty to Scrutinize Rights Violations

The **Minister of Justice and Attorney General** is required to oversee the constitutional legality of decisions made by the government, including decisions that involve emergency powers. This responsibility is enshrined in the *Department of Justice Act*, which mandates the Minister of Justice to review government decisions for their adherence to the law.

In the context of the *Emergencies Act*, section 4(2) of the *Emergencies Act* itself requires that any declaration of emergency powers be subjected to strict parliamentary scrutiny and judicial review. This ensures that any extraordinary powers used must meet strict legal standards. Justice Mosely found the government violated the Emergency Act condition, and violated freedom of speech, assembly and protection for unreasonable search and seizure.

In this regard, the **Attorney General** would be responsible for defending or challenging the legality of the government's decision in court to seek a remedy for those harmed.

Case Law: The Role of the Attorney General in Legal Accountability

Several Canadian cases highlight the critical role the Attorney General plays in upholding legal accountability within the government:

1. **Roncarelli v. Duplessis (1959):** This landmark case addressed abuse of government power. It established the principle that **government officials cannot act outside the law** or abuse their power. Although this case predated the *Emergencies Act*, the principles still apply today: government actions, particularly in the case of limiting civil liberties, must be scrutinized to ensure they are lawful and not arbitrary.
2. **Canada (Attorney General) v. Lavell (1974):** In this case, the **Attorney General of Canada** was responsible for defending the government's laws against challenges under the *Canadian Bill of Rights*. This shows the role of the Attorney General in both defending and, where necessary, scrutinizing the legality of government action, particularly when citizens' rights are involved.
3. **Operation Dismantle v. The Queen (1985):** This case confirmed that decisions taken by the federal government, including those involving national security, are subject to **judicial review** to ensure compliance with the law. This reinforces the concept that the government, even in invoking emergency powers, remains subject to legal scrutiny.
4. **Schmidt v. Canada (Attorney General) (2018):** In this case, a government lawyer challenged the Minister of Justice's failure to disclose legal concerns about government legislation. The case revealed the **Minister of Justice's obligation** to raise red flags if government action might infringe on constitutional or statutory rights. The court ruled that there is an expectation that the

Minister of Justice must inform Parliament of any legal concerns, underlining the minister's duty to ensure government actions respect the law.

The *Emergencies Act* Itself and Ministerial Scrutiny

The *Emergencies Act* mandates a high threshold for its invocation, which must be justified as a national emergency that "seriously endangers the lives, health, or safety of Canadians" or threatens the sovereignty, security, or territorial integrity of Canada. If the government fails to meet these criteria, the invocation would be unlawful.

- **Section 4(1)** of the *Emergencies Act* explicitly requires that the declaration of an emergency must be subject to judicial and parliamentary review. This provision ensures that the **Attorney General** has a duty to scrutinize any invocation and defend it if necessary.
- The **Attorney General**, therefore, must ensure that the legal basis for invoking the Act is sound and is legally defensible under existing laws and common law.

Conclusion

The responsibility of scrutinizing the legality of the government's invocation of the *Emergencies Act*, especially when rights violations are alleged, falls squarely on the **Minister of Justice** and **Attorney General of Canada**. This is due to their duty to uphold the rule of law and ensure government actions comply with legal and statutory protections, including those found in the *Canadian Bill of Rights* and Common Law.

The *Emergencies Act* itself outlines mechanisms for review, and case law supports the principle that the Attorney General must hold the government accountable for unlawful or arbitrary actions. If the invocation is deemed illegal, the Attorney General has the obligation to take action, whether by advising the government or responding to legal challenges in the courts.

PART IV - Office of the Information Commissioner (OIC) Findings on Procedural Failure, Failure to Submit for Federal Review, and Failed to Notify the House of Commons.

The date of the final OIC report is 2024/08/06.

Access to Information & Privacy Act # A-2021-00580

Filed on 2021/09/23

<https://peace-man.ca/atip#5b772a2f-47bc-4560-895d-61c315e45f9b>

OIC file # 5822-03179 (Unlisted from OIC) <https://peace-man.ca/atip#42341db0-0fb2-4bfc-a459-c2c031c74d70>

According to findings by the **Office of the Information Commissioner (OIC)**, your office failed to comply with several key procedural requirements related to information requests on the vaccine mandates. The OIC identified the following breaches under the **Access to Information & Privacy Act**:

- **Invalid Time Extensions and Withdrawal**: Your office took an invalid extension of time in response to an access request, which was eventually withdrawn. This contravenes **paragraph 30(1)(a)** of the Act.
- **Improper Hold on Access Requests**: Requests for information were improperly placed on hold, violating **paragraph 30(1)(f)** of the Act.
- **Failure to Communicate as Requested**: Despite specific requests for written communication, your office communicated via phone, further violating **paragraph 30(1)(f)** of the Act.
- **Failure to Assist the Requester**: Under **subsection 4(2.1)**, your office failed to make every reasonable effort to assist the requester, as required by law.

These procedural violations reflect a broader failure in your office's transparency and accountability, particularly concerning the public's right to access critical information about the vaccine mandates, for travel and for government employment. The mishandling of these access requests demonstrates a lack of diligence in upholding legal obligations under the **Access to Information & Privacy Act**, which further undermines public confidence in your office's commitment to accountability and openness.

OIC Findings: A Threat to Democratic Accountability

The **Office of the Information Commissioner (OIC)** found your office in violation of multiple provisions of the **Access to Information & Privacy Act**. These findings reveal systemic failures that undermine the principles of **transparency, accountability, and public oversight**, all of which are cornerstones of a functioning democracy. Here's why these breaches are so significant:

1. Invalid Extensions of Time

Why this is a problem:

When government offices extend response times to access to information requests beyond the legally allowed time frame without proper justification, it severely undermines the **public's right to know**. In a democracy, citizens must be able to access government-held information in a timely manner to hold elected officials and institutions accountable for their actions. By using **invalid time extensions**, your office effectively delayed public scrutiny of policies related to the federal vaccine mandate—policies that had significant implications for the rights and freedoms of Canadians. Delayed information means **delayed accountability**, which erodes public trust in the government's ability to act transparently.

Impact on Democracy: This delay disrupts the checks and balances that ensure the government does not overreach its powers. Without timely information, the public and

media are unable to effectively question or challenge the rationale behind government decisions, which is crucial for maintaining a healthy democracy.

2. Improper Holds on Information Requests

Why this is a problem:

Placing information requests on hold without legal justification obstructs **public access to government records**, which is a fundamental democratic right. When access requests are improperly delayed or withheld, it creates a **culture of secrecy** within the government, where officials may feel empowered to operate with less accountability. In the case of the federal vaccine mandates, the public's ability to understand the legal, scientific, and policy rationale behind these mandates is essential for **democratic debate**.

By placing requests on hold, your office effectively blocked the release of crucial information, limiting the public's capacity to critically evaluate and challenge the government's decisions. **Impact on Democracy:** Unjustified delays in releasing information create barriers to transparency, which can be perceived as attempts to **conceal government misconduct** or incompetence. A democracy relies on open governance where citizens can freely access information to make informed decisions and informed consent and hold their leaders accountable. Missing information does not allow for the citizens to be informed.

3. Failure to Communicate in the Requested Format

Why this is a problem:

The failure to communicate with requesters in their preferred format (in writing) might seem like a minor procedural issue, but it reflects a broader disregard for the **rights of citizens** to engage with their government on clear, accountable terms. By **failing to honor a simple request for written communication**, your office hindered the ability of citizens to have a documented, transparent trail of communications, which is crucial for follow-ups or legal recourse.

This failure to communicate effectively limits the public's ability to **challenge government actions** based on clear and consistent documentation. **Impact on Democracy:** A **transparent, written record** of government communication is a safeguard against arbitrary or opaque decision-making. Denying requesters this record undermines their ability to pursue legitimate grievances, eroding the **legal transparency** that is essential for an accountable government.

4. Failure to Assist the Requester

Why this is a problem:

Under the Access to Information Act, there is an explicit obligation for government bodies to make every reasonable effort to assist individuals seeking information. By failing to assist requesters, your office actively **obstructed access to information**—a direct violation of the principles of open governance.

Citizens and journalists rely on this **assistance** to understand how to navigate complex bureaucratic systems and obtain important data from the government. The failure to provide assistance, as required under **subsection 4(2.1)**, creates unnecessary hurdles for the public, further obstructing the flow of critical information. **Impact on Democracy:** A government that **fails to assist** citizens in accessing information is a government that actively limits public participation in the democratic process. The withholding of assistance stifles civic engagement and creates an environment where only those with substantial resources or expertise can exercise their democratic right to access public information

PART V Failure to Act on Contempt of Parliament

Why this is a problem:

It is the responsibility of Parliament, with your office serving as a key legal advisor, to uphold the rule of law and its own procedures. **Contempt of Parliament** undermines the sovereignty and authority of our legislative institutions, yet your office has failed to act on such contempt.

Parliament holds the inherent power, under **Common Law which includes “parliamentary privilege”**, to cite individuals for contempt and enforce its own orders, including the authority to **summon individuals** and **arrest them** for contempt. Despite this, no actions have been taken to address ongoing contempt of parliamentary orders, and no advice from your office has been issued to enforce arrest through parliamentary privilege. This inaction constitutes a failure to defend the integrity of our parliamentary system and the rule of law.

Legal Basis:

- **Parliament of Canada Act (R.S.C., 1985, c. P-1):** This Act affirms Parliament’s inherent power to enforce its privileges, including the power to arrest individuals for contempt.
- **Historical Precedent:** Precedents support Parliament’s authority to arrest individuals for contempt to ensure compliance with its orders and to uphold its integrity. This power is critical to maintaining the function and sovereignty of Parliament as the supreme law-making body of Canada.
- **Historical Precedent to Arrest in 1913:** In 1913, R.C. Miller, a witness before the Public Accounts Committee, refused to give the required information. This case is a significant instance of this power being exercised when the Canadian Parliament ordered the arrest of Miller who had refused to testify before a parliamentary committee. This act, supported by parliamentary privilege, reaffirmed that the House of Commons and the Senate possess powers akin to those of courts, including the ability to summon individuals and, if necessary, arrest them for defiance of its authority.

Legal Basis for Arrest Powers: Common Law and Statutory Provisions

- **Parliament of Canada Act:** This Act codifies the inherent privileges of Parliament, including the power to discipline or arrest individuals for disobedience or contempt of its authority. This ensures that Parliament retains the ability to enforce its directives and maintain the proper function of its legislative processes.
- **Common Law Precedent:** Parliamentary privilege in Canada, inherited from British legal tradition, grants the Canadian Parliament the right to take actions necessary to safeguard its integrity, including arresting those who commit contempt.
- **Erskine May's Parliamentary Practice:** The leading authority on parliamentary procedure states that one of the primary privileges of Parliament is to ensure the obedience of its orders through direct enforcement measures, including fines and imprisonment.

Why Parliament's Failure to Arrest Those in Contempt is a Problem

1. Undermining Parliamentary Authority:

- **Parliament's Inherent Power:** Parliament possesses the inherent power to enforce its privileges, including the authority to arrest individuals who are in contempt. This power ensures that Parliament can uphold its own rules and orders without external interference.
- **Erosion of Authority:** When Parliament fails to exercise this power, it weakens its authority and credibility. This failure suggests that parliamentary orders and rules are not taken seriously, undermining the institution's ability to enforce compliance and maintain its integrity. If the current parliament refuses to arrest those in contempt and those committed treason they are rejecting common law.

2. Impairing the Rule of Law:

- **Rule of Law Principle:** The rule of law requires that everyone, including those in positions of power, is subject to the law and its enforcement. Parliamentary contempt is a serious matter because it involves a breach of the institution's rules and orders. If Parliament does not act on such breaches, it implies that enforcement of legal and procedural standards can be ignored with impunity.
- **Legal Precedent:** Historically, Parliament has used its power to arrest individuals in contempt as a means of upholding legal and procedural norms. Not exercising this power sets a dangerous precedent that might embolden others to disregard parliamentary rules, leading to a breakdown in the legal order under common law..

3. Compromising Parliamentary Effectiveness:

- **Parliamentary Function:** For Parliament to function effectively, its orders and decisions must be respected and enforced. If individuals who are found in contempt are not held accountable, it hampers the ability of Parliament to carry out its legislative and oversight functions effectively.

- **Disruption of Legislative Process:** Contempt of Parliament can disrupt the legislative process and prevent the efficient functioning of parliamentary committees and sessions. This impedes the overall productivity of Parliament and affects its ability to address critical issues and pass laws.

4. Weakening Public Trust:

- **Public Perception:** When Parliament fails to act on contempt, it can erode public trust in the legislative process. Citizens may perceive Parliament as ineffective or incapable of enforcing its own rules, leading to a loss of confidence in the institution's ability to govern and uphold democratic standards.
- **Accountability and Transparency:** Parliamentary accountability and transparency are vital for maintaining democratic governance. Failure to address contempt undermines the public's belief that their elected representatives are working to uphold the principles of justice and accountability.

The Role of the Minister of Justice in Initiating Police Arrests

1. Legal Framework and Responsibility:

- **Minister of Justice's Role:** The Minister of Justice is the chief legal advisor to the government and is responsible for overseeing the enforcement of laws and upholding legal standards. This role includes advising on and facilitating the enforcement of parliamentary decisions, including those related to contempt.
- **Coordination with Law Enforcement:** Initiating arrests in cases of parliamentary contempt often requires coordination with law enforcement agencies. The Minister of Justice plays a crucial role in ensuring that such coordination happens effectively and that the necessary legal processes are followed.

Legal Basis

1. **The Constitution Act, 1867:** While it doesn't explicitly outline the Minister of Justice's role, the Constitution section 91 establishes the federal government's exclusive jurisdiction and responsibility for "the Peace, Order, and good Government of Canada." This implies a need for a legal advisor to ensure that government actions comply with the law.
2. **The Department of Justice Act:** This legislation establishes the Department of Justice and outlines its mandate, which includes providing legal advice to the government and ensuring the proper administration of justice. The **Department of Justice Act** in Canada establishes the **Department of Justice** and outlines its responsibilities. Some key sections include:

Establishment of the Department: Section 2 of the Act officially creates the Department of Justice and places it under the leadership of the **Minister of Justice**, who is also ex officio the **Attorney General of Canada**. The Minister manages the Department and its duties.

Mandate: Under Section 4, the Minister's responsibilities include:

- Ensuring that the **administration of public affairs** follows legal standards.

- **Supervising the administration of justice** in Canada, except for provincial jurisdictions.
- **Advising on legislative matters**, providing legal counsel on provincial Acts, and advising the Crown on all legal matters.

Legal Advice and Litigation: Section 5 outlines the Attorney General's role, including providing **legal advice to government departments** and managing all **litigation involving the Crown**.

These sections emphasize the Department's role in ensuring legal consistency, providing legal advice, and supervising justice across Canada.

For full details, you can access the full **Department of Justice Act** [Justice Laws](#) and [The Canadian Encyclopedia](#)

3. **Parliamentary Conventions:** While not legally binding, parliamentary conventions dictate how the government operates. The Minister of Justice's role in advising on and facilitating the enforcement of parliamentary decisions is a longstanding convention.

Relevant Case Law: While there might not be a specific case directly addressing the Minister of Justice's role in enforcing contempt of Parliament, the broader principles of ministerial responsibility and the rule of law are well-established in Canadian jurisprudence. For example:

Roncarelli v. Duplessis: This case affirmed the principle that ministers must act within the law and cannot use their powers arbitrarily.

Prud'homme v. Canada: This case emphasized the importance of the rule of law and the accountability of government officials.

Campbell Motors Ltd versus Gordon 1946: This case is significant as it touches on the principle that personal rights, including life, liberty and property rights, are inalienable and must be protected under law. In *Campbell Motors*, the dispute revolved around contractual obligations and the interference in one's ability to manage their business or property, highlighting that such interference could not be legally justified unless done in accordance with established law. The case indirectly reaffirms that individuals have certain inalienable rights, particularly those concerning ownership and the liberty to conduct business without undue interference.

In relation to Canadian law, this ties into the Magna Carta and principles of Common Law, which assert the protection of personal rights and liberties as fundamental. The government's primary role is to safeguard these rights against infringement, aligning with principles found in the Canadian Bill of Rights. The Bill emphasizes that Canadians are entitled to fundamental freedoms such as security of the person, property, and fairness in legal processes, ensuring that no arbitrary action by government or others can violate these essential rights without legal justification.

The *Campbell Motors* decision mirrors these core concepts, as it protects individuals' inherent right to freely manage their legal and business affairs. It reflects the broader legal expectation that governments should act to prevent any undue interference with citizens' rights, emphasizing the state's role in upholding law and order to maintain individual freedoms. This case can be seen as part of the larger legal framework that

stresses the protection of personal liberties as inalienable, underlining the importance of these rights being shielded from arbitrary action.

The relevance of this case is also pertinent to the understanding that the government's primary role, under traditional legal theories like those stemming from the Magna Carta, is to act as a protector of inalienable rights. This is central to the Canadian legal philosophy that the state exists not to dominate but to safeguard the fundamental liberties that are intrinsic to the human condition.

Parliamentary Practices

- **Contempt of Parliament:** When a person or entity disobeys the rules or orders of Parliament, they can be found in contempt. The Minister of Justice, as the government's chief legal advisor, would typically be involved in advising on the appropriate course of action, including potentially recommending the issuance of a warrant for the arrest of the individual or entity found in contempt.

In conclusion, the Minister of Justice's role in advising on and facilitating the enforcement of parliamentary decisions, including those related to contempt, is deeply rooted in Canadian law and parliamentary practice. While there might not be a single, definitive legal document outlining this role in explicit terms, the broader principles of ministerial responsibility, the rule of law, and the government's obligation to uphold parliamentary authority provide a strong legal basis for this function.

2. Ensuring Proper Legal Process:

- **Legal Authority:** For arrests related to parliamentary contempt to be carried out, there must be a clear legal basis and adherence to proper legal procedures. The Minister of Justice ensures that the arrests are conducted lawfully and that all legal requirements are met.
- **Due Process:** The Minister of Justice's involvement helps ensure that the individuals arrested are treated fairly and that their rights are protected throughout the legal process. This involvement helps maintain the integrity of the legal system and prevents potential abuses of power.

3. Upholding the Rule of Law:

- **Enforcement of Parliamentary Orders:** By initiating police action in cases of parliamentary contempt, the Minister of Justice helps uphold the rule of law and reinforces the importance of respecting and enforcing parliamentary decisions.
- **Maintaining Legal and Institutional Integrity:** The Minister's role in facilitating arrests ensures that legal and institutional norms are upheld, reinforcing the authority of Parliament and the broader legal system.

4. Public Confidence and Trust:

- **Demonstrating Accountability:** When the Minister of Justice takes action to address contempt, it demonstrates a commitment to accountability and the rule of law. This helps restore public confidence in parliamentary institutions and the legal system.

- **Preventing Erosion of Trust:** Effective action against contempt helps prevent the erosion of trust in Parliament and the legal system. It shows that institutions are capable of enforcing their rules and maintaining high standards of governance and preserves parliamentary authority.

The Role of the Minister of Justice

The **Minister of Justice** is a crucial figure within the Canadian legal system, tasked with overseeing the administration of justice and ensuring the rule of law. Their responsibilities include providing legal advice to the government on a broad range of issues, including those related to Indigenous rights. The Minister's role is central in ensuring that legal frameworks and policies, including those affecting Indigenous peoples, are appropriately implemented and upheld.

PART VI - Contempt of Parliament and Indigenous Rights

When considering **contempt of Parliament**, it is important to recognize that if the Minister of Justice does not advise Parliament to address instances of contempt, it could have significant implications for Indigenous rights. Here's why:

1. **Rule of Law and Accountability:**
 - Contempt of Parliament refers to actions that obstruct or undermine the functioning of Parliament. The ability to hold individuals accountable for such contempt is fundamental to maintaining the rule of law and ensuring democratic processes. A failure to address contempt can erode Parliament's authority and its ability to enact and enforce laws effectively.
2. **Indigenous Rights Legislation:**
 - Many laws and policies related to Indigenous rights are enacted through Parliament. If Parliament's authority is compromised, it could affect the passage, implementation, and enforcement of these critical laws. For example, legislative measures such as the **Indigenous Languages Act** or the **United Nations Declaration on the Rights of Indigenous Peoples Act** are essential for protecting and advancing Indigenous rights.
3. **Indigenous Self-Determination:**
 - Indigenous communities often seek greater self-determination and governance autonomy. A robust and functional Parliament is necessary to support the framework within which Indigenous governments operate and advocate for their rights. Any weakening of Parliament's authority could undermine the support and respect for Indigenous governance structures.

Specific Impact on Indigenous Rights

To assess the specific impact of the Minister of Justice's actions on Indigenous rights, consider the following factors:

1. **Nature of the Contempt of Parliament:**

- Is the contempt related to issues directly affecting Indigenous rights or interests? For instance, if Parliament fails to address contempt related to Indigenous consultation processes, this could undermine efforts to respect Indigenous rights.

2. **Specific Indigenous Rights Laws or Policies:**

- Are there particular laws or policies connected to the situation at hand? For example, if a specific piece of legislation concerning Indigenous land rights is being challenged or ignored, this could have direct consequences for Indigenous communities.

3. **Broader Context of Indigenous Rights in Canada:**

- How does this situation fit into the larger context of Indigenous-Crown relations and reconciliation efforts? Understanding the broader implications of the Minister's actions within this context is crucial for evaluating their impact on Indigenous rights.

Conclusion

The relationship between the Minister of Justice and Indigenous rights is intricate and significant. A well-functioning and authoritative Parliament is essential to ensure that Indigenous rights are protected and respected. Actions that undermine Parliamentary authority could potentially have far-reaching implications for Indigenous peoples and their rights.

PART VII - Failed to Act on Breach of National Security: Transfer of Scientific Secrets to the Chinese Communist Party

It has come to light that several critical scientific secrets and technologies, developed in Canada through taxpayer-funded research, have been **illegally transferred** to the **Chinese Communist Party (CCP)**. This breach of national security involves highly sensitive information related to **biotechnology, quantum computing, artificial intelligence, and military innovations**.

Your office, as the chief legal advisor to the Canadian government, bears a fiduciary and statutory duty to investigate and prosecute such breaches of national security. The ongoing transfer of these scientific and technological secrets to the CCP poses a **severe threat to Canadian sovereignty, national security, and global stability**. Despite these alarming breaches, no substantive legal actions have been taken by your office to hold those responsible accountable.

Iain Stewart June 21, 2021.

Here is the [official Hansard link](#) for the June 21, 2021, sitting of the House of Commons, where Iain Stewart, the president of Public Health Agency of Canada (PHAC), was admonished for refusing to provide unredacted documents related to the dismissal of two Chinese scientists involved in a security breach. You can verify the proceedings through this public record. No discipline towards Iain Stewart, has been executed to date. The Minister of Justice should have advised Parliament that under common law duty and "parliamentary privilege" Iain Stewart should be arrested for contempt of parliament until he released the documents.

Kristian Firth (2024)

Reprimand: On **April 17, 2024**, Firth was formally admonished by Speaker Greg Fergus after he refused to answer questions during a House committee hearing regarding the ArriveCan app contract. Firth was forced to appear before the bar of the House, a rare event for a private citizen, where he was publicly reprimanded and told to answer all questions posed to him.

Outcome: The formal admonishment did not lead to any legal consequences for Firth, Firth apologized in writing to the House but maintained that he had not intentionally evaded questions but still has not given the information required. Kristian Firth, who was admonished by Parliament on April 17, 2024 for being in contempt, faced a formal reprimand as the specific penalty for his actions. The Parliament has a duty to protect the Parliament and they have the power to arrest Firth and jail him until he complies as they did in 1913 with Miller. He took \$59,000,000 for an \$80,000 app development but would not tell Parliament when he was ordered to do so the details of his interactions with the government officials that authorized this contract payment to GC Strategies the company he represented. Police also found that Firth had altered resumes before presenting them to the government as part of his contract paperwork. [The Hill Times Reach FM](#)

The specific Hansard record for the April 17, 2024, admonishment of Kristian Firth can be found here [House of Commons Journals for April 17, 2024](#). This entry details the occasion where Firth, a contractor involved in the controversial ArriveCan app, was summoned to the bar of the House of Commons and formally rebuked by Speaker Greg Fergus. During the session, Firth faced intense questioning over his company's handling of the ArriveCan contract, following scrutiny from the Auditor General's report.

For additional context, you can view a video recording of the proceedings on the CPAC website [here](#) and Journals entry here [House of Commons](#)

A Recent Parliamentary Committee Report on Foreign Interference in Canada
The National Security and Intelligence Committee of Parliamentarians (NSICOP) recently released a comprehensive report on the names of those who committed treason and the evidence they have to support treason charges. The treason included foreign interference in Canada's affecting democratic processes and breach of national security. This report is a

significant contribution to understanding the threats posed to Canadian democracy and outlines recommendations for strengthening national security measures.

You can find the report here:

- **Special Report on Foreign Interference in Canada's Democratic Processes and Institutions:** <https://www.nsicop-cpsnr.ca/reports/rp-2024-06-03/special-report-foreign-interference.pdf>

This report provides detailed information on the nature of foreign interference, and the impact on Canadians.

Legal Basis:

- **Canadian Security Intelligence Service Act (R.S.C., 1985, c. C-23):** This Act empowers the Canadian Security Intelligence Service (CSIS) to protect Canada from security threats, including espionage. Your office is required to take legal action against breaches of this nature. CSIS advised you in 2021 that treason had been committed including scientific secrets given illegally to the Chinese Communist Party (CCP) and electoral interference by the CCP.
- **Security of Information Act (R.S.C., 1985, c. O-5):** Under this Act, the unauthorized sharing of sensitive information with foreign entities, particularly those that pose a threat to national security like the CCP, is a criminal offense called treason..

Failure to act on these serious breaches of national security constitutes a **gross dereliction of duty** and warrants an immediate investigation and prosecution of all individuals and organizations involved. The transfer of sensitive technologies to the CCP endangers Canada's defense capabilities and compromises its geopolitical position.

PART VIII - Failed to Act on Breach of National Security: Electoral Interference by the Chinese Communist Party (CCP)

Evidence has emerged that **electoral interference** by the **CCP** has undermined the integrity of recent Canadian elections. The CCP's influenced operations, carried out through financial backing, disinformation campaigns, and coercion tactics, aimed to manipulate the outcomes of both federal and provincial elections to install favorable political candidates and policies that benefit China's interests.

Despite widespread evidence of this interference, your office has taken no substantive action to investigate or mitigate the impact of such foreign influence. This failure not only undermines Canadian democracy but also breaches national security by allowing foreign actors to interfere with Canada's political sovereignty.

Legal Basis:

- **Canada Elections Act (R.S.C., 2000, c. 9):** This Act makes it a criminal offense for foreign entities to influence or interfere in Canadian elections. The **Commissioner of Canada Elections** has the authority to investigate electoral violations, but your office holds a broader responsibility for ensuring legal prosecution of foreign infiltrators..
- **Foreign Influence Transparency Scheme Act:** The Act requires the disclosure of any foreign influence over political actors or election candidates. Failure to enforce this law has left Canadian elections vulnerable to manipulation.

Your office's **failure to prosecute** those responsible for foreign electoral interference which not only violates Canadian law but also compromises public trust in democratic institutions and processes.

Additional Breach of Duty

Your failure to take action on the above-mentioned matters, including Parliament's refusal to exercise its parliamentary privilege by arresting individuals for contempt, further erodes public trust in our democratic institutions. This ongoing inaction weakens Parliament's authority and undermines the rule of law. It is your duty, as the Minister of Justice, to advise Parliament on its powers and enforce compliance with its orders.

Your lack of corrective measures to ensure the enforcement of parliamentary authority amounts to a **dereliction of fiduciary responsibility** to protect and uphold the rule of law. In addition, your statutory duty to ensure the compliance of all federal practices, policies, regulations, and legislation with the **Canadian Bill of Rights** has been neglected, as evidenced by both the vaccine mandates issue and the OIC's findings.

Your Legal and Fiduciary Duties

As the Minister of Justice, you are bound by your **oath of office** and fiduciary duties to:

- **Uphold the rule of law** and ensure compliance with the Canadian Bill of Rights,
- **Advise Parliament** on its powers to enforce contempt orders and ensure the integrity of parliamentary proceedings,
- **Protect national security** by taking legal action against breaches of national security laws, including the illegal transfer of scientific secrets and electoral interference by foreign states,
- **Protect fundamental rights** guaranteed under the Canadian Bill of Rights, including the rights to **life, liberty, security of the person**, and **freedom of movement**.

Legal References Supporting Democratic Accountability

- **Access to Information Act (R.S.C., 1985, c. A-1):**

- **Paragraph 30(1)(a)**: Prohibits unnecessary or unjustified extensions to response times, ensuring timely access to government-held information.
- **Paragraph 30(1)(f)**: Prevents arbitrary holds on access requests and mandates compliance with the requester's preferred format of communication.
- **Subsection 4(2.1)**: Imposes a duty on government institutions to provide reasonable assistance to those seeking information, ensuring that the public can effectively exercise their right to access.
- **Canadian Bill of Rights (R.S.C. 1960, c. 44)**:
 - Affirms the right of individuals to **freedom of information** and **access to government-held data** as a cornerstone of **democratic rights** in Canada

The **OIC's findings** do more than highlight procedural errors—they signal **fundamental threats** to the democratic fabric of Canada by obstructing the transparency, accountability, and public oversight that protect the nation from unchecked power.

PART IX - Failure to act on the Federal gun grab law C21

Analysis of Federal Gun Grab (e.g., Bill C-21):

1. Canadian Bill of Rights (CBR)

The **CBR** protects several key rights, including:

- **Right to life, liberty, security of person, and enjoyment of property** (section 1(a)).
- **Right to a fair hearing and due process** (section 2(e)).

2. The important distinction here is that under the CBR, a federal law **cannot violate these rights** unless it **explicitly states** its intent to do so. In the case of a federal "gun grab" law (such as **Bill C-21**), if the law does **not explicitly** say it is overriding property rights or security of the person, it must **not** infringe on these rights.

Bill C-21 does not clearly state an intent to violate the right to property or security, and under the CBR, such a violation would require a clear, explicit statement in the text of the law. If it does not make such a statement, then the law may be **invalid** if it is found to breach rights under the CBR without sufficient legislative justification.

3. Ministerial Duty and Breach of Duty

The **Minister of Justice** is responsible for ensuring that all federal laws comply with the CBR. Given that the **CBR requires explicit language** to override rights like property and liberty, any federal law (including Bill C-21) **cannot infringe on these rights implicitly**. If the law **does not explicitly state** that it is overriding the CBR rights and is still infringing on those rights, the **Minister is in breach** of their duty to review the law and ensure compliance with the Bill.

4. **Saskatchewan and Alberta Bills of Rights**

Both Saskatchewan and Alberta also have their own **Bills of Rights** that protect property and due process. The **federal gun grab** (if enforced without explicit federal authorization to violate property rights) would likely conflict with these provincial laws as well, particularly in their protection of **property rights**.

- **Saskatchewan Bill of Rights**: Protects the right to security of property and person. If the federal law conflicts with these rights and is not explicitly justified, it would likely violate Saskatchewan law.
- **Alberta Bill of Rights**: Similar protections apply here, where the right to property cannot be infringed without explicit legal justification.

5. **Impact of Enforcement Refusal (Police and Military)**

The **refusal** of the military or police to enforce such a law highlights a **legitimacy issue**. Their refusal suggests a recognition that the law may not be enforceable without explicit provisions that justify infringing on rights. This further underscores the **Minister's breach of duty** in allowing the law to proceed without a proper review under the CBR.

Conclusion:

- The **Canadian Bill of Rights** requires explicit language to violate protected rights such as **property and liberty and security of person**. If a federal law like **Bill C-21** does not explicitly state an intention to override these rights, it is in **violation of the CBR**, and the **Minister of Justice** is in breach of their duty to ensure compliance.
- Similarly, the **Saskatchewan** and **Alberta Bills of Rights** protect property and security, and the federal gun grab would violate these provincial protections unless clearly justified at the federal level.

PART XII - No Scrutiny of tampering with official records which destroys transparency

1. *The Emergency Measures Act 1970 v. Emergency Management Act 1976 later called the Emergency Management and Civil Protection Act 2003*

One area of concern that does not appear to have been investigated by the Minister and that is the *Ontario "Emergency Measures Act 1970* and why it has been scrubbed from formal records and the internet. It was never repealed and is still operative.

When the *Emergency Measures Act 1970* was passed it had the following features:

1. It could only be invoked in the case of a i. War ii. impending war iii. Imminent danger from a natural disaster. It could not be invoked based on an impending natural disaster.

2. The relevant provincial ministry would call the emergency
3. If an emergency was declared by the province in more than 1 municipality the Federal Government would take over the management of the emergency
4. The act provided for a committee to be struck to manage the emergency

Then in 1976 there was an amendment to the EMA 1970 to remove the management committee section. And in place of the management committee the province passed an Emergency Management Act. The scope or purpose of this act was to manage an emergency once an emergency was called by the province. It contained no provisions to call an emergency.

Then in 2003 this *Emergency Management Act* was amended. The amendment included a name change to *Emergency Management and Civil Protection Act* and provisions were added to call an emergency. These provisions were fundamentally different from the provisions in the Emergency Measures Act.

1. Now the government could call an emergency for impending disasters based on predictions such as was done in the so-called COVID-19 Pandemic. The emergency was called based on predictions.
2. The Ministers do not call the emergencies under this act it is now the Lieutenant Governor in Council which is precarious to say the least because deviating from the relevant ministries in calling emergencies there is no expertise here.
3. No longer would the Federal Government take over the emergency if the province declared the emergency in more than one municipality. Every municipality in Ontario declared an emergency and yet the Federal Government did not take over.

The history of the *Emergency Measures Act* cannot be seen on E-law, CANLII or Hansards and no record of it appears online searches.

A complainant requested the police investigate the matter of who removed all formal traces of this law. In response an email was issued from the Attorney General of Ontario which asked if the complainant was confused with *Manitoba Measures Act* or the federal *Emergencies Act* even though they had attached a copy of the *Ontario Emergency Measures Act 1970* and the results of the research.

Then they asked for an investigation by the RCMP and gave them the original letter of complaint to police with the Act and research attached and the letter from the Attorney General of Ontario and the answer they got back from Commissioner Brenda Luki was they will not investigate this matter because they only investigate serious crimes.

It appears that the issue of the "*Emergency Measures Act 1970*" being removed from formal records and the internet in Ontario might align with tactics seen in cognitive warfare and psychological operations. Documents like [NATO's "Cognitive Warfare, a Battle for the Brain"](#) discuss how the manipulation of information and historical records can be used to exert control over public perception

Moreover, psychological operations (PsyOps) often target public understanding, sow confusion, and attempt to control narratives. The experience of gaslighting by complainants responses from officials aligns with psychological warfare tactics intended to manipulate perceptions and dismiss legitimate concerns. This could be a deliberate act of information suppression, reflecting broader strategies of cognitive warfare, where controlling access to legal documents and historical legislative changes serves as a method of influence.

The *Emergency Management Act 1976* was not used to "call" or declare an emergency. That responsibility lay with the *Emergencies Act* which would declare a state of emergency and then use the *Emergency Management Act* to coordinate the response.

The *Emergency Management Act 1976* empowers the government to **manage** and **mitigate** the effects of an emergency once it is in progress, rather than triggering the emergency itself.

It was not until the name of the *Emergency Management Act* was changed to the *Emergency Management and Civil Protection Act* in 2003 did it acquire provisions to call an emergency.

COPY OF THE EMERGENCY MEASURES ACT ONTARIO 1970 [LINK](#)

LETTER TO REGIONAL POLICE [LINK](#)

EMAIL FROM THE ATTORNEY GENERAL OF ONTARIO RE EMA 1970 [LINK](#)

LETTER TO BRENDA LUKI RCMP [LINK](#)

This matter must be investigated immediately by the Minister of Justice. If the Ministry fails to investigate the disappearance of the "*Emergency Measures Act 1970*" from records, it could be argued that the Minister is breaching his duty under several legal principles rooted in Canadian law: principle of the rule of law, duty to ensure access to justice, duty to protect legal integrity, and breach of fiduciary duty.

2. Charter of the Five Eyes Intelligence Oversight and Review Council

There is another grave problem that needs immediate attention by the Minister of Justice. A group of countries Canada, the United States, the United Kingdom, Australia and New Zealand have formed an alliance in 1946 to try and protect Canada from invasion from hostile countries.

On behalf of Canada *Security Intelligence Review Committee* signed the newest version of the agreement in 2017.

This alliance primarily shares intelligence, including electronic communications, cyber operations, and data from various surveillance efforts. The Five Eyes (FVEY) has its origins in the post-World War II UKUSA Agreement and remains a significant part of modern intelligence gathering.

In the context of psychological operations (PsyOps) and cognitive warfare, Five Eyes plays a role in sharing intelligence relevant to such operations. Cognitive warfare tactics—like propaganda, disinformation, and influence campaigns—rely heavily on the manipulation of information, and Five Eyes collaboration helps these countries coordinate defenses and offensive capabilities in such domains. The tools used by the alliance include data interception, surveillance of communications, and analysis of cyber threats, all of which are valuable in detecting and countering psyops targeting citizens or military personnel.

Additionally, SIGINT is a crucial aspect of modern warfare, where Five Eyes assists in collecting information that can influence the battlefield through strategic communication and psychological operations. These capabilities make it possible to disrupt adversary networks, gather actionable intelligence, and counter hostile information operations.

The main objective of the *Five Eyes* group, originally established under the UKUSA Agreement, was to facilitate intelligence sharing, primarily in the field of signals intelligence (SIGINT). The aim was to monitor and intercept global communications, particularly to keep track of military and diplomatic communications of adversaries, especially in detecting espionage, terrorism, and cyber threats.

This alliance became a cornerstone in global intelligence, particularly during the Cold War, and continues to play a significant role in global security operations today.

This group collaborates on intelligence gathering, sharing, and security operations. While the Five Eyes doesn't officially label specific nations as enemies, certain countries are considered **adversaries or strategic competitors** due to geopolitical tensions, cyber espionage, and intelligence operations targeting FVEY nations. The primary countries often seen as adversarial to the Five Eyes alliance include:

1. **Russia:**

- Russia is frequently involved in cyber-espionage, disinformation campaigns, and intelligence operations that challenge the security interests of FVEY nations. Russian state-sponsored cyber-attacks have targeted government institutions, critical infrastructure, and elections in the U.S. and other member states.

2. **China:**

- China has become a significant focus due to its aggressive stance on cyber espionage, intellectual property theft, and influence operations. Issues surrounding Chinese tech companies like Huawei have raised security concerns for FVEY countries, leading to bans or restrictions on Chinese technology. China is involved in the breach of national security involving government scientific secrets being given to the Chinese Communist Party and there was Chinese electoral interference

3. **North Korea:**

- North Korea's cyber capabilities, particularly in state-sponsored hacking and theft, pose a threat to FVEY nations. Its nuclear ambitions and political

instability also make it a key focus for intelligence operations within the Five Eyes.

4. **Iran:**

- Iran's cyber activities, regional influence, and geopolitical conflicts in the Middle East bring it into conflict with FVEY interests. Its support for proxy groups and espionage activities are monitored closely by Five Eyes intelligence.

5. **Terrorist Organizations:**

- Non-state actors such as ISIS, Al-Qaeda, and other extremist groups are also key targets of Five Eyes intelligence efforts due to global terrorism concerns.

In summary, while the Five Eyes doesn't explicitly declare any nation as an enemy, countries like **Russia, China, North Korea, and Iran** are often viewed as adversaries due to espionage, cyber warfare, and conflicting geopolitical interests.

However, in 2017 when the amended version of this agreement was signed the government *Security Intelligence Review Committee* no longer does the annual reports to the public and all reference to this Five Eyes operation has been removed from the internet. A copy of the agreement is not made public in Canada this copy was retrieved from a United States government website where it no longer resides.

As in the case of the official records being removed and kept from the public the Minister of Justice must launch an immediate investigation as it signals a possible breach of national security.

The decision to limit public access to the reports from the Canada Security Intelligence Review Committee after 2017 has significant implications:

* **Reduced Transparency:** By restricting public access to these reports, the government is reducing transparency into the activities of intelligence agencies like the Canadian Security Intelligence Service (CSIS). This can lead to concerns about potential abuses of power or overreach.

* **Limited Public Accountability:** Oversight bodies like the review committee are crucial for ensuring that intelligence agencies are operating within the law and respecting civil liberties. When the public cannot access their reports, it becomes more difficult to hold these agencies accountable for their actions.

* **Potential for Erosion of Trust:** A lack of transparency can erode public trust in government institutions, particularly those involved in national security. When citizens feel they cannot trust their government to act responsibly, it can have negative consequences for democratic processes.

* **Impact on Civil Liberties:** Intelligence agencies often operate with significant powers that can potentially infringe on individual rights and freedoms. Public oversight is essential to ensure that these powers are used appropriately and not abused.

Investigation of the matter is the responsibility of the Minister of Justice

The Ministry of Justice should be involved in overseeing intelligence activities. As the department responsible for the rule of law and justice in Canada, it has a critical role in ensuring that government and intelligence agencies operate within legal boundaries and respect of human rights.

Here's why:

- * Legal oversight: The Ministry of Justice can provide legal advice and guidance to intelligence agencies, ensuring that their operations comply with Canadian laws and Canadian human rights standards.

- * Human rights protection: The Ministry can help safeguard civil liberties by monitoring intelligence activities and ensuring that they do not infringe on individuals' rights.

- * Accountability: By playing a role in oversight, the Ministry of Justice can help hold intelligence agencies accountable for their actions and ensure that they are transparent and responsible.

- * Public trust: The Ministry's involvement can help build public trust in the government by demonstrating that intelligence activities are being conducted in a legal and ethical manner.

While other bodies like the National Security and Intelligence Review Agency (NSIRA) also play a crucial role in oversight, the Ministry of Justice's legal expertise and mandate make it a vital component of the Canadian oversight framework.

An analysis of the failure of the Ministry of Justice to investigate the disappearance of the Emergency Measures Act and the Five Eye Agreement as well as the internet scrubbing of these formal documents and discussion of these documents.

The failure to properly investigate the issues of the *Emergency Measures Act (EMA)* and the XXX Five Eyes Agreement has critical implications, especially when such documents and references disappear from public access, raising red flags about transparency and accountability in Canada. This pattern might represent intentional obfuscation, potentially designed to prevent scrutiny of government overreach and to avoid political accountability including the discovery of who is orchestrating this and why. This big question.

Trend Analysis:

The disappearance of documents and related references is troubling, suggesting a **psyop-like strategy** to control the narrative and prevent public backlash. Cognitive warfare principles highlight how governments or other actors can manipulate information environments to control public perception, creating cognitive dissonance among citizens. This behavior aligns with historical misuse of psychological operations (PsyOps), where governments have concealed critical information to prevent scrutiny and dissent.

Psychological Operations in this Context:

The pattern of hiding documents fits into broader psyop strategies:

- **Information Manipulation:** By making information unavailable, the government can reduce public knowledge and foster confusion or passivity.
- **Target Audiences:** The general public may be the primary target, with efforts designed to prevent civic engagement or criticism by suppressing transparency.

In conclusion, the failure to investigate the EMA's and Five Eye Agreement disappearance from public records and scrubbing information about each suggests a serious breach in governmental oversight, potentially part of a larger pattern of information control. This poses a significant risk to democratic principles in Canada, necessitating urgent attention and public discourse.

COPY OF THE FIVE EYES CHARTER: [LINK](#)

PART X - Failure to act on the provincial/municipal land grabs and planned mobility and consumption restrictions with plans to implement 15 minute cities.

The actions you've described, such as municipal by-laws related to "land grabs" or the development of "15-minute cities," may raise legal concerns regarding property rights, freedom of movement, and individual liberty. Here's an overview of potential legal violations and why the Minister of Justice could be seen as responsible for addressing these concerns:

1. Potential Legal Violations by Municipalities

a. Property Rights and Expropriation Laws

- **Violation of Property Rights:** Property rights in Canada are not as robustly protected under the Constitution as in some other countries. However, under the common law, individuals have the right to ownership and use of their property, and any expropriation or land grabs by municipalities must comply with **expropriation laws**.
- **Expropriation Acts:** In each province, there is an expropriation act (e.g., Ontario's *Expropriations Act*) that sets out the conditions under which government bodies, including municipalities, can take private property for public purposes. These acts generally require fair compensation for the property owner, and failure to comply with these provisions could be a violation of legal property rights.

2. Responsibility of the Minister of Justice

Ensuring Municipal and Provincial Compliance with Common Law, the Canadian Bill of Rights (CBR), and Provincial Bills of Rights

The **Minister of Justice and Attorney General of Canada** plays an essential role in ensuring that municipalities and provinces comply with **Common Law**, the **Canadian Bill of Rights (CBR)**, and applicable provincial rights legislation. Municipal and provincial actions, particularly concerning property rights and civil liberties, must be consistent with these legal frameworks. Below are the key areas where compliance is necessary:

a. Compliance with the Canadian Bill of Rights (CBR)

The **Canadian Bill of Rights (CBR)** guarantees fundamental rights such as property rights, the right to security, and due process. **Municipalities** and **provinces** must ensure their laws and bylaws do not infringe on these protected rights.

- The **Minister of Justice** has the authority to intervene if municipal or provincial laws violate the CBR, ensuring that individuals' rights, such as property rights, mobility, and personal freedoms, are not unlawfully restricted.
- The **CBR** applies to all levels of government, meaning that municipalities and provinces must be in full compliance when enacting laws or policies, particularly in areas like land use and mobility regulations.

b. Municipal Compliance with Common Law

Municipalities, though created and governed by provincial statutes, must still act within the bounds of **Common Law principles**, which protect fundamental rights such as property rights and personal liberty.

- Municipal bylaws that overreach—such as those involving **land grabs** (unjust land expropriation) or severe restrictions on movement as part of **15-minute city** initiatives—must adhere to long-standing **Common Law protections**.
- The **Minister of Justice** has an interest in ensuring that municipal actions respect the principles of Common Law and do not infringe on property or personal rights in an unjustified manner.

c. Provincial Compliance with Provincial Bills of Rights

Several provinces, such as Alberta and Saskatchewan, have enacted their own **Bills of Rights**, which provide additional protections to citizens. These statutes protect civil liberties, including property rights and freedom from government overreach.

- **Alberta Bill of Rights** and **Saskatchewan Bill of Rights** serve as additional checks on municipalities and provincial governments, ensuring that citizens' rights are protected against unjust actions, such as unlawful land expropriation or mobility restrictions.
- Provincial governments are responsible for ensuring that both their own actions and those of the municipalities they oversee comply with these bills of rights. The **Minister**

of Justice can intervene when provincial or municipal laws conflict with these fundamental provincial protections.

d. Access to Justice and Remedies for Rights Violations

The **Minister of Justice** is responsible for ensuring that individuals have access to legal remedies if their rights are infringed by municipal or provincial actions. This includes the right to challenge municipal bylaws or provincial laws that violate rights guaranteed under **Common Law**, the **CBR**, or provincial **Bills of Rights**.

- Citizens may seek legal recourse when they believe their rights, such as property rights, have been violated through measures like land expropriation or consumption/mobility restrictions tied to **15-minute city** policies.
- The **Minister of Justice** can facilitate access to courts and ensure that individuals have the ability to contest the legality of these actions.

e. Sections 91 and 92 of the Constitution Act, 1867

While **municipalities** derive their powers from provincial legislatures under **Section 92** of the **Constitution Act, 1867**, the federal government retains certain powers under **Section 91**. These include overseeing the **administration of justice** and ensuring compliance with federal laws, such as the **Canadian Bill of Rights**.

- Although municipalities fall primarily under provincial jurisdiction, their actions must still align with federal law. If municipal actions violate federal laws, including the CBR, the federal government can take legal action to correct the violation.
- The **Minister of Justice** can intervene if municipalities or provinces act in ways that conflict with constitutional principles, federal law, or **Common Law** protections.

Role of Provincial Governments in Ensuring Compliance

Provincial governments are responsible for ensuring that municipalities operate within the legal boundaries established by provincial statutes and bills of rights. Provincial **Ministers of Justice** or **Attorneys General** have the power to review and stop municipal actions that violate individual rights, especially if they conflict with **provincial bills of rights** or **Common Law** principles.

- For example, provincial authorities can intervene when municipalities undertake actions like **land grabs** or pass bylaws that infringe on property or mobility rights without sufficient legal justification.
 - Provincial laws, such as the **Alberta Bill of Rights** and **Saskatchewan Bill of Rights**, act as additional protections, ensuring that municipal bylaws and policies are not enacted in violation of basic legal and civil rights.
-

Conclusion

Municipal and provincial actions, such as **land grabs** and the establishment of **15-minute cities**, must adhere to **Common Law** principles, the **Canadian Bill of Rights (CBR)**, and **provincial bills of rights**. These actions raise significant concerns regarding property rights, mobility rights, and personal liberties. The **Minister of Justice** is responsible for ensuring that these legal frameworks are upheld and that municipalities and provinces do not exceed their legal authority. If municipal or provincial governments overstep, the **Minister of Justice**, alongside provincial authorities, can take steps to safeguard citizens' rights.

This version focuses on **municipalities** and **provinces** ensuring compliance with **Common Law**, the **Canadian Bill of Rights**, and **provincial bills of rights**, while emphasizing the oversight role of both the **Minister of Justice** and **provincial authorities**.

The **Minister of Justice** plays a crucial role in ensuring that federal and provincial actions, including municipal land grabs, comply with established laws and legal protections, such as **Common Law**, the **Canadian Bill of Rights (CBR)**, and **property rights** enshrined under provincial laws and legal precedents. The Minister's responsibility stems from several legal sources and principles:

1. Common Law Protections of Property Rights

- **Common Law** in Canada provides robust protections for property rights, including the right to not have one's property expropriated without due process and fair compensation. This tradition of property rights goes back centuries and forms the bedrock of the Canadian legal system. In cases where municipalities or provinces engage in land expropriation, the **Minister of Justice** has a responsibility to ensure compliance with **Common Law** principles and ensure citizens' property rights are respected.
- **Legal Precedent:**
 - In **Manitoba Fisheries Ltd. v. The Queen (1979)**, the Supreme Court of Canada held that the **expropriation of property by the government** requires adequate and just compensation. This principle applies to all levels of government, including municipalities, and the Minister of Justice has a duty to ensure that this standard is upheld.

2. The Canadian Bill of Rights (CBR)

- The **Canadian Bill of Rights (1960)** explicitly protects the right to enjoyment of property. While the **CBR** only applies to federal laws and actions, its principles can serve as a guiding framework for how the **Minister of Justice** ensures that property rights are respected when federal or provincial actions are in question.
- **CBR, Section 1(a):** This section guarantees the right to "life, liberty, security of the person, and enjoyment of property, and the right not to be deprived thereof except by

due process of law." The **Minister of Justice** has a mandate to ensure that land expropriations comply with this protection, even when they occur at the provincial or municipal level if federal interests are involved.

3. Provincial Bills of Rights

- Some provinces have enacted their own **Bills of Rights**, such as the **Alberta Bill of Rights** (1946) and the **Saskatchewan Bill of Rights** (1947), which guarantee the protection of property rights. The **Minister of Justice** has a role in ensuring that federal laws or actions by provinces and municipalities do not infringe upon rights guaranteed under provincial laws, especially where such actions conflict with broader legal principles.
- **Alberta Bill of Rights (Section 1)**: Guarantees the "right of the individual to the enjoyment of property and the right not to be deprived thereof except by due process of law." This reflects the federal mandate to respect these property rights within provincial jurisdictions as well.

4. Expropriation Laws

- Each province has **Expropriation Acts** that regulate how land can be taken by the government for public purposes. These laws typically require:
 - **Public purpose justification** for taking the land,
 - **Due process** ensuring notice and the right to a hearing, and
 - **Fair and prompt compensation**.

The **Minister of Justice** ensures compliance with these provincial statutes and ensures that no federal law enables or supports actions that violate these expropriation protections.

- **Legal Precedent:**
 - In **Toronto Area Transit Operating Authority v. Dell Holdings Ltd. (1997)**, the Supreme Court held that **fair compensation** must be paid to individuals whose property is expropriated. The Court recognized the need for adequate compensation, including losses caused by delays in expropriation. The **Minister of Justice** is responsible for upholding these principles at a federal level when municipalities or provinces expropriate land for public use.

5. Minister of Justice's Responsibility under the Constitution

- **Section 91 and 92** of the **Constitution Act, 1867** delineate the powers between federal and provincial governments. While municipalities are governed by provincial statutes under **Section 92**, the **Minister of Justice** is responsible for ensuring that federal laws and actions comply with constitutional principles, which include protections for property rights and the administration of justice.
- The **Minister of Justice** can intervene if a municipality or province engages in land expropriation that contravenes federal laws, Common Law principles, or violates fundamental rights that fall under federal jurisdiction.

6. Administrative Justice and Access to Remedies

- The **Minister of Justice** is responsible for ensuring that there is **access to justice** for individuals whose property rights have been infringed. This includes providing avenues for challenging unjust land expropriations through the courts or through administrative remedies, ensuring that citizens are not deprived of their property without proper recourse.
- **Legal Precedent:**
 - In **Authorson v. Canada (Attorney General) (2003)**, the Supreme Court of Canada reinforced the importance of access to judicial remedies when rights are infringed, particularly in cases where property rights are at issue.

Conclusion:

The **Minister of Justice** is responsible for ensuring compliance with the **Common Law**, the **Canadian Bill of Rights (CBR)**, and provincial property rights legislation, and has a duty to intervene when municipalities or provinces engage in land grabs that violate these principles. Legal precedents such as **Manitoba Fisheries Ltd. v. The Queen** and **Dell Holdings Ltd.** support the right to due process, fair compensation, and property rights in cases of expropriation, which the Minister must safeguard. Moreover, the **Minister of Justice** ensures that these protections are consistently upheld across Canada, even at the municipal level.

Examples of Land Grabs in Canada

1. **Doug Ford's Greenbelt Land Swap – Ontario (2023)**
 - **What Happened:** Ontario Premier Doug Ford's government removed 7,400 acres (approximately 3,000 hectares) of land from the protected **Greenbelt area** in southern Ontario, with the stated intention of building 50,000 new homes. This decision was met with heavy criticism due to the lack of transparency around the reasons for removing the land from the Greenbelt, and there was no clear public benefit provided as justification.
 - **Criticism:** There was significant public outcry because the Ford government did not provide a clear explanation or public consultation on why these specific parcels were chosen for removal, leading to allegations of impropriety and favoritism towards developers. There were also concerns that the land could be used for purposes other than housing.
 - **Result:** After months of intense political pressure and media scrutiny, Doug Ford admitted the move was a mistake and reversed the decision to allow development on the Greenbelt land in September 2023. However, the lack of initial transparency regarding the land use fueled fears of further unchecked land grabs by the government.
2. **Highway 413 and the Bradford Bypass – Ontario**
 - **What Happened:** Premier Doug Ford's government has also been criticized for pushing ahead with controversial highway projects like **Highway 413** and the **Bradford Bypass**, which would require large amounts of land expropriation, including protected areas in the Greenbelt.

- **Criticism:** Environmental advocates have argued that these projects represent land grabs disguised as infrastructure development, threatening farmland, wetlands, and wildlife corridors. There has been little public disclosure about the full environmental and social impact of the projects, further fueling concerns.
3. **Wetland Land Swap – Pickering, Ontario**
- **What Happened:** In another controversial case, the Ford government approved a land swap in **Pickering, Ontario**, where protected wetland was removed from the Greenbelt for development purposes, although the exact nature of the development was not disclosed clearly to the public.
 - **Criticism:** Critics accused the government of failing to provide a transparent justification for the land swap and raised concerns that it would harm the local environment without delivering promised benefits like affordable housing.

Cities Accused of Land Grabs

1. **Pickering, Ontario:** The land swap involving protected wetlands for unspecified future development projects has drawn widespread accusations of a government-backed land grab.
2. **Hamilton, Ontario:** There have been significant public protests against urban boundary expansions that would result in farmland being converted into residential areas. Critics argue that these plans amount to land grabs by developers, with support from municipal governments.
3. **Ottawa, Ontario:** Similar debates have arisen over urban boundary expansions. In 2021, the city council voted to expand Ottawa's urban boundary, paving the way for the development of 1,281 hectares of farmland. Environmental groups and concerned citizens opposed the move, viewing it as a land grab.

What is the Minister of Justice required to do in the following cases where he finds rights are violated or due process is not followed.

The **Minister of Justice** plays a key role in ensuring that municipal and provincial actions, such as land swaps, urban boundary expansions, and other types of land expropriations, are consistent with **Canadian law**, including **Common Law**, the **Canadian Bill of Rights (CBR)**, **provincial expropriation statutes**, and relevant case law. In the case of the cities accused of "land grabs," the Minister should take specific legal actions based on the circumstances of each case. Here's a detailed breakdown of what the Minister should be doing for **Pickering**, **Hamilton**, and **Ottawa**:

1. Pickering, Ontario: Land Swap Involving Protected Wetlands

- **Legal Context:** The land swap involving protected wetlands in Pickering for unspecified future development is controversial because it raises concerns under **environmental protection laws**, **expropriation laws**, and **property rights**. Wetlands are typically protected under both federal and provincial environmental statutes, such as **Ontario's Environmental Protection Act** and the **Planning Act**.

- **Minister's Responsibilities:**
 - **Enforce Environmental and Expropriation Laws:** The **Minister of Justice** should ensure that any land swap or expropriation of protected wetlands complies with both **Common Law** protections of property rights and environmental laws. Municipalities must show that they are acting within the bounds of the **Environmental Protection Act** and that the land swap serves a legitimate public purpose, which is in the public interest.
 - **Case Law:** The Supreme Court's decision in **Friends of the Oldman River Society v. Canada (Minister of Transport) (1992)** established that **environmental considerations** must be taken seriously by government bodies in making decisions that could affect protected lands. The Minister should intervene if environmental due process is being bypassed.
 - **Judicial Review:** The Minister can initiate or support a judicial review to challenge the legality of the land swap, ensuring that the decision was made with full public consultation and that the wetlands' protection under provincial law was not unlawfully circumvented.

2. Hamilton, Ontario: Urban Boundary Expansion

- **Legal Context:** The expansion of Hamilton's urban boundary involves turning farmland into residential areas. These actions are often seen as benefiting developers at the expense of long-term environmental sustainability and food security, raising potential violations of **provincial land-use planning laws**, such as Ontario's **Greenbelt Act** and **Planning Act**. This could also be seen as an expropriation of land that is inconsistent with **Common Law** principles requiring public justification and fair compensation for property owners.
- **Minister's Responsibilities:**
 - **Monitor for Compliance with Expropriation Law:** The **Minister of Justice** should ensure that these urban boundary expansions comply with **Ontario's Expropriation Act**. The **Supreme Court** in **Dell Holdings Ltd. v. Toronto Area Transit Operating Authority (1997)** emphasized that expropriation of land for public purposes requires adequate and fair compensation, especially when farmland is involved. The Minister should ensure that developers and municipalities respect this principle, even if the expansion is justified by municipal growth plans.
 - **Assess Public Interest vs. Private Gain:** The Minister should assess whether the expansion truly serves the public interest or whether it is primarily driven by private developers. If the latter, the Minister can challenge the municipality's legal basis for the land use change under **Common Law** and provincial statutes, potentially leading to legal action to stop the expansion.
 - **Review Provincial and Municipal Land-Use Plans:** The Minister can argue that municipalities are exceeding their authority if the expansion violates the spirit or letter of provincial legislation like the **Greenbelt Act** or the **Planning Act**. Judicial challenges or public interest litigation could halt or reverse the boundary expansions.

3. Ottawa, Ontario: Urban Boundary Expansion Involving Farmland

- **Legal Context:** In 2021, Ottawa's city council voted to expand its urban boundary to include 1,281 hectares of farmland, despite significant opposition from environmental groups. This raises concerns about whether farmland is being expropriated in a manner inconsistent with land-use planning laws and expropriation principles, particularly given the importance of preserving farmland for food security.
- **Minister's Responsibilities:**
 - **Ensure Compliance with Expropriation Laws:** The **Minister of Justice** should ensure that Ottawa's city council complies with **provincial expropriation laws** when expanding the urban boundary. **Fair compensation** must be provided to any landowners affected by the expansion, and the public interest must be demonstrated. The precedent set by **Dell Holdings Ltd. v. Toronto Area Transit Operating Authority (1997)** is critical here, as it requires municipalities to provide adequate justification and compensation when converting agricultural land for development.
 - **Review Public Interest Justifications:** The **Minister of Justice** should review whether the urban boundary expansion serves a legitimate public purpose, or if it disproportionately benefits developers at the expense of environmental and agricultural concerns. Municipal governments must prove that the conversion of farmland is necessary and justified under Ontario's **Planning Act** and other relevant statutes.
 - **Environmental Considerations:** The expansion of urban areas into farmland often has significant environmental impacts. The Minister should ensure compliance with environmental protection laws, such as Ontario's **Places to Grow Act** and the **Environmental Protection Act**, which seek to limit urban sprawl and protect valuable agricultural and natural lands. The Minister should scrutinize whether Ottawa's expansion plans meet these legal requirements and challenge any unlawful decision-making.

Case Law and Legal Precedents Supporting Ministerial Action:

- **Manitoba Fisheries Ltd. v. The Queen (1979):** The Supreme Court of Canada ruled that expropriation of property must be accompanied by **adequate and fair compensation**, a principle that should apply to all municipal expansions or land swaps.
- **Dell Holdings Ltd. v. Toronto Area Transit Operating Authority (1997):** This decision reaffirmed that expropriation of land must involve **compensation for all losses** incurred, and not just the market value of the property. The Minister of Justice should ensure that municipalities respect these compensation rights.
- **Friends of the Oldman River Society v. Canada (Minister of Transport) (1992):** This case established that **environmental assessments** and protections must be adhered to by government bodies when making decisions that impact sensitive lands. The Minister has a responsibility to ensure that urban expansions and land swaps follow these precedents.

Conclusion:

In each of these cases—Pickering, Hamilton, and Ottawa—the **Minister of Justice** should be actively ensuring that municipal decisions involving land swaps, urban expansions, or boundary changes are legally sound, follow expropriation laws, respect **Common Law** protections, and comply with **environmental laws**. The Minister should also review whether these actions genuinely serve the public interest and ensure that affected landowners are fairly compensated in line with **Dell Holdings Ltd.** and **Manitoba Fisheries Ltd.**. By challenging potentially unlawful municipal actions in court or supporting public interest litigation, the Minister can help prevent unjust "land grabs" that violate property rights and environmental protections.

Urban Freedom

Critics argue that 15-minute cities may limit personal mobility by reducing the need for cars, which some fear could lead to de facto restrictions on movement.

Action:

The Minister of Justice should ensure that any city regulations respect **mobility rights** under Canada's **Bill of Rights (1960)**, specifically **Section 1(a)**, which guarantees the right to personal security and individual liberty. This provision safeguards the individual's right to move freely without unjust restrictions, ensuring that urban plans do not infringe on personal liberties, even when promoting sustainability goals.

At the provincial level, cities in Alberta, Ontario, and British Columbia must also comply with their respective **Human Rights Acts**, which protect individuals from unreasonable interference in daily life by government regulations. Overly restrictive mobility regulations could trigger claims that the government is imposing unreasonable limits on individual liberty, violating the **Alberta Bill of Rights (1946)**, which contains similar provisions.

Common Law:

Under **common law**, the right to mobility and freedom of movement is closely related to the principle of **personal autonomy**. The common law has long upheld the importance of freedom of movement unless restricted by lawful authority. Any urban planning scheme that limits residents' ability to travel freely could be challenged under this doctrine, and the courts would likely scrutinize whether such limitations are reasonably justified in light of public interest goals.

2. Zoning Law Changes and Overregulation

Implementing 15-minute cities involves major changes to zoning laws, which may lead to challenges from developers or citizens arguing that such changes represent overregulation.

Action:

The Minister of Justice must ensure that all municipal zoning changes comply with the **Canadian Bill of Rights** and provincial laws, ensuring they do not impose unnecessary regulatory burdens on property owners. Section 1(b) of the **Canadian Bill of Rights** affirms the right to enjoy property, subject only to justifiable laws. Zoning by-laws that excessively restrict property use or development could face legal challenges if seen as infringing on this right.

In **Ontario**, zoning laws must comply with the **Ontario Bill of Rights**, and cities like Toronto must adhere to planning statutes like the **Ontario Planning Act**. The Act grants municipalities the authority to pass zoning by-laws but also requires public notice and hearings to ensure fair process.

Common Law:

In **common law**, property rights are deeply protected, and there is an expectation that property use restrictions should be reasonable and not unduly restrictive. Courts have traditionally supported the **right to enjoy property** without excessive government interference, and zoning by-laws can be overturned if they are deemed to be arbitrary, overly restrictive, or unjustifiably infringing on property rights. The principle of **judicial review** can be invoked to challenge unreasonable zoning laws.

3. Gentrification and Affordability

Critics argue that 15-minute city plans, while promoting walkable neighborhoods, could lead to **gentrification** and rising housing costs, potentially displacing lower-income residents.

Action:

The Minister should advocate for affordable housing policies in line with the **Canadian Bill of Rights**, particularly under **Section 1(b)**, which emphasizes the right to enjoyment of property without discrimination. Affordable housing is essential to ensure that 15-minute cities remain accessible to all income levels, preventing displacement due to rising property values. Ensuring that municipal regulations support mixed-income housing developments can mitigate the effects of gentrification.

Provincial laws, such as **British Columbia's Human Rights Code** or **Ontario's Human Rights Code**, may also be applicable in preventing socio-economic discrimination through housing policies. The Minister should ensure that urban planning initiatives consider these laws to address inequality in housing.

Common Law:

The principle of **equitable access to housing** is a long-standing concern in common law, which emphasizes fairness and equality in the distribution of resources. If a planning policy results in de facto discrimination against low-income residents, common law remedies could be sought to challenge the government's actions, asserting that public authorities have a **duty of fairness**.

4. Environmental Concerns and Sustainability

The 15-minute city model emphasizes environmental sustainability, but there are concerns about whether environmental regulations are balanced with urban growth and development.

Action:

The Minister of Justice must ensure that municipal projects comply with **federal environmental laws** such as the **Canadian Environmental Protection Act (CEPA)**. This ensures that urban planning initiatives like the 15-minute city align with national sustainability standards, protecting the environment while promoting walkable, dense communities.

At the provincial level, cities must comply with environmental laws such as **British Columbia's Environmental Management Act** or **Ontario's Environmental Protection Act**. These laws require assessments of potential environmental impacts and enforce pollution controls, making sure that the benefits of urban planning do not come at the expense of environmental sustainability.

Common Law:

The common law principle of **nuisance** can be invoked by citizens or advocacy groups if urban development projects infringe on environmental rights, such as air quality, noise pollution, or green space preservation. The doctrine of **public nuisance** allows individuals to challenge government decisions that adversely affect environmental health or community well-being.

5. Public Consultation and Democratic Participation

Urban planning projects that dramatically alter neighborhoods must include meaningful public consultation to ensure democratic participation and compliance with laws requiring transparency and citizen engagement.

Action:

The Minister of Justice should ensure that planning projects follow proper procedures for public consultation, as mandated by laws such as the **Statutory Instruments Act (federal)** or the ****Ontario**

Planning Act (provincial), which require municipalities to provide adequate notice and opportunities for public input. Public consultation is key to ensuring that urban planning processes, including the adoption of 15-minute cities, respect democratic principles and do not result in unforeseen harms to residents. Failing to properly consult could result in challenges based on procedural fairness.

Common Law:

Under **common law**, the principle of **procedural fairness** requires that individuals affected by government decisions have a right to be heard. Public consultation is a vital aspect of this right, especially in decisions affecting land use, transportation, and neighborhood development. If municipal authorities fail to engage the public adequately, citizens can challenge the legitimacy of planning decisions based on this principle.

By focusing on **Canada's Bill of Rights**, **provincial Bill of Rights**, and **common law**, the **Minister of Justice** can address concerns about the 15-minute city plans without invoking the Charter, ensuring that any urban planning initiatives respect fundamental rights such as mobility, property enjoyment, public consultation, and equitable access to housing.

What steps must the Minister take to insure justice is done.

If the **Minister of Justice** determines that rights are being violated or that due process is not being followed in the implementation of **15-minute city plans** or any other urban planning initiatives, several steps must be taken to address the issues. These steps involve both **corrective actions** and **preventive measures** to ensure compliance with the law. Here's a detailed outline:

1. Legal Review and Investigation

The Minister's first step would be to initiate a **legal review** to assess the nature and scope of the rights violations. This review should involve:

- **Evaluating existing municipal by-laws and zoning regulations** in the context of the **Canadian Bill of Rights**, **provincial Bill of Rights**, and **common law** principles.
- **Conducting investigations** to determine whether due process has been followed in public consultation, environmental assessments, and urban planning decisions.
- **Seeking legal opinions** from government legal advisors, constitutional experts, and administrative law specialists to identify specific areas of non-compliance.

The goal of this investigation would be to determine whether actions taken by municipal authorities or other actors have resulted in unjustified infringements on mobility, property rights, or procedural fairness.

2. Issuing Directives to Municipal Authorities

If rights violations are identified, the Minister has the authority to issue **directives** to municipal or provincial governments to rectify the situation. These directives may include:

- **Ceasing or amending certain regulations** that violate the **Canadian Bill of Rights** or **provincial statutes**.
- **Modifying zoning by-laws** that excessively restrict property use or unduly infringe on mobility rights.

- **Repealing or revising any municipal laws** found to be over-regulating personal freedoms or violating procedural requirements.

Federal oversight can be applied where municipal actions fall under the scope of federal legislation or involve federal programs.

3. Mediation and Negotiation

The Minister can facilitate **mediation** or **negotiation** between citizens, advocacy groups, and municipal authorities to resolve disputes. This might be necessary if the issue involves complex urban planning challenges, such as gentrification or housing affordability, which require stakeholder engagement to find workable solutions.

- **Mediation** would involve all relevant parties working towards a solution that aligns with the legal requirements and addresses concerns of citizens, especially those disproportionately affected by the urban planning policies.

4. Challenging Unlawful Actions in Court

If municipal authorities refuse to comply with the Minister's directives or fail to take corrective action, the Minister can:

- **Launch legal challenges** in provincial or federal courts to overturn unlawful municipal by-laws or urban planning decisions. This could involve invoking both the **Canadian Bill of Rights** and **provincial Bill of Rights**, as well as applicable **common law principles**.
- Seek **injunctive relief** to halt the enforcement of regulations or policies that infringe on rights while the matter is under judicial review.

In cases where violations impact large segments of the population, a **class-action lawsuit** or **public interest litigation** could be initiated or supported by the Minister to protect the rights of affected residents.

5. Amending Legislation

If systemic issues are identified in municipal governance or zoning regulations that violate rights, the Minister may propose amendments to relevant laws, such as:

- **Introducing or modifying federal legislation** (e.g., urban planning laws, environmental regulations) to ensure that municipalities respect fundamental rights.
- **Working with provincial legislatures** to amend **provincial planning acts** or **municipal government acts** to clarify the limits of local government authority, ensuring that their actions do not infringe on property rights or individual freedoms.

Legislative amendments might also focus on improving transparency, public consultation processes, and fair access to housing and services.

6. Monitoring and Compliance

Once corrective actions are taken, the Minister should implement measures to **monitor compliance** with the directives issued. This might include:

- **Establishing an oversight committee** or appointing an **ombudsman** to regularly review urban planning initiatives for compliance with the law and fundamental rights.
- **Requiring regular reporting** from municipal governments to ensure they are respecting citizens' rights in future planning decisions.
- **Auditing** municipal by-laws and planning processes to ensure they align with federal and provincial rights laws.

The aim is to prevent future violations and ensure that all municipal authorities understand their obligations under the **Canadian Bill of Rights, provincial laws, and common law principles**.

7. Public Communication

The Minister should ensure that the public is **informed of their rights** and the measures being taken to protect those rights. This can involve:

- **Issuing public statements** explaining the rights violations that were found and the steps being taken to address them.
- **Creating awareness campaigns** to educate residents about their legal rights in relation to urban planning and mobility.
- **Providing resources and legal assistance** to residents who have been negatively impacted by unlawful planning decisions.

8. Supporting Compensation or Restitution

If the rights violations have resulted in harm to individuals (e.g., property loss, unlawful restrictions on mobility), the Minister can support efforts for **compensation** or **restitution**. This might include:

- Encouraging municipalities to create **compensation funds** for those adversely affected by unlawful urban planning measures.
- Supporting **legal claims** for damages if residents have suffered economic or personal harm due to municipal overreach.

Summary of Key Steps:

1. **Legal review and investigation** of rights violations.
2. **Issuing directives** to municipal authorities to correct unlawful actions.
3. **Mediation and negotiation** to resolve conflicts.
4. **Court challenges** to strike down unlawful by-laws or regulations.
5. **Legislative amendments** to prevent future violations.
6. **Monitoring and compliance** oversight to ensure continued adherence to laws.

7. **Public communication** to inform residents of their rights.
8. **Supporting compensation** for affected individuals if harm has occurred.

By following these steps, the **Minister of Justice** ensures that any violations of the **Bill of Rights, provincial rights laws, or common law principles** are swiftly addressed, protecting citizens' rights and upholding the rule of law in the context of urban planning initiatives like 15-minute cities.

15-Minute City Plans in Canada

A **15-minute city** is an urban planning concept where all essential services (work, shopping, healthcare, education, and leisure) are within a 15-minute walk or bike ride from home. This model aims to reduce dependency on cars and improve quality of life, but it has also drawn criticism from those concerned about restrictions on mobility and urban freedom.

Cities in Canada Pursuing 15-Minute City Plans:

1. Edmonton, Alberta

- **What's Happening:** Edmonton is one of the first cities in Canada to adopt the **15-minute city** concept as part of its **City Plan**. The goal is to create neighborhoods where residents can access most of their daily needs within a 15-minute walk. The plan has focused on redesigning neighborhoods to become more pedestrian- and bike-friendly.
- **Criticism:** Some opponents argue that the 15-minute city could result in overregulation and potential restrictions on movement, although the city insists it is about providing more choices rather than limiting freedom.

2. Ottawa, Ontario

- **What's Happening:** Ottawa is integrating the 15-minute city model into its **Official Plan**, which aims to build dense, walkable neighborhoods. This involves significant changes to zoning laws and public transit systems.
- **Criticism:** Concerns have been raised about possible restrictions on mobility if the city enforces limitations on car usage to achieve the goals of the 15-minute city. However, the city has emphasized that the plan focuses on enhancing local access rather than imposing restrictions.

3. Vancouver, British Columbia

- **What's Happening:** Vancouver has long embraced principles of urban sustainability and is actively promoting 15-minute city elements within its **Greenest City Action Plan**. The city aims to create more complete communities by focusing on walkable neighborhoods, green spaces, and local amenities.

- **Criticism:** While the idea has broad support in Vancouver, there are still concerns about rising housing costs and how they might affect the affordability of living in these well-planned neighborhoods.
4. **Toronto, Ontario**
- **What's Happening:** Toronto has started to integrate the 15-minute city model into certain parts of the city as part of its broader **Toronto Green Standard**. New developments are being planned with walkability and local services in mind.
 - **Criticism:** Some concerns have been raised about potential gentrification, which could make these 15-minute communities less affordable and accessible for lower-income residents.

Conclusion

- **Land Grabs:** Cases such as Doug Ford's Greenbelt land swap and highway projects in Ontario have raised alarms about potential government-backed land grabs. The lack of transparency and public consultation in these decisions has heightened concerns about abuse of power and improper land use.
- **15-Minute Cities:** While the 15-minute city concept is being embraced in several Canadian cities, including Edmonton, Ottawa, Vancouver, and Toronto, concerns about restrictions on mobility and the potential for gentrification persist. Although these plans aim to improve urban living, they are not without controversy, particularly when it comes to balancing freedom and sustainability

PART XI - Result of the Minister's failure to exercise his duty according to Common Law and statutes.

Municipal by-laws related to "land grabs" or the development of "15-minute cities," may raise legal concerns regarding property rights, freedom of movement, and individual liberty. Here's an overview of potential legal violations and why the Minister of Justice could be seen as responsible for addressing these concerns:

1. Potential Legal Violations by Municipalities

a. Property Rights and Expropriation Laws

- **Violation of Property Rights:** Property rights in Canada are not as robustly protected under the Constitution as in some other countries. However, under the common law, individuals have the right to ownership and use of their property, and any expropriation or land grabs by municipalities must comply with **expropriation laws**.
- **Expropriation Acts:** In each province, there is an expropriation act (e.g., Ontario's *Expropriations Act*) that sets out the conditions under which government bodies, including municipalities, can take private property for public purposes. These

- acts generally require fair compensation for the property owner, and failure to comply with these provisions could be a violation of legal property rights.
- **Due Process:** Any municipal bylaw that severely limits property rights or freedom of movement must also provide due process, meaning fair legal procedures (e.g., public consultations, avenues for appeals). If municipalities bypass these processes, they could face legal challenges.

b. Oversight of Municipal Powers

- While municipalities are creatures of provincial legislation, the Minister of Justice has an interest in ensuring that municipal actions do not violate federal laws, including the **Constitution Act, 1982 which protects Common Law principles and Canadian Bill of Rights**. If a municipality violates federal law or constitutional principles, the federal government can take legal action.

c. Access to Justice and Safeguarding Rights

- As part of their role, the Minister of Justice is responsible for ensuring that citizens have access to the courts to challenge any infringement of their rights. The Minister may be involved in providing support for individuals or groups who wish to challenge the legality of municipal bylaws in court.

d. Section 92 and 91 of the Constitution Act, 1867

- Municipalities derive their powers from provincial legislatures under Section 92 of the **Constitution Act, 1867**. However, the **federal government** retains certain jurisdictional powers under Section 91, including matters related to the administration of justice and potentially intervening in disputes involving federal law or constitutional principles.

3. Role of the Provincial Governments

It's important to note that municipalities fall under **provincial jurisdiction**, and provinces have the primary authority to create or amend the laws governing municipalities (e.g., the Municipal Act in Ontario). Therefore, the provincial Attorney General or Minister of Municipal Affairs may also play a significant role in reviewing and stopping any municipal actions that infringe on individual rights.

Conclusion

Municipal actions like "land grabs" and the establishment of 15-minute cities could raise concerns about the violation of property rights, mobility rights, and personal liberty, depending on how the bylaws are implemented. The **Minister of Justice** has a responsibility to ensure that these actions comply with the Canadian Bill of Rights and broader constitutional principles that rest on Common Law. If municipalities or provinces overstep their legal authority, the Minister can intervene to protect individual rights and prevent violations.

Examples of Land Grabs in Canada

1. Doug Ford's Greenbelt Land Swap – Ontario (2023)

- **What Happened:** Ontario Premier Doug Ford's government removed 7,400 acres (approximately 3,000 hectares) of land from the protected **Greenbelt area** in southern Ontario, with the stated intention of building 50,000 new homes. This decision was met with heavy criticism due to the lack of transparency around the reasons for removing the land from the Greenbelt, and there was no clear public benefit provided as justification.
- **Criticism:** There was significant public outcry because the Ford government did not provide a clear explanation or public consultation on why these specific parcels were chosen for removal, leading to allegations of impropriety and favoritism towards developers. There were also concerns that the land could be used for purposes other than housing.
- **Result:** After months of intense political pressure and media scrutiny, Doug Ford admitted the move was a mistake and reversed the decision to allow development on the Greenbelt land in September 2023. However, the lack of initial transparency regarding the land use fueled fears of further unchecked land grabs by the government.

2. Highway 413 and the Bradford Bypass – Ontario

- **What Happened:** Premier Doug Ford's government has also been criticized for pushing ahead with controversial highway projects like **Highway 413** and the **Bradford Bypass**, which would require large amounts of land expropriation, including protected areas in the Greenbelt.
- **Criticism:** Environmental advocates have argued that these projects represent land grabs disguised as infrastructure development, threatening farmland, wetlands, and wildlife corridors. There has been little public disclosure about the full environmental and social impact of the projects, further fueling concerns.

3. Wetland Land Swap – Pickering, Ontario

- **What Happened:** In another controversial case, the Ford government approved a land swap in **Pickering, Ontario**, where protected wetland was removed from the Greenbelt for development purposes, although the exact nature of the development was not disclosed clearly to the public.
- **Criticism:** Critics accused the government of failing to provide a transparent justification for the land swap and raised concerns that it would harm the local environment without delivering promised benefits like affordable housing.

Cities Accused of Land Grabs

1. **Pickering, Ontario:** The land swap involving protected wetlands for unspecified future development projects has drawn widespread accusations of a government-backed land grab.
2. **Hamilton, Ontario:** There have been significant public protests against urban boundary expansions that would result in farmland being converted into residential

areas. Critics argue that these plans amount to land grabs by developers, with support from municipal governments.

3. **Ottawa, Ontario:** Similar debates have arisen over urban boundary expansions. In 2021, the city council voted to expand Ottawa's urban boundary, paving the way for the development of 1,281 hectares of farmland. Environmental groups and concerned citizens opposed the move, viewing it as a land grab.

15-Minute City Plans in Canada

A **15-minute city** is an urban planning concept where all essential services (work, shopping, healthcare, education, and leisure) are within a 15-minute walk or bike ride from home. This model aims to reduce dependency on cars and improve quality of life, but it has also drawn criticism from those concerned about restrictions on mobility and urban freedom.

Cities in Canada Pursuing 15-Minute City Plans:

1. Edmonton, Alberta

- **What's Happening:** Edmonton is one of the first cities in Canada to adopt the **15-minute city** concept as part of its **City Plan**. The goal is to create neighborhoods where residents can access most of their daily needs within a 15-minute walk. The plan has focused on redesigning neighborhoods to become more pedestrian- and bike-friendly.
- **Criticism:** Some opponents argue that the 15-minute city could result in overregulation and potential restrictions on movement, although the city insists it is about providing more choices rather than limiting freedom.

2. Ottawa, Ontario

- **What's Happening:** Ottawa is integrating the 15-minute city model into its **Official Plan**, which aims to build dense, walkable neighborhoods. This involves significant changes to zoning laws and public transit systems.
- **Criticism:** Concerns have been raised about possible restrictions on mobility if the city enforces limitations on car usage to achieve the goals of the 15-minute city. However, the city has emphasized that the plan focuses on enhancing local access rather than imposing restrictions.

3. Vancouver, British Columbia

- **What's Happening:** Vancouver has long embraced principles of urban sustainability and is actively promoting 15-minute city elements within its **Greenest City Action Plan**. The city aims to create more complete communities by focusing on walkable neighborhoods, green spaces, and local amenities.
- **Criticism:** While the idea has broad support in Vancouver, there are still concerns about rising housing costs and how they might affect the affordability of living in these well-planned neighborhoods.

4. Toronto, Ontario

- **What's Happening:** Toronto has started to integrate the 15-minute city model into certain parts of the city as part of its broader **Toronto Green Standard**. New developments are being planned with walkability and local services in mind.
- **Criticism:** Some concerns have been raised about potential gentrification, which could make these 15-minute communities less affordable and accessible for lower-income residents.

Conclusion

- **Land Grabs:** Cases such as Doug Ford's Greenbelt land swap and highway projects in Ontario have raised alarms about potential government-backed land grabs. The lack of transparency and public consultation in these decisions has heightened concerns about abuse of power and improper land use.
- **15-Minute Cities:** While the 15-minute city concept is being embraced by city hall in several Canadian cities, including Edmonton, Ottawa, Vancouver, and Toronto, concerns about restrictions on mobility and the potential for gentrification persist. Although these plans aim to improve urban living, they are not without controversy, particularly when it comes to balancing freedom and sustainability

PART XIII - SUMMARY OF ACTION REQUIRED

Step-by-Step Actions Required by the Minister of Justice

To rectify these breaches of duty, we expect that you take the following immediate actions:

This is a detailed breakdown by each topic outlining the specific actions the Minister of Justice must take to rectify these matters.

PART I - No Scrutiny of the Federal Vaccine Mandates for Travel and Federal Government Employment under the Canadian Bill of Rights, Statutory Instruments Act and Common Law.

Conduct a Legal Audit: Immediately initiate a legal audit of all federal vaccine mandates for travel and federal employment to assess their compliance with the Canadian Bill of Rights and common law principles.

Facilitate Independent Inquiry: Appoint an independent inquiry committee composed of legal experts, civil rights advocates, and medical professionals to evaluate the mandates' impact on civil liberties and informed consent.

Findings to Parliament: Present the findings of the audit and inquiry to Parliament, including any recommendations for repealing or amending the mandates if found to be inconsistent with fundamental rights.

Issue Interim Guidelines: Pending the outcome of the inquiry, issue interim guidelines that ensure federal agencies respect the principles of informed consent, freedom of movement, and employment rights.

PART II - No Scrutiny of the Provinces for Civil Liberties Violations with COVID-19 Measures

Initiate a Federal Inquiry into Provincial Actions: Establish a federal inquiry to examine whether provincial COVID-19 measures (e.g., forced masking, vaccine passports, business shutdowns) violated civil liberties protected by the Canadian Bill of Rights and common law.

Engage with Provincial Ministries of Justice: Collaborate with provincial counterparts to review their emergency powers, ensure alignment with civil liberties, and develop guidelines for future emergencies to prevent rights infringements.

Publicly Release Recommendations: Ensure that recommendations from the inquiry are released publicly and shared with provincial governments to guide reforms.

Introduce Federal Legislation: If provincial measures are found to have violated civil liberties, introduce federal legislation to protect Canadians' rights in future emergencies.

PART III - No Scrutiny of the Criminal Activity of the Liberals Illegally Invoking the Emergencies Act Against Peaceful Protesters at the trucker convoy Protest in 2022

Launch a Criminal Investigation: Appoint a special prosecutor to investigate the actions of the federal government during the invocation of the Emergencies Act, focusing on potential illegal arrests, beatings, and property confiscation.

Suspend Enforcement of the Emergencies Act: Issue an immediate suspension of any ongoing enforcement actions under the Emergencies Act related to the trucker convoy protest until the investigation concludes.

Ensure Accountability: Wrongdoing is established, pursue criminal charges against any government officials or law enforcement personnel who acted outside legal authority.

Review and Amend the Emergencies Act: Initiate a comprehensive review of the Emergencies Act, proposing amendments to prevent future misuse and ensure stronger checks and balances.

PART IV - Office of the Information Commissioner (OIC) Findings on Procedural Failure, Failure to Submit for Federal Review, and Failed to Notify the House of Commons.

Implement the Information Commissioner's Recommendations: Issue a directive to all federal departments to immediately implement the Information Commissioner's recommendations on procedural failures.

Introduce Legislative Amendments: Propose amendments to strengthen the Access to Information Act, including penalties for non-compliance and mechanisms for enforcement.

Establish an Independent Oversight Body: Create an independent oversight body to monitor compliance with information access procedures and investigate any future procedural failures.

PART V - Failure to Act on Contempt of Parliament

Launch an Official Investigation: Direct a formal investigation into instances of contempt of Parliament, with a focus on identifying individuals or entities responsible for undermining parliamentary authority.

Refer Cases to Law Enforcement: Refer confirmed cases of contempt that involve criminal activities to the appropriate law enforcement agencies for prosecution.

Ensure Parliamentary Sanctions: Work with Parliament to impose appropriate sanctions on those found in contempt, including suspension or removal from office where applicable.

PART VI - Contempt of Parliament and Indigenous Rights

Consult with Indigenous Leaders: Engage in consultations with Indigenous communities to document instances of contempt and assess how Indigenous rights were affected.

Rectify Legislative Gaps: Identify and amend legislation that fails to protect Indigenous rights, ensuring that future government actions comply with constitutional and treaty obligations.

Establish an Indigenous Rights Oversight Committee: Create an oversight committee to monitor government actions affecting Indigenous rights and ensure compliance with legal and treaty obligations.

PART VII - Failure to Act on Breach of National Security: Transfer of Scientific Secrets to the Chinese Communist Party

Launch a National Security Investigation: Direct CSIS and the RCMP to investigate the alleged transfer of scientific secrets, ensuring thorough examination and accountability for any breaches.

Implement Security Protocols: Introduce stricter security protocols for scientific research, particularly in areas with potential national security implications, including mandatory background checks for foreign collaborations.

Introduce Legislation to Protect Intellectual Property: Propose new laws to safeguard Canadian scientific research, with strict penalties for unauthorized sharing with foreign entities.

PART VIII - Failure to Act on Breach of National Security: Electoral Interference by the Chinese Communist Party

Establish an Independent Inquiry into Electoral Interference: Appoint an independent inquiry commission to investigate allegations of electoral interference, focusing on activities related to the Chinese Communist Party.

Strengthen Election Security Legislation: Propose legislative amendments to the Canada Elections Act to address foreign interference, enhance transparency, and impose stricter penalties.

Enhance Collaboration with Intelligence Agencies: Establish a dedicated task force involving CSIS and Elections Canada to monitor and prevent foreign interference in future elections.

PART IX - Failure to Act on the Federal Gun Grab Law C-21

Suspend Implementation of C-21: Immediately suspend any actions taken under Bill C-21 until a full legal and constitutional review is completed.

Conduct a Parliamentary Review: Initiate a parliamentary review of C-21, engaging stakeholders, firearms owners, law enforcement, and legal experts to assess its impact on property rights and civil liberties.

Amend or Repeal the Legislation: Based on the review's findings, amend or repeal C-21 to align with constitutional principles and respect Canadians' property rights.

PART X - Failure to Act on the Provincial/Municipal Land Grabs and Planned Mobility and Consumption Restrictions with Plans to Implement 15-Minute Cities

Initiate a Federal Review of Land Use Policies: - Launch a comprehensive review of provincial and municipal land use policies, focusing on potential infringements of property rights and freedom of movement.

Issue Federal Guidelines on Land Use: Develop federal guidelines to ensure that any land use planning, such as 15-minute cities, respects individual property rights and freedom of mobility.

Introduce Protective Legislation: Propose legislation that restricts provincial and municipal powers to enact land policies that infringe on fundamental freedoms or property rights.

PART XI - Result of the Minister's Failure to Exercise His Duty According to Common Law and Statutes**

Publicly Acknowledge Failures: Issue a public statement acknowledging any failures to exercise duties according to common law and statutory obligations.

Commit to Corrective Actions: Provide a detailed action plan to Parliament and the public on how each failure will be rectified, including timelines and accountability measures.

Establish Accountability Mechanisms: Implement internal accountability mechanisms to monitor compliance with statutory duties and common law principles across the Ministry of Justice.

Summary of General Actions the Minister Must Take:

Ensure Transparency: Regularly report progress on all investigations, inquiries, and corrective actions to Parliament and the public.

1. **Engage Legal Experts:** Work closely with legal scholars, civil rights experts, and advocacy groups to ensure actions taken are in full compliance with Canadian law.
2. **Legislative Reforms:** Actively introduce legislative reforms to prevent future breaches, protect civil liberties, and strengthen national security.
3. **By taking these actions, the Minister of Justice would fulfill the duty to uphold Canadian law, protect civil liberties, and maintain government accountability across all these critical areas.**

BOTTOM LINE BREACH OF DUTY

PART I & PART II reveal a lack of oversight regarding significant encroachments on personal liberties during the COVID-19 pandemic. Both federal and provincial measures imposed under the guise of public health seem to have escaped critical examination, particularly in areas where fundamental freedoms—such as freedom of movement, informed consent, and bodily autonomy—were compromised. It is not public knowledge that this scrutiny was not forthcoming by the Minister and neither is the Ministry respecting freedom of information and

privacy laws regarding what steps he did take to monitor these laws and mandates for their legality especially with regard to the Canadian Bill of Rights and Common Law.

PART III, concerning the trucker convoy protest, highlights serious allegations of government overreach through the illegal invocation of the Emergencies Act. The resulting unlawful arrests, property damage, and rights violations represent a grave concern about the justice system's role in protecting citizens against governmental abuse.

PART IV to PART VIII further underline failures in the realm of accountability and transparency. The Office of the Information Commissioner's findings on procedural lapses, as well as the government's failure to act on various breaches of national security, contempt of Parliament, and Indigenous rights, demonstrate systemic neglect. The Minister of Justice's silence on issues such as electoral interference, the transfer of scientific secrets, and contemptuous behavior in Parliament raises profound questions about the impartiality of justice and the respect for democratic processes.

In sum, these incidents collectively suggest a troubling pattern: a Justice Ministry failing in its duty to scrutinize the government, uphold individual rights, and protect national interests. This undermines the rule of law and erodes public trust in democratic institutions. The Minister's role, as the guardian of justice, appears compromised, showing a reluctance or inability to challenge executive overreach, defend civil liberties, or ensure that breaches of law are met with accountability.

The Minister of Justice has a fundamental responsibility to uphold the rule of law, ensure the government acts within its legal bounds, and protect the rights of citizens. Across the various topics outlined, a clear pattern emerges of systemic failure on multiple fronts, demonstrating a serious dereliction of these duties. Let's examine in more detail how the Minister failed in each of these critical areas:

PART I - No Scrutiny of the Federal Vaccine Mandates for Travel and Federal Government Employment under the Canadian Bill of Rights, Statutory Instruments Act and Common Law.

The implementation of federal vaccine mandates, which restricted travel and employment for unvaccinated individuals, raised serious concerns about the balance between public health measures and individual liberties. The Minister of Justice failed to provide any meaningful scrutiny or legal challenge to these mandates, neglecting the duty to ensure they were proportionate and justified under constitutional rights such as mobility and bodily autonomy. The absence of judicial review or independent inquiry suggests that the Ministry abdicated its responsibility to guard against government overreach.

PART II - No Scrutiny of Provincial Civil Liberties Violations During COVID-19

At the provincial level, severe COVID-19 measures—such as business closures, border restrictions, forced mask-wearing, and the imposition of vaccine passports—were enacted with little regard for civil liberties. These actions interfered with rights to movement, informed

consent, and security of the person. The Minister of Justice failed to hold provinces accountable or ensure that these measures were subjected to proper legal scrutiny, further deepening the erosion of personal freedoms during the pandemic. The right to informed consent, a cornerstone of personal autonomy, was particularly neglected as no meaningful challenge was raised against mandates like forced mask-wearing and vaccine passports.

PART III - No Scrutiny of the Invocation of the Emergencies Act in the trucker convoy protest

Perhaps the most glaring failure was the Minister's lack of scrutiny over the federal government's invocation of the Emergencies Act during the 2022 trucker convoy protest. This Act was designed to be used only in extraordinary circumstances when no other laws can address the situation. However, the peaceful nature of the protests and the government's disproportionate response—unlawful arrests, property damage, and suppression of rights—did not meet the threshold for such extreme measures. The Minister failed in his legal duty to ensure the government's actions complied with the law, allowing unconstitutional suppression of peaceful protest and due process violations. The absence of oversight facilitated abuses of power and created a dangerous precedent for future protests and government responses.

PART IV - Office of the Information Commissioner (OIC) Findings on Procedural Failure, Failure to Submit for Federal Review, and Failed to Notify the House of Commons.

The Information Commissioner found procedural failures related to transparency and access to information. This points to a broader failure of accountability within the government, a failure the Minister of Justice did not address. As a legal steward, the Minister had a duty to ensure that public institutions remained transparent and that citizens had access to the information they are entitled to under the law. By failing to act on these findings, the Minister allowed procedural lapses to persist, eroding trust in governmental transparency and accountability.

PART V & VI - Failure to Act on Contempt of Parliament and Indigenous Rights

The Minister also failed to act decisively when members of the government were accused of contempt of Parliament, specifically by disregarding parliamentary decisions and obstructing inquiries. This undermines democratic processes and disrespects parliamentary authority. In matters relating to Indigenous rights, the Minister did not take meaningful steps to uphold legal obligations or ensure justice, demonstrating a failure to prioritize reconciliation and respect for Indigenous sovereignty. These failures represent a breach of the Minister's duty to uphold the law impartially, regardless of political pressures.

PART VII & VIII - Failure to Act on Breaches of National Security: Transfer of Scientific Secrets and Electoral Interference by China

Two significant national security concerns—one involving the alleged transfer of scientific secrets to the Chinese Communist Party and the other involving Chinese interference in Canadian elections—were not adequately addressed by the Minister of Justice. These

breaches posed serious risks to Canada's sovereignty and democratic integrity. The Minister had a duty to ensure that these breaches were investigated thoroughly and that any legal infractions were prosecuted. However, the failure to pursue these cases with the necessary vigor reflects a lack of commitment to safeguarding national security and enforcing accountability at the highest levels of government.

In Conclusion: A Broader Failure of Justice

Throughout all of these areas, the Minister of Justice's primary failing has been a consistent reluctance to scrutinize, challenge, or hold the government accountable for its actions. Whether in matters of civil liberties, parliamentary authority, Indigenous rights, or national security, the Minister has demonstrated an unwillingness to perform the role of an independent guardian of justice. This pattern of inaction has created an environment where governmental overreach, abuses of power, and legal violations go unchecked, which not only compromises the rule of law but also erodes public trust in the justice system and democratic institutions.

By failing to act on these significant breaches, the Minister has abdicated the very duties entrusted to the office: to protect citizens from injustice, ensure that government actions are lawful and constitutional, and uphold democratic principles. This systemic failure highlights a deep-seated issue within the role of the Minister of Justice, whose silence and inaction have contributed to a growing erosion of accountability in Canada.

If the Minister of Justice does not correct the systemic failures in addressing these issues, the consequences for Canadian democracy could be profound and far-reaching. Here's an outline of the potential impacts:

1. Erosion of Rule of Law

The rule of law is foundational to any democracy, ensuring that all citizens and government bodies are equally subject to the law. The Minister of Justice, as the chief legal officer, is responsible for upholding this principle. However, the failure to scrutinize government actions, particularly in relation to COVID-19 mandates, the trucker convoy protest, and national security breaches, sends a message that certain actions by the government may go unchecked.

- **Consequence:** If unchecked governmental overreach continues without accountability, it undermines the legal framework of the country. Citizens may begin to perceive the law as malleable or selectively applied, which weakens the social contract that holds democratic institutions together.

2. Weakening of Civil Liberties

Civil liberties, such as freedom of movement, informed consent, and the right to peaceful protest, are fundamental to a functioning democracy. The lack of scrutiny on vaccine

mandates, COVID-19 restrictions, and the government's invocation of the Emergencies Act against the trucker convoy protest has already raised concerns about the encroachment on these rights. Without corrective action, these measures may set dangerous precedents for future infringements.

- **Consequence:** The continued erosion of civil liberties could lead to a normalization of state interference in personal freedoms. Citizens may become increasingly skeptical of government intentions and feel disempowered to challenge oppressive policies. In the long run, this undermines the sense of individual agency that is critical to a vibrant democracy.

3. Undermining of Democratic Institutions

The failure to act on **contempt of Parliament**, **procedural failures**, and **Indigenous rights** represents a weakening of the very institutions that uphold democracy. Parliament's authority is essential for maintaining a system of checks and balances on the executive branch. When contempt of Parliament goes unaddressed, it weakens Parliament's ability to hold the government accountable. Similarly, the failure to prioritize Indigenous rights undermines efforts toward reconciliation and inclusiveness, two pillars of Canadian democracy.

- **Consequence:** Over time, unchecked disregard for parliamentary processes could erode confidence in democratic institutions. If the legislative branch is consistently undermined, it creates an imbalance of power where the executive operates with little restraint, shifting towards a more authoritarian style of governance. This could lead to widespread political disillusionment and decreased civic engagement.

4. Compromise of National Security and Sovereignty

The Minister's failure to act on serious breaches of national security—such as the transfer of scientific secrets to foreign powers and electoral interference—poses a direct threat to Canada's sovereignty. Without a firm response to these issues, Canada risks becoming vulnerable to external influence and internal instability. The lack of decisive action on electoral interference, in particular, can compromise the integrity of the democratic process itself.

- **Consequence:** If these breaches are not addressed, foreign interference and influence could become normalized in Canada's political landscape. This would weaken public trust in elections, potentially destabilize future governments, and erode Canada's ability to govern independently. It could also invite further interference from external actors, as Canada may be perceived as a "soft target" for manipulation.

5. Loss of Public Trust in the Justice System

A justice system perceived as being politically compromised, or one that fails to hold those in power accountable, is detrimental to the public's faith in democracy. The Minister's inaction on various fronts, from civil liberties violations to national security breaches, to freezing bank

accounts of peaceful protesters, risks creating the perception that the justice system serves political interests rather than justice itself.

- **Consequence:** When citizens lose trust in the justice system, they may become disillusioned with democracy as a whole. This could lead to increased political apathy, a rise in anti-government sentiment, or even radicalization as individuals or groups may feel that democratic channels for change and justice are no longer available to them. In extreme cases, this could foster social unrest and destabilize the political landscape.

6. Dangerous Precedents for Executive Overreach

By not addressing issues like the illegal use of the Emergencies Act during the trucker convoy protest, the Minister of Justice sets a precedent for future governments to overreach their authority in times of crisis. Executive overreach, when unchecked, can slowly erode the democratic framework and create an environment where governments feel empowered to bypass constitutional rights and freedoms under the guise of crisis management.

- **Consequence:** The normalization of executive overreach could lead to a slow slide towards authoritarianism, where future governments may use emergency powers or similar legal loopholes to suppress dissent, limit free speech, and infringe on basic rights. In this scenario, democracy would exist in name only, while the actual governance would become more centralized and undemocratic.

7. International Reputational Damage

Canada has long been seen as a global leader in upholding democracy, human rights, and the rule of law. However, the failure of the Minister of Justice to address significant breaches of these principles may harm Canada's international standing. The failure to act on national security matters, particularly in relation to foreign interference, could also affect Canada's relationships with allies.

- **Consequence:** Canada risks losing its status as a respected defender of democratic values on the global stage. This could impact its influence in international organizations, weaken its diplomatic relationships, and make it harder for Canada to advocate for human rights and democracy globally. Moreover, international partners may lose confidence in Canada's ability to secure its own national interests, making the country more vulnerable diplomatically.

Conclusion: Democracy at a Crossroads

OVERVIEW OF OUR CURRENT COMMON LAW GOVERNMENT STRUCTURE:

1. The People (Sovereign Authority)

In **Canada's representative democracy**, the **people** are the ultimate sovereign authority. Through **elections**, citizens delegate their authority to representatives in **Parliament** and the **government**. The **Governor General** symbolically represents the **Crown**, but real authority flows from the people to elected representatives who govern on their behalf.

- **Common Law Tradition:** Rooted in the **Magna Carta** and centuries of common law, the principle that **the people** are the true sovereigns ensures that the government must operate within the limits of the law and democratic principles. All laws and government actions must reflect justice and fairness as determined by the **rule of law**.
-

2. Parliament (Legislative Branch – Representing the People)

Parliament is the **law-making authority** and represents the **will of the people** through a system of **representative democracy**. It is composed of two chambers:

- **House of Commons:** Elected by the people, **Members of Parliament (MPs)** represent different electoral districts and pass laws on behalf of the public.
- **Senate:** Senators are appointed and serve as a chamber of "sober second thought," reviewing, amending, and refining legislation to ensure it serves the public interest.

Authority & Legislative Support:

- **BNA Act (1867):** Establishes the structure and powers of Parliament to create laws.
 - **Common Law:** Ensures that Parliament operates within legal traditions that promote justice and protect individual rights.
-

3. The Executive (Government Representing the People)

The **executive branch**, led by the **Prime Minister** and **Cabinet**, is responsible for implementing the laws passed by Parliament and managing the daily operations of the government.

- **Prime Minister:** The head of government, chosen from the party that commands the most seats in the **House of Commons**. The Prime Minister sets the policy direction of the government and leads the Cabinet in its duties.
- **Cabinet:** Composed of ministers chosen by the Prime Minister, each responsible for a specific department (e.g., finance, defense, health), the Cabinet implements and oversees laws, services, and policies. The executive is accountable to Parliament and, by extension, to the people.

Legal Foundation:

- **BNA Act (1867):** Establishes the powers of the executive branch.

- **Common Law & Canadian Bill of Rights:** Ensure that executive decisions respect individual rights and follow the rule of law.
-

4. Minister of Justice and Attorney General (Guardian of Rights, Freedoms, and Due Process)

The **Minister of Justice**, who also serves as **Attorney General**, plays a critical role as the **guardian of rights, freedoms, and due process**. This office ensures that all government actions comply with Canadian law and that individual liberties are protected.

- **Minister of Justice:** Oversees the administration of justice, ensuring laws are fair and just. This includes ensuring that legislation respects the **Canadian Bill of Rights** and common law principles, safeguarding the rights and freedoms of all citizens.
- **Attorney General:** In this capacity, the Minister of Justice acts as the chief legal advisor to the government, ensuring that government actions are legally sound and consistent with the Constitution, Common Law and statutory laws.

Statutory Instruments Act:

- Under the **Statutory Instruments Act**, the **Minister of Justice** is responsible for reviewing all proposed regulations and statutory instruments (such as government orders and regulations) to ensure they comply with **constitutional principles, common law**, and the **rule of law**.
- **Function:** This act gives the Minister of Justice the authority to examine and review regulations, ensuring that they are legally valid and consistent with existing laws. It prevents arbitrary or illegal regulations from being enacted without proper legal oversight.

Legal Foundation:

- **BNA Act & Statutory Instruments Act:** These establish the Minister's role in overseeing legal compliance for all statutes and regulations.
 - **Common Law & Canadian Bill of Rights:** These provide the framework within which the Minister of Justice operates to ensure rights are respected and upheld.
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5. Bureaucracy (Ministries, Agencies and Public Services – Implementing the Will of the People)

The **bureaucracy** consists of public servants who implement the laws and policies set by the **Prime Minister, Cabinet, and Parliament**. Civil servants ensure that public services and programs run effectively and that government decisions are carried out in accordance with the law.

- **Function:** Public servants manage essential services such as healthcare, education, infrastructure, and law enforcement. They are responsible for ensuring that the laws passed by Parliament are applied consistently and fairly across Canada.

Legal Basis:

- Civil servants are bound by laws and regulations that govern their conduct, ensuring accountability and transparency in the implementation of government policies.
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6. Judiciary (Independent Guardian of the Rule of Law)

The **judiciary** operates independently from the legislative and executive branches, ensuring that the **rule of law** is upheld and that both the government and Parliament act within the boundaries of the law. The judiciary protects individual rights and resolves disputes.

- **Supreme Court of Canada:** The highest court, it has the power to interpret and, if necessary, invalidate laws or actions that conflict with **constitutional principles**, **common law**, or individual rights.

Common Law:

- The judiciary is rooted in **common law** principles, which evolve through judicial decisions. This ensures that legal rulings reflect fairness, justice, and the protection of individual rights, and that the courts can strike down any law or action that violates these principles.
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Summary:

In **Canada's representative democracy**, the **people** are the true sovereigns. They elect **Parliament** to make laws on their behalf, while the **Prime Minister and Cabinet** manage the day-to-day affairs of government. The **Minister of Justice** ensures that all laws, regulations, and actions respect the **rights and freedoms** of the people, and that due process is followed, with the **Statutory Instruments Act** providing a legal framework for reviewing government regulations. The **bureaucracy** implements government policies, while the **judiciary** ensures all government actions align with the **rule of law**.

- **Parliament** acts as the people's representative in crafting laws.
- **The Executive** implements these laws, accountable to both Parliament and the people.
- **The Minister of Justice** guarantees the protection of rights, freedoms, and due process, reviewing statutory instruments under the **Statutory Instruments Act**.
- **The Judiciary** acts independently to protect individual rights and ensure government actions are lawful.

This system ensures that all branches of government remain accountable to the people and that the rule of law is respected at every level.

If the Minister of Justice fails to correct these matters, Canadian democracy faces a multi-pronged threat. The erosion of civil liberties, weakening of democratic institutions, loss of public trust, and compromise of national security will not only damage the fabric of Canadian society but could also set a dangerous precedent for future governance.

The cumulative effect of these failures would not only hollow out democratic practices but could shift the country toward a governance system where executive power is unchecked, citizens' rights are diminished, and accountability is absent. To prevent this, immediate corrective actions are needed to restore the rule of law, protect civil liberties, ensure government accountability, and rebuild public trust in democratic institutions.

WHAT WOULD HAPPEN IF PARLIAMENT ABDICATED ITS COMMON LAW AND LEGISLATIVE SUPREME AUTHORITY TO THE COURTS AND THE PRIME MINISTER BEGAN TO OVERRIDE THE COURTS BY THE REGULATORY (not legislative) USE OF SECTION 33 OF THE CHARTER OF RIGHTS AND FREEDOMS. THIS USE OF 33 TO OVERRIDE OUR COMMON LAW AND CANADIAN BILL OF RIGHTS PROTECTION AGAINST GOVERNMENT OVERREACH

the **Prime Minister overriding the courts** through the use of **Section 33** of the *Charter of Rights and Freedoms* to bypass common law and the **Canadian Bill of Rights**, constitutes a direct and existential threat to Canadian democracy. The use of **regulation rather than legislation** to eliminate rights represents a further erosion of **democratic accountability** and the **rule of law**, leading to a **constitutional crisis**.

1. Consequences for Canadian Democracy

If these changes are enacted, the consequences to Canadian democracy would be severe:

a. Abdication of Parliamentary Authority

Parliament holds **supreme authority** under the principles of **common law** with **parliamentary privilege**. By abdicating this authority to the courts, Parliament would abandon its role as the **primary guardian of the people's rights**. In a **common law democracy**, Parliament is supposed to represent the will of the people and make laws that protect their rights. Abdication to the courts undermines this foundational principle, because the courts are not democratically elected bodies.

b. Erosion of the Rule of Law

Once the **Prime Minister overrides court decisions** using **Section 33** arbitrarily, the **rule of law** collapses. In a healthy democracy, **judicial review** acts as a check on legislative and executive powers. Courts interpret laws and ensure they comply with the **Constitution**, **common law**, and **Bill of Rights**. By overriding court decisions without parliamentary input,

the Prime Minister would be centralizing power and **dismantling checks and balances** that are critical for a functioning democracy.

c. Bypassing Legislation through Regulation

The use of **regulation** to eliminate rights, rather than going through **legislation**, represents an even greater threat. Regulations are **executive orders** or directives issued by the government without the same level of scrutiny, debate, or approval as legislation. This allows the executive to **circumvent the democratic process** and avoid the accountability that comes with public debate and parliamentary oversight. Such a practice violates the **Statutory Instruments Act**, which requires that regulations conform to laws passed by Parliament.

This undermines **Parliamentary Privilege**, which gives the **House of Commons and Senate** the exclusive right to make laws and hold the government accountable as well as the right to arrest those who are in contempt of parliament among other things. Parliament's abdication of its role would lead to an unaccountable executive, able to strip away rights without opposition.

d. Suspension of Fundamental Rights

If the Prime Minister eliminates **common law** and **Bill of Rights** protections, such as **freedom of speech**, **due process**, and **equality before the law**, through **regulation**, the legal and democratic system would be effectively suspended. This would mark the end of **democracy** in Canada and could usher in a form of government where **citizens are no longer protected** from arbitrary government action.

Without protections for **due process**, individuals could be subjected to imprisonment, fines, or other penalties without proper legal procedures. Without **freedom of speech**, dissenting voices could be silenced, leading to **authoritarian control** over public discourse.

2. Name of This Form of Government

If these developments were to occur, Canada would transition from a **constitutional parliamentary democracy** to a form of **authoritarianism** or **dictatorship**. The specific features of such a government would include:

- **Consolidation of executive power** (with the Prime Minister holding unchecked authority).
- **Lack of independent judiciary** (as the courts would be overridden).
- **Weak or irrelevant legislative body** (Parliament loses its authority).
- **Erosion of civil liberties and democratic rights** (rights removed through regulation).

A possible name for this system is "**Executive Authoritarianism**", characterized by the concentration of power in the hands of the executive branch and the weakening or bypassing of the other branches of government.

3. How to Restore Parliamentary Privilege and Protect Democracy

To prevent this collapse of democratic governance, it is crucial to **reinforce parliamentary privilege** and protect against **contempt of Parliament** and **treason**.

a. Restoring Parliamentary Sovereignty

Parliament must assert its **sovereign authority** by reclaiming its **rightful role** as the **supreme law-making body** in Canada. The **Canadian Bill of Rights** and **common law** must be defended as foundational principles that **transcend political convenience**.

- **Resolutions and Debates:** Parliament can pass resolutions **reasserting its role** in the democratic process and explicitly rejecting any attempts by the executive to override judicial decisions without proper legislative debate.
- **Scrutiny of Section 33 Invocations:** Parliament should introduce measures to restrict or **add conditions** to the use of **Section 33**. For example, requiring a **xxxx**

b. Defending Against Contempt of Parliament

Parliament has the power to **hold the government in contempt** if it abuses its authority. **Contempt of Parliament** refers to any action that **interferes with Parliament's ability to function** or **undermines its sovereignty**.

- **Accountability Measures:** Parliament must hold the executive accountable through regular **question periods, inquiries, and parliamentary committees**. Any action by the executive that bypasses parliamentary procedures, such as **ruling by regulation** without debate, should be challenged as **contempt**.
- **Legal Challenges:** Parliamentarians, civil society, and legal advocacy groups should pursue **legal challenges** to any executive actions that attempt to bypass **due process** or undermine fundamental rights. Court rulings on **abuses of power** could serve as legal precedents to prevent future government overreach.

c. Addressing Treasonous Acts

Treason in Canada is defined under the **Criminal Code** as betraying the country, including attempts to overthrow the government or undermine its democratic institutions. If the Prime Minister or executive branch takes actions that deliberately dismantle **constitutional safeguards** and **democratic institutions**, it could be seen as **treasonous**.

- **Treason Trials:** If it can be proven that the executive has acted with **malice** or with the intent to **permanently dismantle** the democratic framework, **Parliament** or civil society may have grounds to pursue legal action, including charges of **high treason**.
- **Citizen Advocacy and Media Exposure:** Citizens and the media play a crucial role in exposing **treasonous acts**. Through public demonstrations, legal petitions, and media investigations, democratic accountability can be enforced.

d. Constitutional Amendments

If Parliament is constantly being undermined, there may be a need for **constitutional reforms** to **restore the balance of power**. Possible reforms include:

- **Amending Section 33** to limit its scope or **prohibit its use** to bypass certain rights (e.g., **due process** and **judicial independence**).
- **Reinforcing Parliamentary Sovereignty** by enacting laws that require the executive to obtain **parliamentary approval** for all regulations that affect **fundamental rights**.
- **Introducing Recall Mechanisms** to remove any executive who oversteps constitutional boundaries.

e. Educating and Mobilizing Citizens

Ultimately, **citizen engagement** is crucial. Educating Canadians about the **importance of parliamentary sovereignty**, **the rule of law**, and **constitutional/common law rights** can create a powerful force against authoritarianism.

- **Petitions and Referendums**: Citizens can demand **referendums** on crucial issues related to **Section 33** or call for **parliamentary recall elections**.
- **Public Protest**: Peaceful demonstrations and **public assemblies** can raise awareness and pressure Parliament to act against **executive overreach**.
- Citizen tools which are freedom of information requests, judicial review, civil and criminal court.

Conclusion: The Urgency of Protecting Canadian Democracy

If Parliament **abdicates its supreme authority**, allowing the **Prime Minister to override court decisions** and **strip away rights** through regulation, Canada's **democratic institutions** would be in **jeopardy**. The resulting government would resemble a form of **executive authoritarianism**, where **fundamental rights are no longer protected**, and **citizens lose control** over the legislative process.

To combat this, **Parliament must assert its authority** and **exercise its privilege** to protect democracy. This involves **reclaiming sovereignty**, holding the government accountable, and ensuring that the **rule of law** is respected.

Summary

1. Parliamentary Authority and Common Law

The summary emphasizes that Parliament, under Common Law, has held supreme authority since the Magna Carta of 1215. The Magna Carta established that the people, through Parliament, are the ultimate sovereign authority, not the monarch. This principle is vital

because it ensures that laws are created by the people's representatives, safeguarding democracy and individual rights and freedoms.

When Parliament fails to hold individuals in contempt of Parliament accountable—by arresting those who challenge its authority—it weakens its own power. This failure threatens the rule of law, which is foundational to democratic governance under Common Law. Essentially, Parliament's inaction signals that it is no longer enforcing its authority, which in turn compromises its ability to govern effectively.

2. The Hierarchical Structure of Governance

This summary outlines the proper hierarchy in Canadian governance under Common Law:

- **People/Parliament:** At the top, representing the will of the people, and making the laws.
- **Executive (Government):** Below Parliament, responsible for executing the laws (includes the Department of Justice)
- **Bureaucrats:** Further down, responsible for implementing and administering government policies.

The **courts** are deliberately not placed within this hierarchy. Instead, they serve as **independent referees**, ensuring that legal processes are followed correctly, but they do not hold legislative power, nor can they override Parliament's authority under Common Law. Their role is critical to maintaining balance, but it is Parliament that must ultimately protect its authority.

3. Minister of Justice's Role

The **Minister of Justice** is identified as a crucial figure in upholding the integrity of the legal and parliamentary system. This summary stresses that the Minister must ensure those in contempt of Parliament face legal consequences, such as arrests. This enforcement is not only about preserving the authority of Parliament but also about maintaining public trust in democratic institutions. If the Minister fails to act, the authority of Parliament erodes, and the balance of power shifts dangerously towards centralized government control, undermining democracy.

4. Danger of Centralized Power

This summary warns that if immediate action is not taken to protect parliamentary authority, **centralized power** will ensue, threatening democracy. The idea is that without an accountable Parliament representing the people, power will concentrate in the executive branch, leading to **dictatorship-like control**. This shift undermines the centuries-old principle that the people, through Parliament, are the ultimate sovereign authority.

5. Threats from Pierre Poilievre's Proposal

The mention of **Pierre Poilievre** and his promise to invoke **Section 33 of the Charter of Rights and Freedoms** (the notwithstanding clause) adds another layer of concern. Section 33 allows provincial or federal governments to override certain Charter rights temporarily. Poilievre's intent to use this clause to suspend long-standing rights, particularly those against cruel and unusual punishment and the right to reasonable bail (which are codified in the **Canadian Bill of Rights**), is seen as a direct threat to Common Law protections.

This use of Section 33 would override fundamental rights, representing a potential step toward authoritarianism by allowing the government to bypass established legal safeguards. The summary argues that such actions would not only violate individual rights but also shift the balance of power away from Parliament (and, by extension, the people) toward a more centralized and unchecked government.

6. Cognitive Warfare and Psychological Operations Context

The concerns raised in this summary resonate with broader discussions around **cognitive warfare** and **psychological operations (PsyOps)**. These are methods used to manipulate public perception and weaken the foundations of democratic governance by targeting cognitive vulnerabilities. By distracting the public from their historical rights under Common Law, cognitive warfare techniques can contribute to the erosion of parliamentary authority. This is significant because cognitive warfare often aims to create confusion, diminish trust in institutions, and pave the way for centralization of power or authoritarian control.

By shifting focus to issues such as getting tough on crime by the use of Section 33 to override rights like protection from cruel and unusual treatment as defined by the Supreme Court is a form of cognitive manipulation that is meant to lead people to accept or overlook actions that erode their sovereign authority under Common Law. This erosion of public awareness plays into the hands of those seeking greater centralized dictatorships and control, which the summary warns against.

Conclusion

In essence, this summary argues that inaction on contempt of Parliament, along with proposed uses of the notwithstanding clause, threatens to dismantle the centuries-old system of parliamentary supremacy under Common Law. This would lead to a concentration of power, undermining individual rights and democratic governance, while weakening the role of Parliament as the ultimate representative of the people. The need for the Minister of Justice to act decisively is framed as essential to preserving democracy and preventing the rise of a centralized, authoritarian government.

Notice of Liability

By this notice, you as Minister of Justice are **personally and professionally liable** for any and all damages caused by your inaction, including the infringement of fundamental rights, the

failure to provide timely and accurate information, the breach of national security, and the erosion of parliamentary authority and rule of law.

Should no corrective action be taken within **14 days** of this notice, we reserve the right to pursue all available legal remedies, including but not limited to **formal complaints, judicial review, legal action for breach of duty, and criminal prosecution** for your breaches of national security.

WHAT CAN YOU DO TO SAVE THIS COUNTY FOR TYRANNY

The matters outlined in your Parts I to XI involve a range of alleged breaches and failures of duty by federal and provincial governments in Canada. Addressing these issues requires a structured and methodical approach to ensure that legal and constitutional principles are upheld. Here is a step-by-step list of ways these matters can be rectified, framed within Canadian legal principles, including the Magna Carta, common law, and the Canadian Bill of Rights:

Part I - No Scrutiny of the Federal Vaccine Mandates for Travel and Federal Government Employment under the Canadian Bill of Rights, Statutory Instruments Act and Common Law.

Legal Review and Public Inquiry: Demand a comprehensive, independent inquiry into the constitutionality and legality of federal vaccine mandates, focusing on their impact on freedom of movement and employment rights.

Judicial Review: Initiate a judicial review to assess whether these mandates violate the Canadian Bill of Rights, particularly Section 1(a) (right to life, liberty, and security of person) and Section 1(d) (equality before the law).

Parliamentary Oversight: Push for parliamentary committees to scrutinize the process and evidence used to justify the mandates, ensuring transparency and accountability.

Part II - Provincial Civil Liberties Violations with COVID Measures

Constitutional Challenge: File a constitutional challenge in court against the provinces that enacted measures violating liberties, security of the person, and the right to informed consent.

Human Rights Complaints: Submit formal complaints to provincial human rights commissions addressing issues like forced masking and vaccine passports that may have violated individual rights.

Public Inquiry and Review: Advocate for a public inquiry into the impact of COVID-19 measures on civil liberties, ensuring recommendations are made to prevent future overreach.

Part III - Unlawful Invocation of the Emergencies Act Against trucker convoy Protest (2022)

Parliamentary Investigation: Demand a full parliamentary investigation into the invocation of the Emergencies Act, examining the legality and necessity of its use against peaceful protesters.

Legal Action

Those unlawfully arrested, beaten, or had their property damaged or confiscated bank accounts frozen can seek compensation and legal redress by

1. For a lower risk you can use small claims court because the fee is only \$110 and the legal costs are capped at 15% of what your claims are for if you lose. The rules are simple so you do not have to have lawyer take charge of your case. Rather you can consult a lawyer for time to time if necessary when you need answers.
2. You can consider a Superior Court Application or a class action lawsuit

Criminal Investigation: Call for an independent special prosecutor to investigate potential criminal actions by officials who violated civil rights during the protests. Or private charge.

Part IV - Office of the Information Commissioner (OIC) Findings on Procedural Failure, Failure to Submit for Federal Review, and Failed to Notify the House of Commons.

Implementation of Recommendations: Ensure that the Information Commissioner's recommendations are implemented, with deadlines and clear accountability measures for government agencies.

Legislative Amendments: Propose amendments to the Access to Information Act to close loopholes and strengthen penalties for non-compliance.

Part V - Failure to Act on Contempt of Parliament

Parliamentary Sanctions: Advocate for parliamentary sanctions against any officials or departments found to be in contempt, including possible suspension or removal from office.

Referral to Law Enforcement: Ensure that any contemptuous actions that violate Canadian law are referred to law enforcement agencies for potential prosecution.

Part VI - Contempt of Parliament and Indigenous Rights

Engagement with Indigenous Communities: Engage with Indigenous leaders to formally document violations of their rights and incorporate their recommendations for rectification.

Legislative Reform: Call for amendments to relevant legislation, ensuring that Indigenous rights are explicitly protected and that any breaches are met with legal consequences.

Part VII - Breach of National Security: Transfer of Scientific Secrets to the Chinese Communist Party

National Security Inquiry: Demand a full public inquiry into the transfer of scientific secrets, ensuring intelligence agencies and government officials are held accountable.

Strengthening National Security Laws: Propose legislation to close security loopholes and increase penalties for breaches involving foreign entities.

Part VIII - Breach of National Security: Electoral Interference by the Chinese Communist Party

Independent Investigation: Call for an independent investigation into electoral interference, with a mandate to examine all evidence and report findings to Parliament.

Strengthening Election Laws: Advocate for reforms to the Canada Elections Act to protect against foreign interference, including increased transparency and security measures.

Part IX - Failure to Act on Federal Gun Grab Law C-21

Legal Challenge: File a legal challenge against Bill C-21, arguing that it violates property rights and due process under common law and the Canadian Bill of Rights.

Parliamentary Reconsideration: Push for a parliamentary debate and reconsideration of Bill C-21, ensuring that it aligns with Canadians' rights and freedoms.

Part X - Failure to Act on Provincial/Municipal Land Grabs and 15-Minute Cities**

Legal Challenges and Injunctions: Initiate legal challenges and seek injunctions to halt land grabs and restrictive measures until a full review is conducted.

Public Consultations: Demand transparent public consultations on land use policies to ensure that any plans, such as 15-minute cities, respect property rights and freedom of movement.

Part XI - Result of the Minister's Failure to Exercise His Duty

Formal Complaint to the Prime Minister and Governor General: File a formal complaint outlining how the Minister's inaction constitutes a breach of duty, urging immediate corrective action.

Judicial Review of the Minister's Conduct: Initiate a judicial review to determine whether the Minister has failed in his statutory and common law duties, potentially leading to sanctions or removal from office.

General Steps to Rectify All Parts:

Public Awareness Campaign: Launch a public awareness campaign to educate Canadians about these issues, ensuring that they understand their rights and the breaches that have occurred.

Grassroots Mobilization: Organize grassroots movements and coalitions to demand accountability from elected officials, using petitions, peaceful demonstrations, and public forums.

Engage Legal and Advocacy Organizations: Collaborate with legal experts, human rights organizations, and advocacy groups to build a strong case for rectifying these issues.

Media Engagement: Engage with independent media outlets to highlight these breaches, ensuring that there is continuous public scrutiny and pressure on government officials.

Parliamentary Action: Work with Members of Parliament who are willing to advocate for these issues, pushing for debates, inquiries, and legislative changes in the House of Commons and Senate.

By taking these steps, each of the outlined matters can be addressed through a combination of legal, political, and public avenues. This approach ensures that Canadian law, particularly the principles enshrined in the Magna Carta, common law, and the Canadian Bill of Rights, are upheld and that government accountability is restored. This ensures that the “we the people remain the sovereign.

Sincerely,

[Your Name]

[Your Address]

[Your Contact Information]

Legal References:

- **Canadian Bill of Rights (R.S.C. 1960, c. 44):**
 - **Section 1:** Affirms the rights of individuals to life, liberty, and security of the person, as well as the right to travel and move freely within Canada.
 - **Section 3(1):** Imposes a duty on the Minister of Justice to examine every paragraphs 30(1)(a) and 30(1)(f) of the **Access to Information Act**.
- **Canadian Security Intelligence Service Act (R.S.C., 1985, c. C-23):** Grants powers to protect Canada from espionage and security threats.
- **Security of Information Act (R.S.C., 1985, c. O-5):** Governs unauthorized sharing of sensitive information, making it a criminal offense.

- **Canada Elections Act (R.S.C., 2000, c. 9):** Prohibits foreign interference in Canadian elections and ensures prosecution of such offenses.

Citizens Resources

(Citizen's Tools & Self Litigants Right to "Leeway")

CITIZENS TOOLS

To hold the government accountable, Canadian citizens can use a variety of legal, constitutional, and civic tools rooted in principles from the **Magna Carta**, **common law**, and the **Canadian Bill of Rights**. Here's a detailed guide along with relevant legal provisions and case law:

1. The Right to Petition and Protest

- **Legal Provision:** This right traces back to the Magna Carta of 1215 (Clause 61), which established the right to lawful protest against the crown. The Canadian Bill of Rights, Section 1(a), protects freedom of assembly and association.
- **Modern Application:** Citizens can organize peaceful protests to express dissent. For example, large protests have been pivotal in Indigenous rights movements (e.g., the Idle No More protests).
- **Case Law:** *R. v. Saeed* (2016 SCC 24) highlighted how peaceful assembly is a protected right under common law.

2. Freedom of Information (FOI) Requests

- **Legal Provision:** The **Access to Information Act (R.S.C., 1985, c. A-1)** allows citizens to request information from government bodies. This transparency mechanism is crucial for holding officials accountable.
- **Case Law:** In *Merck Frosst Canada Ltd. v. Canada (Health)* (2012 SCC 3), the Supreme Court of Canada reinforced the importance of access to government-held information.

3. Judicial Review of Government Actions

- **Legal Provision: Common Law** provides for judicial reviews where courts assess whether government decisions are lawful and reasonable. The Federal Court and provincial superior courts conduct these reviews.
- **Case Law:** In *Dunsmuir v. New Brunswick* (2008 SCC 9), the court outlined standards of review, establishing the legality and reasonableness frameworks.
- **Purpose:** Citizens and organizations can challenge decisions such as improper land-use policies, environmental regulations, and more.

4. Whistleblower Protection

- **Legal Provision:** The **Public Servants Disclosure Protection Act (S.C. 2005, c. 46)** encourages public servants to report wrongdoing in the federal government without fear of reprisal.
- **Purpose:** Citizens can rely on whistleblowers within the government to bring forth hidden or covered-up issues.
- **Case Law:** *Canada (Attorney General) v. Canada (Information Commissioner)*, 2018 FCA 166, helped solidify protections for whistleblowers.

5. Citizen-Led Referenda and Initiatives

- **Legal Provision:** Though less common federally, several provinces allow citizen-led referenda on certain legislative matters (e.g., **British Columbia's Recall and Initiative Act**).
- **Example:** In 2011, British Columbia citizens initiated a referendum to repeal the Harmonized Sales Tax (HST).

6. Class Action Lawsuits

- **Legal Provision:** Citizens can file **class action lawsuits** against the government or corporate bodies acting in concert with the government when their rights are violated. This falls under **common law** and various provincial class action statutes.
- **Case Law:** *Hollick v. Toronto (City)* (2001 SCC 68) defined the criteria for class actions, allowing citizens to hold governments accountable for environmental and public health concerns.

7. Petitioning Parliament

- **Legal Provision:** Under **Parliamentary custom** and the **Canadian House of Commons Procedure and Practice**, citizens can petition Parliament on various issues, asking for legislative reform.
- **Purpose:** Formal petitions can lead to debates or committee reviews, making it a powerful tool to request government action.

8. Office of the Ombudsman

- **Legal Provision:** Each province and the federal government have **Ombudsman Acts**, which allow citizens to file complaints about government services.
- **Example:** The **Ombudsman of Ontario** investigates complaints about provincial agencies, ensuring fairness and accountability.

9. Freedom of the Press

- **Legal Provision:** Section 1(d) of the **Canadian Bill of Rights** ensures freedom of the press, which plays a crucial role in holding the government accountable by exposing corruption, scandals, and inefficiencies.
- **Case Law:** *R. v. National Post* (2010 SCC 16) reinforced the press's role in uncovering government wrongdoing while balancing national security concerns.

10. Civil Litigation and Torts Against Government Entities

- **Legal Provision:** Under **common law**, citizens can sue the government for breaches of duty, negligence, or other wrongful acts. The **Crown Liability and Proceedings Act (R.S.C., 1985, c. C-50)** outlines when and how such claims can be brought.
- **Case Law:** *Cooper v. Hobart* (2001 SCC 79) clarified the test for government liability in tort, enabling citizens to sue for negligent actions by government bodies.

11. Ethics and Conflict of Interest Mechanisms

- **Legal Provision:** The **Conflict of Interest Act (S.C. 2006, c. 9, s. 2)** empowers the Ethics Commissioner to investigate wrongdoing by public officials, ensuring they act with integrity.
- **Case Law:** Investigations into conflicts of interest often stem from citizen complaints or media exposure, ensuring public officials are held accountable for actions that violate ethics rules.

12. Citizen Advisory Panels and Public Inquiries

- **Legal Provision:** Public inquiries (e.g., under the **Inquiries Act**) often include citizen representation and public input. Inquiries can investigate wrongdoing, systemic failures, or improper government actions.
- **Example:** The **Gomery Commission** (2004-2006) investigated the Sponsorship Scandal, revealing misuse of public funds.

13. Public Interest Standing in Court

- **Legal Provision:** Courts have granted citizens and organizations public interest standing, allowing them to challenge government actions without needing a direct personal stake. The **Canadian Bill of Rights** and common law principles support this.
- **Case Law:** *Canada (Attorney General) v. Downtown East side Sex Workers United Against Violence Society* (2012 SCC 45) broadened the criteria for public interest standing.

By leveraging these legal tools and mechanisms, Canadian citizens can ensure that the government remains transparent, accountable, and responsive to the people it serves. These provisions are supported by a robust tradition of common law and case precedents, giving citizens powerful recourse in holding authorities accountable for their actions.

Online link to download: [LINK](#)

SELF LITIGANT'S RIGHT TO "LEEWAY"

The principle of leeway granted to self-represented litigants is well-established in Canadian jurisprudence. This principle recognizes that self-represented individuals may not possess the same level of legal knowledge or experience as trained lawyers and thus deserve some measure of assistance and accommodation from the courts to ensure fairness and access to justice. Here's a comprehensive overview of the relevant case law and legal principles regarding the right of self-represented litigants to receive support from the courts:

Key Case Law Establishing the Right to Leeway for Self-Represented Litigants

1. Pinteá v. Johns, [2017] 1 S.C.R. 470

Facts: The Supreme Court of Canada unanimously endorsed the principles laid out in the "Canadian Judicial Council's Statement of Principles on Self-Represented Litigants and Accused Persons," which emphasizes that courts must provide guidance and assistance to self-represented litigants.

Key Principle: The court highlighted that judges should ensure that self-represented litigants are treated fairly, receive understandable explanations of the procedures, and are informed about what is required at each stage of the process. The principles state that self-represented litigants should not be disadvantaged merely because they lack legal representation.

Significance: This decision is a cornerstone in recognizing the obligation of courts to provide reasonable assistance and ensure that self-represented litigants are afforded a fair opportunity to present their case.

2. Gindis v. Gindis, 2000 Carswell Ont 4692 (Ont. C.A.)

Key Principle: The Ontario Court of Appeal in this case emphasized that judges have a duty to ensure a fair trial and are required to assist self-represented litigants by explaining procedures, clarifying issues, and helping them understand the applicable legal principles. However, this assistance must be balanced, ensuring that the judge remains impartial and does not act as counsel for the self-represented party.

Application: This case clarifies that courts must accommodate self-represented litigants by guiding them through the legal process and helping them understand complex legal issues without crossing the line into advocacy.

3. R. v. McGibbon (1988), 45 C.C.C. (3d) 334 (Ont. C.A.)

Key Principle: In this criminal case, the Ontario Court of Appeal stated that judges have a responsibility to provide guidance to self-represented litigants to ensure that

their rights are protected, and they receive a fair trial. This includes explaining the trial process and legal concepts that may be relevant to the litigant's case.

Significance: Although a criminal case, the principle extends to all types of proceedings, highlighting the responsibility of the court to assist self-represented individuals, ensuring they are not unfairly disadvantaged due to a lack of legal representation.

4. **R. v. Phillips, 2003 BCCA 213**

Key Principle: The British Columbia Court of Appeal confirmed that trial judges have an obligation to assist self-represented litigants. This assistance includes providing information about the process, ensuring that the litigant understands the case's procedural aspects, and guiding them when needed.

Application: This case reinforces that courts must take an active role in ensuring that self-represented litigants understand the proceedings and that their rights are protected throughout the process.

5. **R. v. Tran, 2001 ABCA 170**

Key Principle: The Alberta Court of Appeal in this case recognized that judges have a duty to provide assistance to self-represented litigants by ensuring that they understand the nature of the proceedings and the legal issues involved. This assistance includes making reasonable accommodations, such as explaining legal terms and procedures in plain language.

Significance: This decision underscores the court's obligation to be more flexible and patient when dealing with self-represented litigants, ensuring that they have a fair opportunity to present their case.

6. **R. v. Wren (1992), 11 C.R. (4th) 102 (Alta. C.A.)**

Key Principle: The Alberta Court of Appeal held that while courts must provide some degree of assistance to self-represented litigants, they are still expected to make genuine efforts to understand and comply with legal procedures. The court emphasized that self-representation does not absolve individuals from the responsibility of preparing their case, but they should be provided with guidance and support where necessary.

Application: This case highlights the balance between providing support to self-represented litigants and expecting them to participate in the process actively.

Statements of Principles and Guidelines

7. Canadian Judicial Council's "Statement of Principles on Self-Represented Litigants and Accused Persons" (2006)

Key Principles:

1. Courts should ensure that self-represented litigants are provided with fair treatment.
2. Judges should explain procedural matters in a manner that the litigant can understand.
3. Self-represented individuals should be informed about what they are required to do, such as filing documents or presenting evidence.
4. Courts should make accommodations to ensure that self-represented litigants have a genuine opportunity to be heard.

Significance: This statement, endorsed by the Supreme Court in **Pinteau v. Johns**, forms the foundation for how courts are expected to support self-represented litigants and ensure they are treated fairly.

Summary and Key Takeaways

Obligations of Judges:

1. Judges have a duty to assist self-represented litigants by explaining legal processes, procedures, and expectations clearly.
2. They must ensure that the litigant understands the applicable legal principles and the procedural requirements of the court.

While judges should provide guidance, they must maintain impartiality and cannot act as the legal representative for the self-represented party.

Fairness and Access to Justice:

- I. Self-represented litigants are entitled to fairness and should not be disadvantaged simply because they lack legal representation.
- II. Courts must ensure that self-represented individuals have a meaningful opportunity to present their case, including providing explanations and reasonable accommodations.

Limits of Assistance:

Although courts provide leeway, self-represented litigants are still expected to make reasonable efforts to understand the process and present their case.

The principle of leeway for self-represented litigants is designed to uphold the right to a fair hearing, ensure access to justice, and maintain the integrity of the legal process. By referencing the above cases and principles, self-represented individuals can assert

their right to receive reasonable support and guidance from the court during their proceedings.

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