

Sent: April 2, 2021 2:00 PM

To: Conflict of Interest and Ethics Commissioner/Commissariat aux conflits d'intérêts et à l'éthique
<info@cie.parl.gc.ca>

Subject: Fwd: Conflict of Interest - Minister of Justice

Dear Sir/Madam,

I am concerned regarding a conflict of interest and serious ethical violation of statutory duties by the current Minister of Justice David Lametti.

The Canadian Judicial Council maintains that federal judges have absolute discretion to ignore all evidence including their own transcript which I believe is in a constitutional conflict with their duty to provide fundamental justice. The Canadian Judicial Council refused to respond to my concerns in this regard and called my complaint against the author of the letter an abuse of process and refused to respond further including for my personal freedom of information act requests.

This is a matter that Canadian's through Parliament should be entitled to know about and for Parliament to perform the appropriate checks and balances on judicial power as provided by our constitution.

I made a complaint and submitted it as required under section 24 and as it dealt with a matter of removal of a judge the appropriate court of competent jurisdiction is that of Parliament as no other court has that authority. The Minister of Justice/AG has refused to deal with the situation whatsoever in potentially an obstruction of justice issue.

I made the appropriate complaint to the United Nations because of the inability to enforce my legal rights within Canada.

My understanding from the current discussion on the roles and responsibilities of the AG/Minister of Justice are taken from <https://pm.gc.ca/en/news/backgrounders/2019/08/14/review-roles-minister-justice-and-attorney-general-canada>

"Although the two positions are frequently referred to as a fused or joined position, it is more accurate to say that they are two separate positions held by one person.

Both positions have been described as being responsible for promoting and protecting the rule of law.^[6] The Supreme Court of Canada has explained the rule of law as promising to citizens and residents "a stable, predictable and ordered society" where individuals are protected from arbitrary state action.^[7] This means that the state can only use its power against individuals according to law. The rule of law also requires the state to be accountable to the public for how it uses those powers."

If you require further documents including my charter of rights complaints and the limited communications that I have had with the Justice Department and the Minister of Justice please let me know.

On 2021-04-14 7:51 a.m., info@cie.parl.gc.ca wrote:

Mr. Holsworth,

Thank you for contacting the Office of the Conflict of Interest and Ethics Commissioner. In your email, you refer to an alleged conflict of interest and ethical violation of statutory duties by the current Minister of Justice.

For your awareness, Commissioner Dion administers two conflict of interest regimes. One is the [Conflict of Interest Code for Members of the House of Commons](#), which applies to all 338 elected Members of Parliament. The other is the [Conflict of Interest Act](#) for public office holders, which applies to ministers, parliamentary secretaries, ministerial staff and Governor in Council appointees; compliance with the Act is a condition of a person's appointment or employment as a public office holder ([section 19](#)). Both regimes deal specifically with conflict of interest, with the focus largely on ensuring that regulatees do not use their positions to further their private, largely financial, interests or the private interests of their relatives (and friends, in the case of the Act) or to improperly further the private interests of anyone else. His mandate does not extend to matters related to the statutory duties of the Minister of Justice. Instead, as you may already be aware, it is the [Canadian Judicial Council](#) that has a central role in such matters.

Nevertheless, Commissioner Dion does consider information about possible contraventions of the Act or the Code that comes to his attention from a variety of sources, including members of the public. In fact, historically two-thirds of investigations undertaken by our Office have been launched on the Commissioner's own initiative, often as a result of information received from the public.

Whether or not Commissioner Dion decides to investigate a matter depends on several factors. Chief among them:

The person against whom a complaint is made must be subject to one or both of the regimes that he administers: MPs (but not their staff), ministers, parliamentary secretaries, ministerial staff and Governor in Council appointees. Neither regime applies to most federal public servants, to provincial or municipal officials, private sector organizations or political parties.

The subject-matter of the complaint must fall within the scope of the Act and/or the Code. As noted above, both regimes deal specifically with conflict of interest.

If you are interested in making a request for investigation, you are welcome to send us [specific](#) information for Commissioner Dion's consideration. You can use [this form](#), which is posted on the [How to Request an Examination](#) page of our website. You may send the completed form to info@cie.parl.gc.ca.

We hope you find this information useful.

Jocelyne L. Brisebois
Office of the Conflict of Interest and Ethics Commissioner

April 14th, 2021

Jocelyne L. Brisebois

Office of the Conflict of Interest and Ethics Commissioner,

Thank you for your email response.

In your response you note that Commissioner Dion's "mandate does not extend to matters related to the statutory duties of the Minister of Justice". I have read through the Conflict of Interest Act and can see nowhere does it exclude the Minister of Justice from conflict of interest and ethical violation of statutory duties. Please correct me if I am wrong.

In your response you note that the Canadian Judicial Council has a central role relating to the statutory duties of the Minister of Justice. I do not believe that is the case, the Canadian Judicial Council amongst other responsibilities has a duty to investigate judicial complaints and make recommendations to the Minister of Justice to ask Parliament to remove a judge. The Canadian Judicial Council does not have any authority over the Minister of Justice's decision and the Minister does not need the Canadian Judicial Council's recommendation to ask Parliament to remove a judge. If you could clarify these issues. I think the recent Review of the Roles of the Minister of Justice and Attorney General of Canada June 28, 2019 prepared by Anne McLellan may be of some assistance.

<https://pm.gc.ca/en/news/backgrounders/2019/08/14/review-roles-minister-justice-and-attorney-general-canada>

Your reply does go on to say that I can make a complaint, but that contradicts the earlier statement that the Minister of Justice is not subject to Conflict of Interest Act. Perhaps this issue should be settled first. My complaint

My understanding is that the duty of the Minister of Justice is to protect the public and the administration of justice including providing independent legal advice to the Government. How can the Minister of Justice provide legal advice to the Government that is contrary to our Charter of Rights? How can the Minister of Justice just ignore a charter of rights claim properly served? It is the duty of every citizen of Canada to work to enforce the Charter of Rights. How is ignoring a complaint about judges claiming absolute discretion to ignore all evidence supporting the Canadian Charter of Rights?

What exactly is more 'specific' than that?

The Minister of Justice is protecting lawyers and Judges breaking the law, failing in their duties as judges, and failing to uphold the most basic protection of the Canadian Charter of Rights. It is a conflict of interest because he is a member of a group that is claiming to be above the law, once again in contradiction with the Charter of Rights most basic principle, listed in the opening sentence "Canada is founded upon principles that recognize the supremacy of God and the Rule of Law". The Rule of Law is defined as "the principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced."

How can Canadians trust a government or a court that does not believe that their own official documents are binding upon them?

Trevor Holsworth

April 20th, 2021

Jenica Atwin (Green Party MLA Fredricton), Richard Cannings (NDP / South Okanagan West Kootenay MLA)

I imagine I am not going to hear back from the ethics commissioner on this one but I do believe that he is obliged to respond to your request.

Trevor Holsworth