

FEDERAL COURT OF APPEAL

BETWEEN:

ATTORNEY GENERAL OF CANADA
Appellant

and

CANADIAN CONSTITUTIONAL FOUNDATION
Respondent

and

TREVOR HOLSWORTH
proposed intervenor

MOTION RECORD OF THE PROPOSED INTERVENOR
(Motion for leave to intervene pursuant to Rules 109 and 369)

March 22, 2024

Trevor Holsworth
Fundamental Justice
405 9th Ave
New Denver BC V0G 1S0
Tel: 250-551-6940
fundamentaljustice@gmail.com

TO: FEDERAL COURT OF APPEAL
180 Queen St West
Toronto, ON M5V 3L6

AND TO: **Counsel for the Appellants**

ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Civil Litigation Section National Litigation Sector
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8
Per : Christopher Rupar / John Provar / David Aaron
Phone : (613) 670-6290 / (647) 256-0784 / (343) 804-9782
Email : Christopher.Rupar@justice.gc.ca / John.Provar@justice.gc.ca /
David.Aaron@justice.gc.ca

AND TO: **Counsel for the Respondents**

CANADIAN CONSTITUTION FOUNDATION

Sujit Choudhry	Janani Shanmuganathan
Hāki Chambers Global	Goddard & Shanmuganathan LLP
319 Sunnyside Avenue	116-100 Simcoe St.
Toronto ON M6R 2R3	Toronto, ON M5H 4E2
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AND TO:

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TREVOR HOLSWORTH

Proposed Intervenor

NOTICE OF MOTION

(Motion for leave to intervene pursuant to Rules 109 and 369)

TAKE NOTICE THAT Trevor Holsworth makes a motion to the Federal Court of Appeal under rules 109 and 369 of the Federal Court Rules to intervene in this appeal.

THE MOTION IS FOR:

1. An order granting TREVOR HOLSWORTH leave to intervene for
 - a) the purpose of providing the attached evidence relevant to the inquiry before the Court, to establish the information before the Prime Minister and the Minister of Justice prior to their decision to invoke the Emergencies Act.

- b) To file a Memorandum of Fact and Law
- c) To receive all documents required to be served or filed by a party to this proceeding also be served on the Intervener.
- d) To be exempt from any costs associated with this motion or the appeal.
- e) Such further terms proposed that the Court deems just.

THE GROUNDS FOR THE MOTION ARE:

The Intervener

2. Trevor Holsworth is a citizen of Canada who is a participant and witness to evidence that is relevant to the inquiry before the Court.

Procedural History

3. On March 9, 2020 the Enforcement Procedure s 24(1) of the Charter was served by registered letter upon the Deputy AG's Office as required for service on the Crown. Included within Attachment "A"

4. In late December 2020 and early January 2021 I reported the failure of the Minister of Justice David Lametti to the RCMP National Division tasked with investigating corruption by Federal Members of Parliament however they wrote back ultimately requesting that I "not send further evidence...we will not review it...we will destroy", Exhibit "

5. On the May 25, 2021 the Parliamentary Ethics Commissioner accepted my complaint regarding the conduct of David Lametti in his role as Minister of Justice. Exhibit "G"

6. On July 1, 2021 Attachment "F" was submitted and printed in the Valley Voice

Newspaper describing a failure in the rule of law and a brief description of the duties of the Minister of Justice, and the legal, constitutional and democratic consequences of a failure to respond to the public.

7. On July 16, 2021 in the Provincial Court of BC a constitutional question, properly served upon the Provincial and Federal Attorney General's with the requisite two weeks notice requested restoration of the breach in the Charter caused by the failure of the Minister of Justice to respond to the Enforcement Procedure of the Charter. That question remains unanswered.

8. On Dec 3, 2021 On Appeal to the BC Supreme Court I submitted evidence of a failure in the rule of law throughout the Canadian legal system and requested a writ of mandamus on the Minister of Justice to perform his duty to protect the public and ensure that administration of government is in compliance with the law. Relevant excerpts from the transcript are included in Attachment "H".

9. The request for a writ of mandamus included the legitimate requirement for the Minister to present the problem to Parliament to allow the Legislature to properly perform their constitutional duty to deliver peace, order and good government to Canadians.

10. The decision at the Supreme Court of BC was postponed until Feb 14, 2022 but on that day the Justice did not show up and the Minister of Justice David Lametti invoked the Emergencies Act.

11. My assertion is that the Minister of Justice knew that he was failing to do his duty and knew or ought to have known that accountability was being requested and instead denied Canadians their constitutional rights by invoking the Emergencies Act.

The Intervener's Interest and Unique Perspective

12. As a member of the Public the Intervener shares equally with all Canadians the public right to access a fair and impartial court complying with fundamental justice in accordance with the Charter.

13. As a member of the Public the Intervener shares equally with all Canadians that the duties required of the Minister of Justice in the Westminster Parliamentary system be properly enforced by the Courts to restore trust in our democratic institutions so that Canadians may have peace, order and good government.

14. David Lametti in his email to me of Feb 11, 2021 made false and misleading statements as to his duties, Exhibit "C". On Feb 14, 2021, Exhibit "D" I attempt to correct the errors. I received no further response. Ignoring the public to solve the problem does not generate the required "good faith" that his office requires and defies the claim that David Lametti made to Justice Rouleau at the Public Order Emergencies Commission.

15. The invocation of the Emergencies Act was not made in "good faith" as the Minister of Justice knew that the administration was not in compliance with the law and the public was not being protected.

16. However, the public is largely not aware of the communications that I have had with the relevant authorities. Some of these communications were presented for public examination before the Public Order Emergency Commission (POEC) and receipt confirmed, but the evidence itself was not publicly presented before the Commission, and the POEC Report or website makes no mention of these issues.


The Intent of the submissions by the Intervener

17. It is in the interests of justice for the reasons that the Minister of Justice had for invoking the Emergencies Act be examined fully and critically in order to properly determine the legality of that decision and to repair the breach in the Charter and restore trust for Canadians.
18. The current Minister of Justice Arif Virani has refused to provide to the Public, Parliament or the Court the legal advice provided to Cabinet regarding the decision to invoke the Emergencies Act.
19. The evidence attached suggests that David Lametti's legal advice was not made with the requisite "good faith" in the performance of his Ministerial duty to protect the public and to ensure that the administration of government is in compliance with the law.
20. The granting of leave to intervene will enable the Court to have all of the evidence relevant to their inquiry before them and will not duplicate the submissions of other parties, nor delay the application before the Court.
21. The evidence presented is relevant to the pursuit of justice and in the public interest.

THE FOLLOWING DOCUMENTARY EVIDENCE is relied on in support of this motion:

22. Affidavit of Trevor Holsworth, affirmed March 2~~6~~⁶, 2024

DATED this 2~~6~~⁶th day of March, 2024

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by a smaller, more complex scribble, positioned above a horizontal line.

Trevor Holsworth

P.O. Box 406
426 8th Ave
New Denver BC V0G 1S0
Phone: 250-551-6940
Email: FundamentalJustice@gmail.com

FEDERAL COURT OF APPEAL

BETWEEN:

ATTORNEY GENERAL OF CANADA
Appellant

and

CANADIAN CONSTITUTIONAL FOUNDATION
Respondent

AFFIDAVIT OF TREVOR HOLSWORTH

I, TREVOR HOLSWORTH, of the Village of New Denver, British Columbia,

AFFIRM THAT:

1. I have personal knowledge of the matters hereinafter deposed in this affidavit, except where stated to be based on information and belief, in which case I believe them to be true.
2. I am not a lawyer. All lawyers have refused to represent or advise me based purely on my disclosure of evidence of fraud and corruption in the legal system.
3. The dates and contents of the emails contained in this Notice are taken directly from the original emails, the originals are saved for verification if required.
4. The decision on my request for a writ of Mandamus on the Minister of Justice was postponed until Feb 14, 2022. On that date David Lametti invoked the Emergencies Act.

Justice who was recently appointed by Lametti was not present and matter postponed until Feb 28, 2024. When I asked for an explanation for the absence was told, on “holiday”.

5. My motivation and participation is based solely on my desire to access justice, restore the democratic principles enshrined in Canada's Constitution, enforce Ministerial and political responsibility, advocate for legal and political reform to better serve the people of Canada, and create a more trustworthy society for my children.

6. I have suffered significant personal loss throughout this process and have been living in a state of constant fear of abuse by those representing authority who claim they protect me.


7. Evidence, argument and transcripts available to public at www.fundamentaljustice.com, ruleoflaw.substack.com and @RuleOfLawCanada on X/Twitter.

8. I have submitted briefs to Parliament including the Committee on the Status of Women debating Intimate Partner Violence and Toxic Masculinity, Justice and Human Rights debating Judges Act and Miscarriage of Justice, and before Senate Constitutional Affairs.

9. I communicated my concerns with the Speaker of the House, the relevant Parliamentary Committees, my MP, leaders of the Federal political parties, every Senator and on November 30th 2022 sent registered letters to the Provincial and Territorial Premiers.

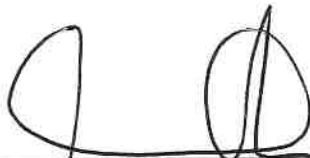
10. I affirm this affidavit in support of my motion for leave to intervene..

Sworn by Trevor Holsworth)
of the Village of New Denver,)
British Columbia)
this 23 day of March 2024)



Commissioner for taking affidavits

Belinda Field Notary Public
West Koots Notary
1695 Columbia Ave.
Castlegar, BC V1N 1J1



Trevor Holsworth



This is Exhibit "A" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024



A commissioner for taking affidavits

Belinda Field Notary Public
West Koots Notary
1695 Columbia Ave.
Castlegar, BC V1N 1J1

**NOTIFICATION
CONSTITUTIONAL QUESTION ACT**

In the Provincial Court of British Columbia
Regina v Trevor Russell Holsworth Court file 26418 Nakusp Registry
Regina v Trevor Russell Holsworth Court file 26419 Nakusp Registry

Constitutional Question Act

S 8(2) If in a cause, matter or other proceeding

(a) the constitutional validity or constitutional applicability of any law is challenged

The Law in question:

Income Tax Act R.S.C., 1985, c. 1

s 238 (1) Every person who has failed to file or make a return as and when required by or under this Act or a regulation or who has failed to comply with subsection 116(3), 127(3.1) or (3.2) 147.1(7) or 153(1), any of sections 230 to 232, 244.7 and 267 or a regulation made under subsection 147.1(18) or with an order made under subsection (2) is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

a) a fine of not less than \$1,000 and not more than \$25,000; or

b) both the fine described in paragraph 238(1)(a) and imprisonment for a term not exceeding 12 months.

Date of Trial: July 15th, 2021 at Nakusp

Particulars:

1. The Income Tax Act provides for a term of imprisonment which is contrary to the Charter of Rights as stated in Reference Re BC Motor Vehicle Act, 1985, 2 SCR 486

Furthermore

S 8 (2) (b) an application is made for a constitutional remedy

Particulars:

1. The Canadian Judicial Council claims by their letter to me dated August 28, 2007 that Judges have absolute unfettered discretion to accept or reject all evidence including the official court record, the transcript.

2. I served the Attorney General of Canada / Minister of Justice David Lametti on March 9th 2020 by registered letter through the office of the Deputy Attorney General's office as specified under serving the Crown on the Ministry of Justice website with a charter notice as per s 24(1) of the Charter of Rights.

3. The Charter Notice is attached in Appendix A.

4. No formal response was ever received.

5. No notification to Parliament was ever made.

6. I hereby apply for the constitutional remedy outlined in my Charter Notice to be applied, for the constitutionality of the Courts be checked by Parliament and other such remedies be provided as that court determines.

Appendix A

Delivered to Deputy Attorney General's office on March 9th, 2020
Initials of the receiving agent is M F and the Canada Post item number is RN445243445CA
A copy was also emailed directly to AG/MOJ David Lametti.

Trevor Holsworth
Box 406 New Denver BC V0G 1S0

David Lametti
Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario
Canada K1A 0H8

Federal Judges through the Canadian Judicial Council (CJC) are claiming the right to dispense arbitrary justice contrary to the principles of fundamental justice of which a lack of arbitrariness is the primary factor. The CJC claim that Federal Judges do not have to accept the official transcript of trial as the highest form of evidence possible, that they have the discretion to accept other evidence such as personal testimony in preference. A large number of problems follow from that position and have effected my rights personally and continue to do so. I have requested from the CJC that they explain how they can hold that position with regards to my Charter of Rights or submit my complaint in regards to their position to Parliament to get confirmation of its legality but they have denied both requests.

Section 24 of The Charter of Rights allows me to enforce my rights
"(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."

The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance.

Yours sincerely,

Trevor Holsworth



This is Exhibit "B" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024

Belinda Field

A commissioner for taking affidavits

Belinda Field Notary Public
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Communications with the Prime Minister's Office

Trevor Holsworth to PM's office Nov 15, 2020

I have been attempting to communicate with the Attorney General of Canada Mr David Lametti regarding problems with the administration of justice and getting zero response. There is a substantial breach in fundamental justice in the administration of Justice which poses a problem for all Canadians. The Canadian Judicial Council claims that federal judges have discretion to disregard the transcript of trial if they wish, like if they have the evidence of the plaintiff testimony on what she heard the judge say 6 months previously. I have pointed out to the CJC and to the Attorney General the problems that this has with 'fair and impartial' and 'fundamental justice'. The desire to protect ones colleagues is of course admirable however when it compromises every ethical position it causes more damage than resolving the situation. I have submitted a charter of rights claim, it has been received (but ignored) and requested that parliament to resolve the situation of judges claiming constitutional authority that does not belong to them. They do not have the right to dispense arbitrary justice and they do not have the right to claim the power of the gods - that their word is better than the transcript of trial. It is abusive on the same level as priests abusing little boys - and the government treatment of the situation, ignoring the problem is the same as the clergy closing ranks and ignoring the situation. I did also send briefs to the Parliamentary Committee on Justice and Ethics but they were removed from the system and not distributed to the committee members. I have attempted to communicate appropriately but ignoring me is abusive and shows a complete lack of integrity. I have also recently discovered that one of the transcripts of trial has also been altered which is interesting because I now have two transcripts of trial clearly demonstrating the attempt to

remove evidence of wrongdoing. There is a well documented procedure to follow for resolution.

to PM's office Nov 21, 2020

I think it important for me to state that given the seriousness of the matters that I bring up and my treatment thus far it is very fair for me to be extremely fearful of the government's lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.



This is Exhibit "C" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024

Belinda Field

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Communications with the Minister of Justice David Lametti

Ministerial Correspondence Unit - Mailout <[Ministerial.CorrespondenceUnit-](mailto:Ministerial.CorrespondenceUnit-Mailout@justice.gc.ca)

Mailout@justice.gc.ca>

Thu, Feb 11, 2021

Dear Mr. Holsworth:

Thank you for your correspondence concerning your personal situation. The Office of the Prime Minister has also forwarded to me a copy of your correspondence. I regret the delay in responding. I hope you will understand that I am not able to provide legal advice to members of the public or to become involved in the matters you describe.

As you may be aware, there are several safeguards in place to ensure that the Canadian judiciary remains fully independent from the executive and legislative branches of government. These include the judicial complaints and conduct process managed by the Canadian Judicial Council (CJC).

The CJC is an independent body established by Parliament. Pursuant to sections 63-69 of the *Judges Act*, it alone is tasked with investigating complaints about the conduct of federally appointed judges. In the ordinary course, the CJC considers and disposes of such complaints pursuant to its publicly established procedure, which includes an assessment of whether a matter warrants the establishment of a formal inquiry.

I recognize that you are dissatisfied with the CJC's disposition of your complaint. However, to ensure respect for the fundamental principle of judicial independence, it would not be appropriate for me to intervene with the CJC on your behalf, nor, as a matter of law, would it be possible for me to do so.

While I note your concerns, I have every confidence in the CJC's capacity to deal effectively and appropriately with all matters that fall within its statutory mandate.

The *Canadian Charter of Rights and Freedoms* authorizes the courts to provide a remedy where fundamental rights and freedoms are infringed by government action. If you feel that your Charter rights have been infringed, it may be helpful for you to speak to a lawyer in private practice to determine the course of action that will best serve your needs. A lawyer may also be able to assist you in pursuing an appropriate administrative remedy. Most provincial and territorial law societies have a lawyer referral service, which can refer you to a lawyer who can provide you with an initial consultation for a small fee or at no charge.

The Federation of Law Societies of Canada website has a listing of these societies.

Respectfully,

The Honourable David Lametti, P.C., Q.C., M.P.

Minister of Justice and Attorney General of Canada

This is Exhibit "D" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024



Belinda Field

A commissioner for taking affidavits

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My response to Minister of Justice David Lametti

Trevor Holsworth Sun, Feb 14, 2021

To: Ministerial Correspondence Unit - Mailout <Ministerial.CorrespondenceUnit-Mailout@justice.gc.ca>, PrimeMinister/Premier Ministre <PM@pm.gc.ca>

Minister of Justice and Attorney General David Lametti,

Thank you for your response. I want you to know that I do understand the very difficult nature of this problem and the serious problem that it does present for the Canadian legal system. I appreciate you stepping forward to confront this incredibly sensitive issue and hope that we can foster a relationship based on respect for our common values and move forward in the right direction to improve the quality of our legal system for the future. There have been numerous attempts to contact you through your office as well instances where communications have been blocked so that elected officials do not receive the appropriate communication. I am not sure what communications that you have received. It appears that you have received my Charter of Rights application as served to the Deputy Attorney General. I am not sure if you are currently in possession of the United Nations Human Rights complaint that I made on behalf of all Canadians because your office ignored the Charter of Rights application. It may help our understanding if you could confirm the communications that you have received. In the spirit of open government, I have previously requested that ALL communications dealing with this matter, include me. I am aware that there is a division of powers between the executive, legislative and judicial branches of government as well as constitutional safeguards in order to prevent the abuses of those powers. Parliament, through your office, has the responsibility to ensure that the judicial branch of government does not overstep its constitutional boundaries, which it has, by claiming a

right to dispense arbitrary rather than judicial rule....

You cannot possibly have *"every confidence in the CJC's capacity to deal effectively and appropriately with all matters that fall within its statutory mandate"* when

a) the CJC is claiming that Judges are above the law - that their word can overrule the official transcript, which contravenes The Rule of Law as well as Fundamental Justice as required by the Charter of Rights.

b) whilst the CJC has previously maintained that their decisions are not open to appeal that was altered in 2019 by the federal court and the CJC was stated by that court to be "abusive" in the treatment of a judge. If the court finds the CJC abusive in the treatment of a fellow judge how can a regular citizen of Canada expect better treatment?

c) The CJC itself is asking for more clarification on its powers from Parliament. In regards to your statement that you have no legal right to pursue the action that I propose I refer you to The Ministry of Justice website, (<https://www.justice.gc.ca/eng/cons/fjdp-pdmf/3.html#sec311>)

"Possibilities for further reform of the Federal Judicial Discipline Process Department of Justice Canada, JUNE 2016 The Minister is not bound by the CJC's recommendation; the option to seek a judge's removal by Parliament exists whether or not the CJC recommends that the judge be removed.....The roles of the Minister of Justice and of Parliament at the end of the judicial discipline process are critical. As noted,Parliament's role as the body tasked with actually removing a judge from office is set out in s. 99(1) of the Constitution Act, 1867.....By contrast, the Minister of Justice's role at the end of the judicial discipline process is nowhere set out. It is commonly accepted that the Minister's role is to receive the report required of the CJC by s. 65(1) of the Judges Act and to decide whether to ask Parliament to remove the judge. In

Cosgrove v. Canadian Judicial Council, 2007 FCA 103, at para. 64, the Federal Court of Appeal described the Minister's role in the following terms: As explained above, the Council has no power to remove a judge from office. That can be done only by the Governor General on the joint address of the Senate and House of Commons. If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest...

...CJC inquiry committees and Councils of the Whole have taken the approach that if the judge's conduct is determined to fall within any of (a) to (d), the following question, usually called the "Marshall test", should be posed: Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the Judge incapable of executing the judicial office? Only if the answer to this question is yes will a recommendation for a judge's removal from office follow."

Please explain how it can be appropriate for a judge to dispense with allegations of corruption and breaches of the criminal code by calling up the Plaintiff to refute the official court transcript. Would it also be appropriate conduct for a Judge to fabricate evidence in order to penalize a Canadian disclosing corruption, rather than merely ignoring evidence to protect a lawyer? The Canadian Charter of Rights authorizes a 'court of competent jurisdiction' to provide a remedy where fundamental rights and freedoms are infringed by government action. Parliament is named in the Constitution as the ONLY body authorized to dismiss a judge. It would be completely

inappropriate as well as abusive to compel me to appeal to the courts to judge their own conduct when their own governing body has overstepped its constitutional guarantee and claimed rights that are not theirs. Parliament is the appropriate court to make this decision. I have on numerous occasions requested the CJC do so but they have refused ultimately calling my request an abuse of process. To be absolutely clear I am not seeking legal advice, and whilst there is an unwanted personal component to this situation it is more important to emphasize that this situation applies to ALL Canadians.

I am also now clear in my understanding that a lawyer would be detrimental to the protection of my rights, in complete contradiction to their statutory duties. I have however contacted numerous lawyers, including the Canadian Civil Liberties Association, and legal academics, like Adam Dodeck specializing in Constitutional Law and the Charter of Rights and every single one either does not respond further upon receiving the evidence or claims that they are "no longer taking new clients". I understand this exactly for what it is -a closing of ranks within the legal profession in direct contradiction of the Rule of Law, that no-one is above the law.

If Canadians cannot trust the legal system to administer Fundamental Justice and the Rule of Law then the system collapses. The United Nations Charter of Human Rights Preamble outlines this problem succinctly,

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to

rebellion against tyranny and oppression, that human rights should be protected by the rule of law,"

Your DUTY is to be the Light and protect the Integrity of the Canadian legal system and the Rule of Law. History will be the final judge. At this time I have advised numerous government departments of the current problems and they are waiting for you to do your job. I am available to assist in this matter, but in fairness, like you, I should be paid for doing this job. Canadians would expect nothing less. It is simply abhorrent that the Canadian Judicial Council maintains a position that is in complete contradiction with the guarantees provided by the Canadian Charter of Rights.

Yours Sincerely,

Trevor Holsworth

This is Exhibit "E" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024



Belinda Field

A commissioner for taking affidavits

Belinda Field Notary Public
West Koots Notary
1695 Columbia Ave.
Castlegar, BC V1N 1J1

Communications with RCMP National Division

Sent: December 30, 2020 8:27 PM

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: reporting Corruption in Canada

I wish to report corruption but am scared for my life. How can I be protected? How can I be confident I will be taken seriously? Can I make it anonymous?

Date: 31/12/2020, 5:46 a.m.

RE: reporting Corruption in Canada

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day,

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email indicating you would like to make a report of corruption anonymously. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

Under this mandate National Division Intake Unit investigates complaints concerning federally elected members of parliament and/or crown corporations. If your complaint falls within above noted mandate then you may wish to send a synopsis of your corruption complaint to be reviewed under the mandate.

If your complaint does not fall under the above mandate then any complaints of a criminal nature should be reported to the police of jurisdiction for the area where the occurrence took place.

This also includes any concerns you may have for your safety as you indicated you are scared for

your life.

Please note that complaints can be submitted anonymously, however if during the course of our review/investigation if there are questions or more information required for the investigation anonymous submittals do not allow for them to be answered and could result in a matter being concluded due to lack of information provided. Please be advised that the RCMP does not provide complainants name or information to anyone.

Thank you for contacting the RCMP National Division.

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

Sent: December 31, 2020 12:13 PM

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: Re: reporting Corruption in Canada

Thank you for your response. I will work on putting that together.

What about judicial corruption? Who examines that issue and if you say the Canadian Judicial Council who examines them because I've already been there and that is part of the problem.

Date: 04/01/2021, 6:58 a.m.

RE: reporting Corruption in Canada

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good morning Mr. Holsworth,

If your complaint has to do with a federal judge then we would refer you to Canadian Judicial Council.

If your complaint has to do with provincial/municipal judges then each province has their own provincial judicial council. For example in Ontario you could contact Law Society of Ontario or Ontario Judicial Council.

You may also wish to contact a lawyer of your choice that maybe able to assist you.

Please note RCMP National Division Intake Unit is still currently waiting for a synopsis of your complaint to review under our mandate. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

Thank you for contacting the RCMP National Division.

Sent: January 5, 2021 2:29 PM

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: Re: reporting Corruption in Canada

Constable Webster,

Well I guess the complaint is no longer necessary to be anonymous.

The complaint has to do in part with a federal judge and I have been in contact with the Canadian Judicial Council (CJC). You see firstly I wanted to report a lawyer who created a fraudulent court order so I presented the transcript to Justice Duncan Shaw at trial who rejected that evidence and instead called up the Plaintiff and preferred her testimony and her lawyer's court order over the transcript.

I received a reply written by letter from Norman Zabourin, Executive Director and General Counsel of the Canadian Judicial Council on 28th August 2007, "in the Opinion of The Honourable Robert Pigeon Senior Associate Chief Justice of the Supreme Court of Quebec and Vice-Chairperson of the Judicial Conduct Committee of the Council" where my complaint was, as quoted "you complain Justice Shaw accepted the testimony of your former spouse and her lawyer instead of accepting the transcript. You also complain that Justice Shaw allowed a lawyer not to comply with an order The admissibility and weighing of evidence is a matter that falls within 'judicial discretion'.... the exercise of a discretion is not a matter of conduct."

I wrote back to the Canadian Judicial Council suggesting that their response posed a problem for the Canadian Charter of Rights and the Rule of Law not to mention the Administration of Justice however I did not receive a reply to that letter nor did I receive a reply to my Freedom of

Information Act request for documents in my personal file held by their office. I did however make a complaint to the CJC that Chief Justice Robert Pigeon should be subject to an investigation as to his fitness for office to hold a position that is contrary to the Charter of Rights which requires that they dispense "fundamental justice" and that it be "fair" and "impartial". The CJC responded by calling my complaint an "abuse of process" and rejected it. I had requested that Parliament be called upon to determine the legality of the Judges claim.

Following the failure to resolve the issue through the CJC I made the appropriate Charter of Rights application to the Attorney General and Minister of Justice Mr David Lametti and requested that Parliament investigate the matter. I have received no response to that communication and when pressed through the Prime Minister's office the Attorney General's office merely responded by stating that they do not provide legal advice to members of the public. I do note that it is the Attorney General's statutory duty to protect the public, the rule of law and the charter of rights.

I have sent emails already to the RCMP media contacts in British Columbia that Police should stop arresting people until this breach in the charter of rights has been resolved. Whilst the Courts are not providing fundamental justice it is imperative that Canadians including the Police pressure the Judges and Politicians to restore the Rule of Law and the Charter. How can my safety be assured?

Thank you for your attention to this matter.

Trevor Holsworth

Date: 06/01/2021, 5:54 a.m

RE: reporting Corruption in Canada

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your complaint concerning your displeasure with a review outcome from a complaint you submitted to the Canadian Judicial Council in 2007. Upon review of the information you provided, it was determined that your matter does not fall within the National Division mandate. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

As previously indicated to you on January 01, 2021 a complaint submitted to us concerning a federal judge would not fall under our mandate and we would refer you to the Canadian Judicial Council.

To assist you further with your complaint you may wish to contact a lawyer of your choice.

You may also wish to conduct follow ups with Canadian Judicial Council, Freedom of Information Act and Attorney General and Minister of Justice to obtain information you have requested, or for your questions to each to be answered.

Any safety concerns you have can be directed to the police of jurisdiction for the area where the occurrence took place. We regret we cannot be of any further assistance to you at this time

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

Jan 6th, 2021

Constable Webster,

Thank you for your response. I have followed up with the Canadian Judicial Council and pointed out the problem that their decision to claim absolute power over Canadian citizen outside of their constitutional bounds under the rule of law and the charter of rights but they have refused to respond except to refuse to send the matter to Parliament for examination and to call my email an "abuse of process".

You state that the National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

1. I cant think of anything more important to safeguard than our constitutional guarantees can you?

2. I think it is also a significant threat to Canada's political, economic and social integrity dont you?

I have made a request of the Canadian Judicial Council under the Freedom of Information Act and have received no response. I have made follow up inquiries to the Review board and they have informed me that the CJC is not bound by the FOI Act and that there is nothing that they can do to compel the CJC to disclose any records to me.

I have made a Charter of Rights claim to the Attorney General and requested that the matter of Canadian Judges claiming a right to arbitrary rule contrary to the Charter of Rights be placed before Parliament but they have refused to respond. I contacted the PM's office requesting that

the AG/Minister of Justice Mr David Lametti respond and merely received a response stating the the AG's office "does not provide legal advice to members of the public."

I have submitted a claim to the United Nations because legal attempts within Canada have stalled, which I attach for your information as it also includes the correspondence to the Attorney General. The AG is charged with upholding the public interest. *"The Attorney General of Canada has a unique and profoundly important role. They stand at the heart of accountable government as the person responsible for defending the rule of law by ensuring that all government action is in accordance with the Constitution, including the Charter of Rights and Freedoms."*

What you have here is a coup. The Courts are saying that they are not subject to the Rule of Law, they are not subject to the Charter of Rights and they are not subject to Parliament. This is a problem that fits with your mandate precisely - to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

What do you think I should tell the police of jurisdiction for the area where the occurrence took place - the R.C.M.P. that I have not told you but you are not acting to protect me? Since the R.C.M.P. are still bound to comply with any order of a court which by definition is arbitrary since they reserve the right to ignore the best evidence that any Canadian can possibly provide (the transcript) and so are operating outside of their Constitutional boundaries and you are not willing to protect me but seem ok with the Charter of Rights being destroyed. Orders of the court operating outside of the law are invalid by definition.

This is the reason I have requested that the R.C.M.P. stand up for the Charter of Rights and stop the violation of Canadian's rights to a fair and impartial trial. The R.C.M.P. must stop arresting

people when you know that they will not have their Charter of Rights recognized by the Courts because the Judges have admitted that they are not doing so.

I am still very concerned regarding my security of the person, given the issues that I mention. I am not confident of the local R.C.M.P.'s ability to provide adequate protective security.

Let me know the steps you will take to protect the Charter of Rights? What else does the National Division Criminal Operations do if it doesn't do its job?

Thank you for your attention to this matter. I'm sure that you do appreciate the importance of the message that I provide.

Jan 6th, 2021

Mr Webster,

I hope that you appreciate that my concern is for the proper administration of justice and the enforcement of the Rule of Law and The Charter of Rights. It would be of great concern to all Canadians if the administration of justice were to fail due to the correct interpretation that it is not operating in a "fair" or "impartial" manner nor according to any rules of fundamental justice. This is of great concern to all Canadian's. If a murderer, a rapist, a politician or judge accepting bribes or anyone else that should be prosecuted and punished were to walk free because they could easily demonstrate that the court was not complying with the rule of law, or the charter of rights. That is a problem. This needs to be addressed as quickly as possible to resolve this situation for Canada.

...

Cosgrove v. Canadian Judicial Council, 2007 FCA 103, [2007] 4 F.C.R. 714 at paragraph 32

“judicial independence does not require that the conduct of judges be immune from scrutiny by the legislative and executive branches of government. On the contrary, an appropriate regime for the review of judicial conduct is essential to maintain public confidence in the judiciary”

You will however find, like me, is that if you talk to a lawyer they will refuse to give advice on this matter as it inherently causes a conflict in loyalties between their need to defend the legal institution regardless of the evidence and their requirement to uphold the law.

....

Furthermore someone in the administration of the parliamentary committee on human rights and justice who refused to put their name on their communication with me, despite my request, refused to allow my brief to be submitted to the committee, including a brief that the FOI Act should apply to the Canadian Judicial Council.

Preventing our elected officials access to information pertinent to their inquiries is Obstruction of Justice.

Date: 07/01/2021, 11:07 a.m.

RE: Your complaint to NDIU RCMP

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your 4 emails in which you express your displeasure with our review outcome to your complaint, and continue to forward information as to why you believe your complaint falls under our mandate. As indicated to you in several previous emails National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity. Under this mandate we investigate matters concerning federally elected members of parliament and crown corporations.

Complaints concerning judges during court proceedings at any level of government dose not fall within our mandate. As you indicate that your complaint is concerning a federal judge the Canadian Judicial Council is where your complaint for this matter will be dealt with. If during the course of an investigation a criminal offence is determined, then they will forward the matter to the appropriate police of jurisdiction.

As previously indicated you may contact a lawyer of your choice to assist you further with your complaint concerning court proceeding that took place in 2007.

Again any concerns for your safety should be brought to police of jurisdiction.

If you are not satisfied with the service you have received from your local RCMP, you may wish to make a complaint with the Civilian Review and Complaints Commission for the RCMP. They

can be contacted by phone at 1(800) 665-6878, by mail at their “National Intake Office P.O. Box 1722, Station B Ottawa, ON K1P 0B3” or online by completing an online complaint form at <https://www.crcc-ccetp.gc.ca/en/make-complaint>.

Please note that the RCMP's involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter.

Thank you for contacting the RCMP National Division.

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

January 7th, 2021

Constable Webster

<attachment – CJC Letter regarding Shaw by Chief Justice Pigeon>

Thank you once again for your continued communication.

I attach for your information the letter from the Canadian Judicial Council claiming that they have the discretion to reject the transcript of trial arbitrarily, not only completely lacking in fundamental justice, but blatantly unfair and partial. That is the gold standard we hold our judiciary too and it is completely contrary to the guarantees provided for by the Canadian Charter of Rights.

In your letter you state "Under this mandate we investigate matters concerning federally elected members of parliament"

I am not asking you to examine the conduct of the Judge, or the Canadian Judicial Council. It is the Attorney General of Canada whom is a federally elected member of Parliament that I wish you to investigate because he is abusing the rule of law.

The Duty of the Minister of Justice is laid out in s 4 of the Department of Justice Act and shall see that the administration of public affairs is in accordance with the law; have the superintendence of all matters connected with the administration of justice in Canada not within the jurisdiction of the governments of the provinces.

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

The R.C.M.P. cannot function without the Fundamental Rights of the Charter being enforced.

The Judiciary and the Courts cannot function if they operate outside of the Charter of Rights. It is absolutely imperative that the Rule of Law and the Charter of Rights is enforced.

What you are suggesting is that you would knowingly allow the Charter of Rights to be abused, including my own individual rights alongside every other Canadian.

The Administration of public affairs is NOT in accordance with the law. A Charter of Rights claim regarding my lack of fundamental justice in the federal courts has been duly served requesting Parliament be the judge in this situation AND has been completely ignored. The Minister of Justice is absolutely failing to comply with his job.

To suggest that you have no further involvement in this matter is a failing. You should absolutely be interested in further evidence. Failing to do so calls into question your responsibility under your mandate to stop corruption to "investigate matters concerning federally elected members of parliament". We are talking about crimes committed and political cover-up of those crimes.

THAT is the definition of corruption; the "dishonest or fraudulent conduct by those in power."

It is of course amazing to have this situation unfolding at the same time as the collapse of the United States President's attempted coup and the re-establishment of the Rule of Law and the upholding of the Constitutional guarantee's in that country. Which side are you on?

January 8th, 2021

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email in which you request an investigation of Attorney General's Office for abusing the rule of law.

After reviewing all information, you have provided to RCMP National Division Intake Unit since December 30, 2020 it has been determined that you have not provided substantiated evidence of a criminal offence to be investigated concerning Attorney General or the Canadian Judicial Council under National Division Criminal Operations' mandate.

As previously indicated you may contact a lawyer of your choice to assist you further with any concerns or complaints you have concerning court proceeding that took place in 2007.

You may also wish to contact The Ombudsman to assist you with your complaint concerning the Attorney General. The Ombudsman can be contacted by phone at 1-800-263-1830, by email at, info@ombudsman.on.ca or online at <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>.

As advised on January 07, 2021, RCMP National Divisions Intake Units involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter.

Sincerely,

RCMP National Division - Intake Unit

Date: 11/01/2021, 5:57 a.m

RE: Complaint to NDIU RCMP

From: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email in which you request an investigation of Attorney General's Office for abusing the rule of law.

After reviewing all information, you have provided to RCMP National Division Intake Unit since December 30, 2020 it has been determined that you have not provided substantiated evidence of a criminal offence to be investigated concerning Attorney General or the Canadian Judicial Council under National Division Criminal Operations' mandate.

As previously indicated you may contact a lawyer of your choice to assist you further with any concerns or complaints you have concerning court proceeding that took place in 2007.

You may also wish to contact The Ombudsman to assist you with your complaint concerning the Attorney General. The Ombudsman can be contacted by phone at 1-800-263-1830, by email at, info@ombudsman.on.ca or online at <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>.

As advised on January 07, 2021, RCMP National Divisions Intake Units involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter.

Sincerely,

RCMP National Division - Intake Unit

Sent: January 11, 2021 2:12 PM

To: <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Subject: Re: Complaint to NDIU RCMP

Cst. Webster,

Thank you once again for your response.

As we previously discussed, I understand and never suggested that the investigation was about the Canadian Judicial Council as I understood that is not in your mandate because they are not a crown corporation. My concern is that the Minister of Justice is not complying with the law; he is responsible to see that the administration of public affairs is in accordance with the law.

Allowing Judges to conduct themselves in an unfair, partial and contrary to the principles of fundamental justice is a breach of the highest law of Canada, our Charter of Rights. I believe THAT is in your mandate. I thought that you, me and everyone in and out of Government have the responsibility to ensure that the Laws in Canada are enforced, particularly the Constitution and the Charter of Rights.

I note that you request that I do not provide evidence and that you have not reviewed evidence provided after December 30th, 2020. What happens if I have or discover further evidence - should I destroy it, or send it to the media instead. I do not understand why you would respectfully request that I do not forward anything. Im sure you realize that not all evidence is disclosed in the initial contact. It feels like you dont want to know more, and are refusing to investigate regardless of further information. Naturally this is a concern to all citizens, particularly when reporting corruption in Canada, where open government is the standard. Please explain what I should do next time I discover corruption in Canada.

I suppose there is probably a conflict of interest issue here. How could I reasonably expect the RCMP to investigate the Minister of Justice. Interestingly enough the Judge who initially disregarded the transcript of trial in order to protect a lawyer was also the subject of a previous complaint to the Canadian Judicial Council where essentially every Police Chief across Canada weighed in AND it was discussed in Parliament. Justice Duncan Shaw allowed child pornography to be a Charter right under freedom of expression but somehow also found it NOT a charter violation in my case to reject the transcript of trial submitted as evidence to correct a court order - which eventually post trial I did get changed. Just saying, that we are on the same side here, unless of course, we aren't.

Date: 12/01/2021, 6:34 a.m.

RE: Complaint to NDIU RCMP

From: Nat_Intake/Nat_Triage-RCMP/GRC <RCMP.Nat.Intake-Triage.Nat.GRC@rcmp-grc.gc.ca>

Good day, Mr. Holsworth

The Royal Canadian Mounted Police (RCMP) National Division Intake Unit has received your email in which you continue to insist your complaint falls under national divisions mandate.

As previously advised upon review of the information you provided, it was determined that your matter does not fall within the National Division mandate for the RCMP to investigate. National Division Criminal Operations' mandate is to safeguard and investigate significant threats to Canada's political, economic, and social integrity.

As indicated to you on January 7, 2021 complaints concerning judges during court proceedings at any level of government doesn't fall within our mandate and is to be dealt with within the judicial system's.

The RCMP has provided you with the following referrals to assist you with your complaint(s).

- Canadian Judicial Council
- Contact a lawyer of your choice
- Police of jurisdiction for safety concerns
- Contact The Ombudsman. The Ombudsman can be contacted by phone at 1-800-263-1830, by email at, info@ombudsman.on.ca or online at, <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>.

As advised to you on January 07, 2021 and January 11, 2021 the RCMP National Divisions Intake Units involvement in this matter has been concluded. Unless you are requested by the RCMP to do so, it is respectfully requested that no additional documents be forwarded to the RCMP regarding this matter. Any future communications sent to RCMP National Division, unless solicited by the RCMP concerning this matter, will not be reviewed and will be destroyed locally.

If you are not satisfied with the service you have received from RCMP National Division Intake Unit, you may wish to make a complaint with the Civilian Review and Complaints Commission for the RCMP. They can be contacted by phone at 1(800) 665-6878, by mail at their "National Intake Office P.O. Box 1722, Station B Ottawa, ON K1P 0B3" or online by completing an online complaint form at <https://www.crc-cetp.gc.ca/en/make-complaint>.

Thank you for contacting the RCMP National Division.

Sincerely,

Cst. WEBSTER

RCMP National Division - Intake Unit

January 12, 2021

Mr Webster,

Thank you once again for your communication. I understand that we have a difference of opinion regarding your mandate and what comprises significant threats to Canada's political, economic and social integrity. I thought it important to communicate to the very best of my ability my concerns to all appropriate persons. I understand that this will be our last communication and

although we have difference of opinions I remain open to re-establishing a connection in the future.

I wish to emphasize once again that my complaint is NOT at all about judges during court proceedings. Once again for the sake of clarification this is about the Minister of Justice and Attorney General NOT complying with their statutory requirements; and protecting a certain class of person, namely lawyers, and lawyers that have been promoted to be judges from investigation by Parliament as required by statute, specifically to protect the Charter of Rights of Canadians as well as the integrity of the legal institutions as required for public confidence. Once again it is impossible for the public to have confidence in the integrity of the legal institutions if they reserve the right to reject any and all evidence. The legal institutions become a religion based on faith not fact. Absolutely no Canadian will knowingly submit themselves to be tried in such a manner.

Thank you for the recommendations on referrals. As you know I have pursued those avenues and met with refusal to communicate on the matter whatsoever, because legally there is NO defense.

I am sure that you are aware of the Public Service code of conduct as well as the RCMP code of conduct so I don't really need to go over those documents but I am somewhat concerned that you would destroy evidence without examination but since I have seen that done before it doesn't surprise me but it is an embarrassment to ALL Canadians.



This is Exhibit "F" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024

Belinda Field

A commissioner for taking affidavits

Belinda Field Notary Public
West Koots Notary
1695 Columbia Ave.
Castlegar, BC V1N 1J1

July 1st 2021.

Judicial Abuse of Power

SPONSORED

Improve the accountability of judges in Canada

Judicial Abuse of Power
 The May 6th, 2021 edition of the Valley Voice published a letter to the editor regarding a petition to the Canadian Judicial Council to improve the accountability of judges. The petition was signed by 1000 Canadians and was presented to Parliament. The Minister of Justice, David Lametti, refused to submit the petition to Parliament. The Canadian Judicial Council also refused to submit the petition to Parliament.

The judge called the Plaintiff to the stand, requested perjury to protect the lawyer's fraud, and preferred that testimony, over the transcript.

The Canadian Judicial Council (CJC) was established in 1971 following the Landreville inquiry where criminal activity by a Judge was alleged. The CJC's role was to improve the system of

for criminal conduct. The Canadian Judicial Council refuses to submit complaints to Parliament. The Minister of Justice is protecting lawyers and judges breaking the law.

Quotes from the debate in Parliament:

We are the only law Mi

In the May 6th, 2021 edition of the Valley Voice I wrote a letter to the editor regarding a petition to Parliament to improve accountability of judges. This petition might disappear and never be presented to Parliament as the sponsor of the petition recently crossed the floor and joined the Liberal Party.

My involvement began when I witnessed criminal acts by lawyers and judges. A lawyer created a fraudulent court order. I requested that he correct his error but he refused. I presented the matter with the transcript at Trial to prove the fraud. The judge called the Plaintiff to the stand, requested perjury to protect the lawyer's fraud, and preferred that testimony, over the transcript. The Canadian Judicial Council (CJC) was established in 1971 following the Landreville inquiry where criminal activity by a Judge was alleged. The CJC's role was to improve the system of

justice and ensure that improper conduct met with proper discipline. In my complaint to the CJC the Chief Justice of the Quebec Supreme Court found nothing wrong with the conduct of the Judge, and dismissed the matter. I requested that the decision be reviewed by Parliament and they refused. The CJC claims that their word is above the law.

We have the Rule of Law and the Charter of Rights to prevent this abuse of power historically claimed by dictators. Their decision contradicts the rules that the CJC determined for their own conduct. “Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?” and “Judicial independence exists for the benefit of the judged, not the judges. It is therefore to be assessed from the perspective of the reasonable observer and in light of the public interests it is meant to serve.”

A Judge that cannot determine the priority of evidence when presented with the transcript cannot be trusted with our rights, our finances, our lives, and our children. The Charter of Rights is an empty promise, our right to Appeal is arbitrary, and the foundation of Democracy is destroyed. I made the appropriate complaints to the BC Law Society about the conduct of the lawyers involved in the case. In addition to fraud a lawyer refused to comply with a court order to provide monthly trust account statements, admitted the crime in writing, and requested mercy. The complaint was dismissed, but written reasons for their decision were refused, contravening their governing statute.

I made a Charter of Rights claim in March 2020 Section 24 (1) of the Charter reads: “Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may

apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.” Since Parliament offers the only method for removal of a judge I wrote “The only Court of competent jurisdiction to judge the judges who judge the judges is Parliament. I have currently lost most of my legal rights except obviously my right to life but I am in fear of losing that. I am hereby applying to Parliament for the protection of my charter of rights. Obviously urgency is of prime importance.”

In November 2020 I wrote to the office of the Prime Minister Justin Trudeau and received a reply from the Minister of Justice in February 2021 where he regretted the delay in his response, claimed he was bound by the decision of the CJC, told me he is not able to provide legal advice to the public, and to get legal advice from a lawyer. But on the Ministry of Justice website they state: “The Minister is not bound by the CJC’s recommendation; the option to seek a judge’s removal by Parliament exists whether or not the CJC recommends that the judge be removed.....If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister’s discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguarding the public interest.”

I attempted to get legal advice on the matter from lawyers but received few replies. The alternate to silence was “we are not taking on new clients at this time”, “it is not my area of expertise”, and “Given the information in your email I am not able to assist you now or in the future.”

The Canada Revenue Service through the RCMP served me with a notification alleging that I had not complied with the Income Tax Act and threatened imprisonment unless I attended court.

I informed the court of the problem presented by the CJC's letter as it affected my security of the person and pled Not Guilty.

I reported the conduct of the Minister of Justice to the RCMP anti-corruption squad in early 2020 failing in his duty to protect the public and the Charter. Their response was "we will destroy evidence". I requested that the RCMP stop arresting the public whilst our rights were not being respected by the Courts. No reply.

I was reminded of the presence of the Commissioner of Parliamentary Ethics by the SNC-Lavelin corruption scandal. I alleged to the Commissioner that the Minister of Justice is attempting to improperly protect the investigation of lawyers and judges and in April 2021 they accepted the complaint.

At the pre-trial hearing on May 20th, 2021 I requested protection of my right to life. My drivers licence and passport had been removed by the government and in this time of business closures by Covid and without the CERB benefits, I needed food to eat so that I could survive to trial. DENIED. The Judge made it clear he was not interested in legal rights and intended to deny everything. I face the possibility of being incarcerated for up to 7 years as well as a hundred thousand dollars in fines. The stress of course is intolerable and abusive. In the CRA's notes on my file they include statements like "non-cap losses will reduce this to NIL, leaving no tax potential"

Judges claim a right to ignore everything we say, to solicit perjury and plant that evidence at trial to protect lawyers. The BC Law Society does not discipline lawyers for criminal conduct. The Canadian Judicial Council refuses to submit complaints to Parliament. The Minister of Justice is protecting lawyers and judges breaking the law.

In 1999 the conduct of Judge Shaw was debated in Parliament after he dismissed a self-represented accused of possession and distributing child pornography. The Judge protected him by claiming he had a “freedom of expression”. The Minister of Justice argued in Parliament for the justice system to self-regulate and Judge Shaw was not disciplined but left on the bench where three years later in my case he completed his destruction of the Charter. Shaw did “retire” soon after but not before the Canadian Judicial Council protected and approved his conduct.

Quotes from the debate in Parliament:

“We want people like Mr. Shaw to know that Canadians do not respect him, that parliament does not respect him,”

“Our citizens, men and women and children, are at risk because of this judge’s decision.”

“The courts are already dismissing charges as a result of the present ruling.”

“Who is on the hook if a judge screws up? It is the Prime Minister and the justice minister”

“we see the ultimate consequences of a completely unencumbered, unaccountable judiciary.”

“The whole issue of trusting the judicial process to address this tragic situation is wrong.”

“If we are ever going to send a message to the judiciary that parliamentary supremacy over legislation is meaningful, and if the public at large is going to receive that message as well, there is no better time to use this than at a time when something so offends the common sensibilities of people.”

You can view the evidence and more details at www.fundamentaljustice.com

Please write a letter of support to fundamentaljustice@gmail.com

Link to online newspaper go to page 11

https://www.valleyvoice.ca/PDF_2016/ValleyVoice210701web.pdf



This is Exhibit "G" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 2~~3~~, 2024



A commissioner for taking affidavits

Belinda Field Notary Public
West Koots Notary
1695 Columbia Ave.
Castlegar, BC V1N 1J1

Parliamentary Ethics Commissioner Complaint regarding David Lametti

From: Trevor Holsworth <sales@kootenayexperience.com>

Sent: May 4, 2021 9:36 AM

To: Conflict of Interest and Ethics Commissioner>

Subject: Re: Conflict of Interest - Minister of Justice

My concern as I indicated in my previous email is if Ethics Commissioner CANNOT, or WILL NOT investigate the Minister of Justice for failing to comply with his statutory duties. There is a difference and my recent email requested an answer to that question. Your office claimed that the Minister of Justice is NOT subject to the Conflict of Interest act. I cannot see that opinion expressed in any written rule. Canadians would be interested in a clarification.

From your 1st email reply to me:

"....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."

On 2021-05-07 8:18 a.m., Conflict of Interest and Ethics Commissioner wrote:

Mr. Holsworth,

This is in response to your most recent email.

We apologize if our response to your previous emails gave you an incorrect impression about the application of the Conflict of Interest Act to the Minister of Justice. All ministers are subject to the Act. As we explained below, the Act deals specifically with conflict of interest. Its focus is 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 or to improperly further the private interests of anyone else.

Again, if your complaint regarding the Minister of Justice falls within the scope of the Act, you are welcome to use this form to send us specific information for the Commissioner's consideration.

Subject: Re: Conflict of Interest - Minister of Justice

From: Trevor Holsworth

Date: 2021-05-25, 8:23 a.m.

To: Conflict of Interest and Ethics Commissioner <info@cie.parl.gc.ca>

I have attached the complaint form along with other evidence and information to this email.

See attached pdf document "EthicsCommissionerMOJComplaint"

and also attached pdf document "attorney general delivery confirmation"

and also attached pdf document "attorney general application to parliament"

and also attached pdf document "correspondence with ag-pm-moj"

as well as the email string included below.

Thank you for your attention to this matter.

I remain yours truly,

Trevor Holsworth

<PDF Document Ethics Commissioner MOJ Complaint>

Summary of Alleged Contraventions of the Conflict of Interests Act.

The Deputy Attorney General's office was served with a Charter of Rights complaint on March 5th, 2020 as specified in the charter section 24.

I attach the charter complaint.

According to the procedure outlined in serving the Crown the Charter complaint was served upon the Deputy Attorney General's office.

I attach the record of receipt.

Follow up emails were sent to the Justice Department and to the Minister of Justice to encourage the appropriate response however the response was pretty much limited to "We do not provide legal advice to members of the public".

I attach a record of the email correspondence.

My understanding is that Minister of Justice has a duty to

1. Protect the Public

2. Administer the Judicial System to protect the integrity of the Legal System and the Rule of Law.

In order to perform his duty at a minimum is a requirement to respond to a charter claim with basic communication, My understanding is that there is no established procedure for calling upon Parliament to investigate a Judge and alleging breaches of the charter by the Judiciary beyond making a complaint to the Canadian Judicial Council who may make recommendations to the Minister of Justice. The Duty still lies with the Minister of Justice independently of the Canadian Judicial Council. There does not seem to be a set procedure for bringing about the Charter complaint to the attention of Parliament in the case of the Canadian Judicial Council and the Judicial system generally operating outside of the constraints of the Charter in the same way as there are set procedures for bringing matters to the attention of other federal courts. How this is done is left to the discretion of the Minister of Justice. At a minimum there should be a defence to the charter claim produced and for the requirement of transparency and accountability a notification to Parliament of the receipt of the charter claim. Completely ignoring the Charter claim is obstruction of justice and certainly does not perform the Minister of Justice's duty and is offensive to the Rule of Law and to the Charter of Rights itself. Judges, the Canadian Judicial Council, and the Minister of Justice seem to believe that they are not subject to the Charter of Rights which is deeply disturbing.

Application of Conflict of Interest Act.

Conflict of interest

4 For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.

– The Minister of Justice is refusing to exercise his duty to protect the public and administer the Judicial System to protect the integrity of the Legal System and the Rule of Law. He is doing so in order to improperly further his own and all members of the legal profession notably judges and lawyers, private interests, over that of the law – the charter of rights. Unfortunately it is also a coup d'etat and obstruction of justice.

Preferential treatment

7 No public office holder shall, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.

– preferential treatment to lawyer, judges that they are not subject to the rule of law, or to the charter of rights.

Anti-avoidance

18 No public office holder shall take any action that has as its purpose the circumvention of the public office holder's obligations under this Act.

– The Minister of Justice is refusing to exercise his duty to protect the public and administer the Judicial System to protect the integrity of the Legal System and the Rule of Law. He is doing so in order to improperly further his own and all members of the legal profession notably judges

and lawyers, private interests, over that of the law – the charter of rights. Unfortunately it is also a coup d'etat and obstruction of justice.

Condition of appointment or employment

19 Compliance with this Act is a condition of a person's appointment or employment as a public office holder.

Duty to recuse

21 A public office holder shall recuse himself or herself from any discussion, decision, debate or vote on any matter in respect of which he or she would be in a conflict of interest.

– Once the Minister of Justice has tabled the charter complaint to Parliament he should recuse himself.

Public declaration — recusal

25 (1) If a reporting public office holder has recused himself or herself to avoid a conflict of interest, the reporting public office holder shall, within 60 days after the day on which the recusal took place, make a public declaration of the recusal that provides sufficient detail to identify the conflict of interest that was avoided.

Annual review

28 The Commissioner shall review annually with each reporting public office holder the information contained in his or her confidential reports and the measures taken to satisfy his or her obligations under this Act.

Determination of appropriate measures

29 Before they are finalized, the Commissioner shall determine the appropriate measures by which a public office holder shall comply with this Act and, in doing so, shall try to achieve agreement with the public office holder.

Compliance order

30 In addition to the specific compliance measures provided for in this Part, the Commissioner may order a public office holder, in respect of any matter, to take any compliance measure, including divestment or recusal, that the Commissioner determines is necessary to comply with this Act.

Subject: Message Receipt from CIEC

From: Conflict of Interest and Ethics Commissioner <info@cie.parl.gc.ca> Date: 2021-05-25, 8:34 a.m.

To: Trevor Holsworth

This reply has been automatically generated to acknowledge successful receipt of your email.

The Office of the Conflict of Interest and Ethics Commissioner administers the Conflict of Interest Act and the Conflict of Interest Code for Members of the House of Commons. These two regimes seek to prevent conflicts between the public duties of elected and appointed officials and private interests.

From: Conflict of Interest and Ethics Commissioner <info@cie.parl.gc.ca>

Date: 2021-05-27, 1:08 p.m.

RE: Conflict of Interest - Minister of Justice

Mr. Holsworth,

Thank you for sending us your completed request for investigation form regarding the statutory duties of the Minister of Justice.

The information that you provided will be reviewed.



This is Exhibit "H" referred to in
the Affidavit of Trevor Holsworth
sworn before me on March 26, 2024

Belinda Field

A commissioner for taking affidavits

Belinda Field Notary Public
West Koots Notary
1695 Columbia Ave.
Castlegar, BC V1N 1J1

**Excerpts from transcript December 3, 2021 in Nelson Supreme Court BC
regarding application for Writ of Mandamus on the Minister of Justice**

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“The Provincial Court not providing me with the judge-made due diligence defence, that is provided for clients with income tax lawyers, says a great deal about this court's application of fairness and partiality when dealing with unrepresented litigants, which enforces the belief that lawyers do result in the protection of your rights and that not having a lawyer will result in the loss of your rights. However, my understanding is that I have presented a very valid freedom of expression defence regarding the reporting of criminal activity and breaches of statutory duties within the entire legal system that should result in the resolution of this matter today to change to a not guilty and the undertaking of investigations in this matter. It is disappointing, of course, that this was the only method of communication left available to me. I think it is important to take as many positive steps as soon as possible. Delaying or denying is helping no one. There is an obvious inherent bias in the Crown prosecution with their most senior officer currently not responding to a Charter complaint. Their governing body is claiming that lawyers have no duty to protect the public, are above the law, and there are no ethics and no trust in their institution at all. What larger Charter breach can there be than refusing to respond to a Charter complaint? Without the enforcement of the enforcement procedures, no law has any power. There is all the evidence here to issue an order for a writ of mandamus on the Minister of Justice to present this matter before Parliament as the only court of competent jurisdiction to resolve the issues before the court. Parliament does also share a responsibility with this justice system to resolve this matter fully and take the personal and collective responsibility that they owe to me and Canada.”

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I do understand the bias for everyone who works for the government regarding the Income Tax Act as it does control much of the revenue for government and everyone here desperately wants to keep the threat of imprisonment available to the Canada Revenue Agency to enforce democracy, so to speak, which, in some ways, I also understand. But can you understand how being compelled to attend court before a judge with the discretion to ignore all the evidence and punish me with up to seven years imprisonment and penalize me up to \$200,000 in fines, felt like, from my perspective? The actual threats and abuse of processes at the RCMP are disturbing to say the least, but for many, not a surprise. The weaponization of the family law system by lawyers in Canada is a major problem for children in Canada, and the lack of proper procedures and protections is a failure in the administration of justice and is resulting in the abuse of hundreds of thousands of Canadians leading to suicides, drug and alcohol abuse, poverty and mental health issues, which compromise the integrity of our society. I am the unwilling messenger here doing my duty as a Canadian.

I'm simply going to provide my perspective. I won't presume to present the law as it is being made perfectly clear to me that only you really know the law and that I do not as I am not a lawyer or a judge. However, if you have questions, I would be available as a witness and to provide any assistance. However, I should be paid for the service in this matter. That is only fair and equal before the law. I shouldn't have had to do this job, as those that have been paid to do this job have failed to do so. That is really the problem here.

The administration of justice needs correction, but there is also the potential for Canada to

provide leadership to the world. We could lead judicial reform as the current system is rooted in several thousand years of abuse and oppression. We can do better, we should always keep an open mind, let go of attachments, face our fears and do the right thing. Thank you for bearing witness. I do appreciate the difficulty of the situation. I am

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attempting to do everything in my powers to resolve this professionally and correctly. I believe that I've made argument that you should be recused and that all judges --

...

THE APPELLANT: The examination of the issue of fundamental justice might compromise the ability of all involved here to provide me with a fair and impartial trial. The Judicial Council decided that judges have a discretion to accept or reject the transcript and refuse to permit that discretion to be reviewed.

Unfortunately, that makes this appeal arbitrary and unreviewable discretion is contrary to fundamental justice and democracy. It is, however, irrelevant now as I simply need your help to move this process forward in order to be afforded any legal rights...

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...

THE APPELLANT: The appeal is, by definition, arbitrary, because you have a discretion to ignore the transcript.

THE COURT: Well, I'm not bound by a ruling that the Canadian Judicial Council may have

made in another matter, so I don't see how it --

THE APPELLANT: That --

THE COURT: -- affects this case at all, sir.

THE APPELLANT: That is fine. I'm just putting out that argument and I'm accepting that -- that in order to move this case forward, I have to -- and in order to have any legal rights, I have to accept your -- you hearing the matter, because without that, I have no legal rights whatsoever.

THE COURT: So you're not asking me to recuse myself?

THE APPELLANT: No, I'm just pointing out that I have argument that suggests that --

THE COURT: You're not asking me --

THE APPELLANT: But I'm not asking you, no.

THE COURT: -- to recuse -- okay, thank you. Go ahead.

THE APPELLANT: Okay. It is, however, relevant now as I simply need your help to move this process forward in order to be afforded any legal rights. Thank you for your word that you will provide me with a fair and impartial trial. As you can imagine, this has been a very difficult thing for me to do, and yes, I do feel threatened all the time...

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....

I think we all understand that what I am proposing in my argument is that there is a complete failure throughout the legal system of all accountability. Not once was the right thing to be done, done. The reporting of crimes led to retribution. Of course, I have fear. Judge Sicotte could have, in his discretion, sentenced me to seven years imprisonment. That's the risk that I -- was forced

upon me to report a crime in the justice system, claiming the reporting lawyer for fraud on the court and providing the transcript could be refuted by calling the plaintiff to the stand and requesting that she perjure herself to protect her lawyer and preferring that to the transcript is abhorrent to any sense of justice.

...

THE APPELLANT: It's to do with the provision of fundamental justice and that the Bill of Rights guarantees me a fair trial and I don't think I can get a fair trial if --

THE COURT: Now, in this matter, because of your experiences in the past?

THE APPELLANT: Correct. And the confirmation by the Judicial Council...

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...THE APPELLANT: In Provincial Court, after being promised a fair and impartial trial that any breaches of the Charter. In Provincial Court, after being promised a fair and impartial trial, that any breaches of the Charter would be addressed, the court then attempted to ignore constitutional question and subsequently claimed that their word was the law despite the evidence, and the complete lack of evidence of argument from the Crown. At trial, when I challenged the constitutionality of the Income Tax Act, I presented precedent and argument. The Crown presented no argument, no precedent. The judge ruled for the Crown. My evidence isn't good enough. I will never know that law as well as the judge. My rights to security of a person are being threatened by being here. I was threatened that if I don't attend court, you will imprison me. And if I do, you will imprison me. My right to legal advice and even my request for food to make it to trial were denied.

THE COURT: Are you again referring to the earlier matter?

THE APPELLANT: No, I'm referring now to this process. When I was at the pretrial hearings, I requested from Justice Brown the right to an amicus curiae. I tried to get legal advice. Amicus curiae was denied. Every attempt that I made to get lawyer's advice was denied by lawyers. They said – one lawyer said, "I will not represent you now or ever." I think I've got more quotes from lawyers scattered in here lower down, but I was denied the right to a lawyer. What hope do I have here? Chief Justice Pigeon, acting for the Canadian Judicial Council, dismissed Judge Shaw's complaint without proper procedure. The Council refused to reconsider their decision on several occasions, ultimately leading Norman Sabourin, lead counsel at the Judicial Council, writing to me that my

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requests were an abusive of process and refused to bring the matter to the attention of either the Minister of Justice or Parliament.

The claim that Parliament cannot review judicial discretion as not being an element of conduct is incorrect. Judge Shaw ruled based on his discretion in 1999 that the law on child pornography was unconstitutional. He also ruled in a previous case that being one minute late in filing a document was fatal. In my case, Judge Shaw ruled in 2006 that he could protect a lawyer committing fraud on the court by personally calling up the witness and requesting that she perjure herself. Those are elements of discretion. Are you seriously suggesting that Parliament cannot dismiss a judge who administers his discretion arbitrarily?....

THE COURT: So I'm not finding -- I'm not seeing the relevance of your earlier experiences relating to the trial that you had with Justice Shaw and the Canadian Judicial Council.

THE APPELLANT: Not seeing the relevance. It sets -- the Judicial Council sets the standard of conduct of judges, of federal judges, by their rulings. So they have set the standard that discretion is unreviewable, which is unconstitutional --

THE COURT: Well --

THE APPELLANT: -- and they have also set the standard that a judge can over up crimes committed by a lawyer. That's the problem.

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THE COURT: The Canadian Judicial Council reviews the conduct of judges. If you think a judge is wrong, you think they've ruled incorrectly, the thing to do is what you've done here, which is not a complaint to the Canadian Judicial Council, it's an appeal.

THE APPELLANT: I'm talking about the conduct of the judge, not -- I'm not -- I'm not going to appeal a decision, particularly when the Judicial Council claims that they have -- that judges have a discretion to accept or reject a transcript. The appeal is arbitrary. That's my point.

THE COURT: You're here appealing and I'd like very much to hear your submissions with respect to your appeal.

THE APPELLANT: That is what I'm doing. I'm not sure who came up with the concept of unreviewable discretion at the Canadian Judicial Council, but that decision should be reviewed for correctness. The whole matter of the mechanism of examination and discipline of federal judges requires significantly more efforts to correct than the current amendments proposed.

Historically, the Minister of Justice has denied that there was any further avenue within the review of judicial conduct except to go back to the Canadian Judicial Council. Obviously my understanding of the law has expanded from that point and the abusive nature of the Judicial Council has been examined in more detail before the court in the Justice Smith matter in 1999. I did share my experience with the Canadian National Judicial Institute and they kindly acknowledged my correspondence but refused to decline -- or declined to respond further. The failure of the Minister of Justice to respond to a Charter complaint to bring the matter before Parliament is why we are here today, to right a wrong. That is the function of the justice system. You simply cannot have it on the official record at the Judicial Council that judges have a right to ignore all the evidence that any Canadian could provide.

You are in the position of providing trust, but the evidence is contrary and it is killing people, destroying lives, bankrupting the people who you're supposed to serve. We need to find

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solutions, not denial. The truth is that in a system based on the rule of law, unfettered governmental discretion is a contradiction in terms. Discretion necessarily implies good faith in discharging public duty. Fraud and corruption are always implied as exceptions.

When I reported crimes to the B.C. Law Society involving lawyers not complying with court orders to provide trust account statements, falsifying and redacting documents to obstruct justice and collusion, written reasons were refused in conflict with their government document, the Law Society Act. The Law Society requested the plaintiff's lawyer, Greg Stacey [phonetic] provide them with his trust account statements, but then refused to provide those contents to me. I

requested from Stuart Cameron by letter, Stuart Cameron of the Law Society of B.C., an explanation of how the Law Society was complying with their statutory duty to protect the public, but received no further communication, and I forwarded the matter on to the B.C. Ombudsman's office.

After a year of attempts to get the Law Society to provide written reasons, the ombudsman abandoned the investigation. Prior to being submitted to the discipline committee, the senior benchers, whom I believe the Attorney General of B.C. is a member, decided that on the basis of the evidence in front of them, there was insufficient evidence, which is true, because the Law Society had removed all the incriminating evidence from the file and informed me by letter of the evidence that was presented.

The conduct puts the integrity of the monopoly on the services provided by membership in the Law Society at risk. The refusal of lawyers to protect my Charter rights to a lawyer is a confirmation of the understanding of the problem regarding the letter from the Judicial Council. The failure to provide my right to legal representation by lawyers was held to be of little importance at the Provincial Court, as if the inclusion of a right in the Charter, in writing, is the same as providing the practical application of that right, and that is a mistake. The Crown prosecutor has a conflict of

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interest in this matter, but unfortunately has refused to admit it. I am compelled to accept that as the only way to move this process forward efficiently. My request for a special prosecutor, due to the involvement of political actors, was not considered. Nor was my request for a proper

disclosure of conflict of interest was [indiscernible] by the Crown prosecution. All requests for evidence have been denied. That's a pretty bad start, but not a surprise, as every other attempt to communicate with the legal institutions prior to attending court were ignored. Argument for the use of alternative dispute resolution methods, as well as offers to assist in the provision of evidence to secure prosecution of other much more significant offenders, was ignored completely. Letters to the Attorney General's office and the Minister of Justice were ignored, including a Charter of Rights complaint to have the matter heard by Parliament, promptly served by registered mail to the Deputy Attorney General's office as required under law. The Minister of Justice office still has not provided a response to the Charter complaint, but the Crown is relying on a defence hidden somewhere in the appeal documents. The Minister of Justice is currently not complying with our governing document, and failing to respect my right to the reporting mechanism of the Charter, which is a crime of obstruction of justice.

I reported the problem to the Prime Minister's office along with allegations of improper tampering with the transcripts and the matter was referred back to David Lametti who finally replied and recommended that I hire a lawyer in private practice and that he does not provide legal advice to the public. The minister further claimed improperly that he had no duty to intervene in the process of the Canadian Judicial Council, which is a false statement, I believe designed to obscure the truth.

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I do understand the problem facing Canada in the form described in the book *Why Nations Fail* regarding political and legal institutions which have failed to comply to the rule of law and tend

towards dictatorships and abuses of power when the extractive nature of their administration becomes intolerable to an abusive degree resulting in their inevitable failure.

Richard Wagner and Beverley McLachlin have both acknowledged this reality. The Chief Justice of the Supreme Court, Richard stated [as read in]:

“Canadians have built a democratic system that truly works. It works so well that we often don't even notice it. It's like oxygen in the air, necessary for life, but not something we necessarily think about until it isn't there anymore by which point, of course, it's too late. We can't take what we've built for granted. Our nation and our institutions are strong because Canadians continue to have confidence in them. I'm not saying that all we've worked for here will disappear, but it can. Other countries know this very well. Their citizens once thought it can't happen here. It can't until it does. We live in troubled times.”

THE APPELLANT: That a person should be susceptible of being penalized administratively by a public servant without any possibility of exculpating himself by demonstrating due diligence is not only extraordinary. It is abhorrent. Contrast that the right of the Crown to demand any document and threaten imprisonment, and the complete failure of any disclosure, failure to comply with the law, the constitutional question and the Charter itself, and refuse me all assistance up against the paid might of the

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lawyers of the Minister of Justice office, the Attorney General's office, the FMEP, all public servants, and all private practice lawyers, is not fair and it shows partiality, particularly when

those bodies have shown no application of the rule of law. If the rule of law is not applied, then we run the very real risk of creating the disaster that the preamble to the United Nations Declaration of Human Rights warns us of.

I was a child in Kenya in 1974 when Idi Amin was in Uganda. I saw Rhodesia in all its glory before the coming of power of Robert Mugabe. I did my first year of law school in Canberra in Australia at the steps of the high court when Justice Lionel Murphy was being indicted on charges of perverting the course of justice, attempting to influence a court case involving a lawyer.

I understand the principles involved, as we all do here, everyone does, from my children under the age of ten, to every Canadian that I've talked to on the street. They say my case sounds like what we hear about Russia or China or some third world country.

I communicate the problems to my member of Parliament who refused to become involved. I communicated the problem to Jenica Atwin, when as the Green Party member of Parliament, she sponsored a petition to bring attention to judicial accountability. She crossed the floor less than a month later after being approached by the Liberal party. I communicated the problems to the Parliamentary Justice Committee of Human Rights and Justice, but a gatekeeper there deleted my submissions, including a submission to require the Judicial Council to be included in the list of government bodies subject to the Freedom of Information Act. My efforts to retrieve my personal files from that institution were being denied in contradiction to the open-court principle. The Parliamentary Ethics Commissioner has accepted a complaint regarding the conduct of Justice Minister Lametti.

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I do understand the difficult nature of the issue and the desire to protect one's friends, but there are much larger issues at stake here. I do understand the lack of accountability at the level of MPs and the executive through Prime Minister Justin Trudeau and the Minister of Justice, David Lametti, and the Governor-General, Mary Simpson's office. I do understand that the lack of financial disclosure by MPs through the Lobbying Act is comparable to lawyers and judges not wanting their integrity examined.

Parliament has a significant part to play in this story. The issue of Judge Shaw's suitability as a judge was examined in Parliament in 1999 until the then Minister of Justice Anne McLellan pleaded Parliament for the justice system to self regulate and Justice Shaw was empowered to complete his destruction of the Charter during my trial in the family law system in 2006.

Parliament should take responsibility and complete their role which they abdicated at the time despite all the warnings that any reasonable person could see. In *R. v. Sharpe*, using a freedom of expression argument, Justice Shaw declared that the law against child pornography was unconstitutional.

I provided similar argument at trial but my defence was for the protection of the Charter of Rights, rather than its abuse of it. I was denied justice. That is not equal treatment under the law. As the Supreme Court of Canada held, the reference in the Charter to a free and democratic society is not a mere description. It is a final standard against which purported limitations on the rights the Charter secures must be measured. We had a chance to take this opportunity and create solutions that could benefit all of mankind and place Canada firmly in a position of leadership and inspire the rest of the world for the best result for humanity. Self-interest and short-term

interest are a problem that should always be openly discussed prior to decisions being made. This court has a role to complete the process according to law. In my earlier correspondence with the

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Minister of Justice and Prime Minister Trudeau, I wrote on several occasions concerning my security of a person and requesting assurances regarding my safety. That question has never been answered. The threat has been left hanging. I do need your personal assurance for my safety at this time. I watched the inquest into the assassination of Peter de Groot in Slokan by the RCMP held in this courtroom. It was not lost on me that a perception of a threat to the administration of the justice system in that case met with the loss of his right to life and a delay of seven years before the delivery of justice at that hearing. Interestingly, the mother of my children delivered the official pronouncement of death in that matter.

There is, however, a clear path forward, one that is grounded in the law and brings this matter to the attention of Parliament, a duty that they failed back in 1999 when they debated Judge Shaw's removal in Parliament. They too should take responsibility for their actions, although at this time, some accountability should be shared by the Prime Minister and Lametti. It is the right thing to do. This is exactly why s. 99 of the Constitution Act exists. It is the purpose of ministerial responsibility in a democracy. Delay will cause more damage and make recovery from this situation even more difficult. Denial serves no good purpose.

The issuing of a writ of mandamus for the Minister of Justice to present this matter to Parliament is the correct legal procedure to resolve this matter before the court. The Minister of Justice should remain impartial and refrain from further comment on the matter at Parliament due to his

conflict of interest. If you do have any questions on the precedence or some of the evidence of the law that I discuss, I would be happy to provide further details. I did not want to insult your intelligence and knowledge by assuming to inform the court of the law. I understand that judges are assumed to know the law. I can merely express my experience. Punishing me for being the messenger is incorrect and serves no societal purpose, will not reform me, and stop me -- or

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stop me standing my ground. The problems that this case communicates is a complete failure to apply the rule of law within almost all the structures of government when a duty is owed to protect the public, failure to protect the clients of the legal system and failure of the legal system itself. People under your care are committing suicide. Children are being abused and suffering. Justice is delayed and denied. Financial devastation for the people you serve. Those that should be subject to criminal charges are being released or minimally charged, with lawyers receiving payment that is far above that which is justifiable merely for their services.

When corruption is accepted by the government, nations inevitably fall -- fail. It has been proven again and again throughout history. The constitutional requirement for Parliament to legislate for the peace, order and good government, requires that this matter be sent to Parliament, due to the successive failures within the legal system to self-regulate. There has been a failure in the public trust and a breach of our governing documents. The Crown unfortunately is still maintaining that nothing here indicates a possibility that there could be a failure to provide a fair and impartial trial. That argument implies that lawyers can alter court documents. They don't have to comply with court orders. Their law societies may protect their conduct and apply a system designed to

sidestep the requirements of their governing act of Parliament to provide written reasons. The Law Society refuses – refusing to respond to my written request for an explanation, given the facts, that they are complying with their governing statute that provides for their monopoly. Judges claim that they have an unbounded and unreviewable discretion, contrary to the Charter and fundamental justice. The Minister of Justice is actively obstructing justice and refusing to present the problem to Parliament. All evidence in the government hands is refused to me: the Canada Revenue Agency audits, the records of the Canadian Judicial Council,

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court records from 2006 at this court.

At trial in Nakusp, judge promised me a fair trial, but then claims he knows the law and actively avoids trying to judicially determine if the Income Tax Act is unconstitutional. Upon further investigation by Crown, they can find no such decision to justify that verdict. Crown further claims that anything else out of a very narrow interpretation of the facts is relevant, and that my opinion and experiences are irrelevant.

This court claims that they could have legitimately exercised their discretion and sentenced me to seven years in jail for bringing the matter of corruption in the legal system to their attention, despite my pleas for mercy and complying with my sworn oath to uphold the Charter of Rights which everyone here has sworn to uphold. The entire public service, the combined legal powers of the Attorney General of B.C., the Attorney General of Canada and the Minister of Justice offices, plus the denial of service from every lawyer, including civil liberties groups and constitutional lawyers, obstruction of justice by the Minister of Justice and denial of my right to

answer to a constitutional question prior to trial, and you still claim that you can provide me with a fair and impartial trial.

Let's go out on the street and ask some random Canadians how they feel about the question which the court denied me asking the Canada Revenue Agency at trial. Today I request a full and complete judicial resolution of this matter. The consequences of a failure to act is a continuation of the abuse upon myself and the continuation of the failure and the rule of law, subsequent failure to resolve the lack of confidence that people have in the justice system. The success of the justice system is being judged from an incorrect perspective. The correct perspective is that of the Canadian people.

The Charter's reference to a free and democratic society is not a mere description as the Supreme Court held. It is the final standard against which purported limitations on the rights the Charter secures must be

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measured. It is true that rights must sometimes be limited, even in a free and democratic society, but the Charter exists because of recognition by its framers and by their constituents that those in power are apt to disregard rights and to seek to limit them for the sake of convenience, or out of ignorance or even spite or hatred.

Some limitations may appear defensible in principle, but on closer examination, not supported by evidence or go too far, or do more harm than good. But others are incompatible with a free and democratic society as a matter of principle. It is unnecessary to scrutinize their tailoring to their purpose or way of their effects. The Charter bars them categorically. The imposition of official

beliefs or the requirement to express beliefs is the sort of thing that simply must not happen in a free and democratic society. It is incompatible with freedom and democracy. Claiming that we must trust the court system despite evidence to the contrary and threaten jail for contempt, would not be lawfully enforceable. Political beliefs, such as discussion regarding the powers or abuse of powers of the court should not be treated any differently.

Ultimately this case is about abuse of power, the limits of discretion and the rule of law, and the capability of our system to internally regulate. We are seeing societal collapse because of these failings. Society's confidence in our political systems, legal systems, enforcement systems and the role of family, and bringing the next generation into a world that will keep them safe and act in their best interest. We are all failing and calling it a success.

THE APPELLANT: Last month I wrote to Prime Minister Trudeau but received no reply. I wrote [as read in]:

[The letter to the Prime Minister dated Feb 14, 2021 is read to the Court]

My argument is that the court system is not providing fundamental justice. It's not providing a fair and impartial trial. I also am presenting argument that we need to have a writ of mandamus served on the Minister of Justice to comply with his duty. I am available if you have further questions on those matters, but that's what I'm asking for.

THE APPELLANT: Okay. So the grounds of appeal, I have no ability to pay the fine. I did present argument to the judge, and I expressed all the efforts that I had of due diligence and the fact that I had communicated to every person of authority to resolve the issue. I even made

efforts to pay by the same method that Judge Shaw allowed me, which was the shareholder's

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loan. I expressed the fact that I had no means to move forward. I couldn't -- I had no funds to even get the ball rolling to do anything. He heard those arguments, but because the Income Tax Act is an absolute liability offence, the excuses of due diligence were not available to me. The court has never addressed the issue of the abuse of process inherent in these procedures. They either said that the Provincial Court is not subject to the Canadian Judicial Council because it's a provincial matter, which is true, and I accepted that, but I made the argument then that this appeal to this court is arbitrary because of the discretion that is claimed by the Judicial Council. So as I read in the grounds for the appeal, "compelling an accused to stand trial would violate those fundamental principles of justice which underlie the community's sense of fair play and decency and would tarnish the reputation of the court", as quoted in Conway [phonetic].

Procedural irregularity during a criminal trial that is an error of law may amount to a substantial wrong or a miscarriage of justice, can lead to a conviction being thrown out. Such is the strength of the law's concern for proper procedure. I think I've addressed that. Usually a court can defer rulings. However, where the interest of justice necessitate an immediate decision, this will include where the trial at court itself is implicated in a constitutional violation, or a substantial ongoing constitutional violations require immediate attention. I think I've addressed that one as well. It is an error of law to dismiss constitutional question regarding the constitutionality of the court by claiming it is a frivolous, vexatious argument. So the judge did say that it wasn't a frivolous and vexatious argument. He said it's a very large argument, but not one that he could

address in the Provincial Court, basically saying he has no jurisdiction to deal with it and passed it on.

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was facing up to seven years imprisonment for trying to apply the rule of law and to bring the Charter of Rights into force.

THE COURT: All right. I think I understand your position.

THE APPELLANT: Okay.

THE COURT: Thank you. Go ahead.

THE APPELLANT: Thank you. So I think I go on there insisting that I attend the court under threat of imprisonment that claims a discretion in regards to the best evidence that a Canadian can provide is contrary to fundamental justice. No Canadian can come into court and feel fair when -- then the court has right to reject every piece of evidence that they present, and that is my situation that I understand the situation that's telling -- the system is telling me, and that lawyers are allowed to fabricate evidence and they're not -- that the law does not apply to them, and that their governing body is protecting [indiscernible], contrary to their statutory duty.

As far as judicial conduct goes, the test is, is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of a judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office and must be seen from the perspective of the public, not the judge. That's the Canadian Judicial Council's test of judicial conduct, and they confirmed that Judge Shaw conduct was okay. So that's saying to me that that conduct is okay here in Canada. I'm saying I

don't think so. I think that if you walk down the street here and ask people, you would find that no one would accept that as being justice.

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There is a miscarriage of justice that requires this court to issue a writ of mandamus upon the Minister of Justice to do his duty to:

(a) protect the public, and (b) see that the administration of public affairs is in accordance with the law.

THE APPELLANT: The test is set out in the case of *Apotex v. Attorney General of Canada*.

There must be a public duty to act, which I think we all agree that the Ministry of Justice has that. The duty must be owed to the applicant. I am the applicant, the duty is owed to Canadian public. There was a clear right to the performance of that duty. I made a Charter of rights application and it was ignored. The applicant has satisfied all conditions precedent giving rise to the duty. I served it on the Deputy Attorney General's office by registered mail. It was received and signed for. And then: There was a prior demand for performance of the duty; a reasonable time to comply with the demand – It's been over a year and a half.

THE COURT: So this all relates back to Justice Shaw; is that right?

THE APPELLANT: Well, this just relates to --

THE COURT: But that is the duty you say that --

THE APPELLANT: To protect the public.

53

Submissions for Appellant by Trevor Holsworth

THE COURT: All right, but specifically in relation to --

THE APPELLANT: Yes, it is. It's more to do with the decision of the Canadian Judicial Council.

THE COURT: Okay, thank you.

THE APPELLANT: And I guess the justice – Chief Justice Pigeon acting there, his decision to say that judges have unbounded discretion.

...a subsequent refusal which can be either expressed or implied... I just got nothing. It's been over a year and a half now, unreasonable delay. I think that answers that one. No other adequate remedy is available to the applicant.

I've got nowhere to go in Canada. I've made applications to the United Nations because the Canadian Minister of Justice is not complying with the Charter. I have no human rights.

The order sought will be of some practical value or effect. The practical value or effect is that the rule of law in the Charter that rights will be maintained. Failure to do that is saying there is no rule of law and there is no Charter. The Court in the exercise of its discretion finds no equitable bar to the relief sought. On a "balance of convenience" an order in the nature of mandamus should...issue. It is the right thing to do. It puts the responsibility where it should be, at the Minister of Justice level, and it puts the responsibility at the Parliament where it also should be, because they play a part in this. There is no way that Justice Shaw should have been let back onto the bench, and that would have prevented all these problems. The fact that he allowed the lawyer to break the law in his

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courtroom is abhorrent to justice.

The Minister of Justice lied to me directly. He said, "I have no capability" – he said that, "The Canadian Judicial Council has full responsibility. I can't, I have no legal rights here. I can't touch the application." That is absolutely categorically not true. So I've got the Minister of Justice making false statements to me. I've got the RCMP arresting me for making false statements when I hadn't even made a statement, and they're placing me in the back of a police vehicles with my hands behind my back, and then releasing me and then cancelling the court date on the day of the court case, so I had no right to defend myself. This is my only opportunity. I'm not voluntarily going to the court to be abused. I'm only here because I was compelled to be here. If I didn't come here, you would throw me in jail.

My understanding is that there is no established procedure for calling upon Parliament to investigate a judge alleging breaches of the Charter by the judiciary beyond making a complaint to the Canadian Judicial Council who may make recommendations to the Minister of Justice. The duty still lies with the Minister of Justice independently of the Canadian Judicial Council. How this is done is left to the discretion of the minister. But, as always, his discretion is constrained by the requirement to act in good faith and upholding the rule of law. The Charter is part of the supreme law of Canada, and any law or government decision inconsistent with it is of no course or effect. Both in the provision of legal advice and in litigation, the Attorney General demonstrates the greatest possible commitment to respecting constitutional rights.

So as I say in the next paragraph, dismissal to properly address the freedom of expression argument that I made in the Provincial Court, the verdict and the sentence should be struck from the record. Of course, with my Charter rights restored, I can see no need for a court order

compelling me to file income tax statements. I

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just need the capacity to pay the account, and then it would be my pleasure.

I am seeking at this time immediate payment for Charter damages to this point, including breaches of my security of person by forcing me to stand trial and ignoring all of the abuse of process arguments, refusal in practice to be bound by the Charter of Rights and international agreements such as the U.N. Charter of Human Rights and any further remedies that this court feels important to resolve at this time. I leave that to your discretion.

In regard to sentencing, I think I've addressed that as well. It's going to have no – any punishment is not going to have any of the values of punishment. It's not going to deter from -- me from trying to assert my Charter of Rights. It's not going to right a wrong. It's not going to what -- make -- pay back to society or any – on that. I'm here trying to protect the Charter and I'm being punished for it. Lastly, the rule in the Jordan ruling on the length of trial of 18 months, the Information was sworn on January the 8th, 2020 and the trial was held on July 15th, 2021, 18 months and seven days late. My right to a fair and impartial trial was not provided prior/since.

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THE COURT: Oh, all parties will have leave to appear by phone.

CNSL M. ERINA: Okay.

THE COURT: For February 14th at two o'clock.

FEDERAL COURT OF APPEAL

BETWEEN:

ATTORNEY GENERAL OF CANADA
Appellant

and

CANADIAN CONSTITUTIONAL FOUNDATION
Respondent

and

TREVOR HOLSWORTH
proposed intervener

WRITTEN REPRESENTATION OF THE PROPOSED INTERVENOR
(Motion for leave to intervene pursuant to Rules 109 and 369)

March 26, 2024

Trevor Holsworth
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FEDERAL COURT OF APPEAL

BETWEEN:

ATTORNEY GENERAL OF CANADA
Appellant

and

CANADIAN CONSTITUTIONAL FOUNDATION
Respondent

and

TREVOR HOLSWORTH
proposed intervener

WRITTEN REPRESENTATIONS OF THE PROPOSED INTERVENOR
(Motion for leave to intervene pursuant to Rules 109 and 369)

OVERVIEW

1. The motion for leave to intervene is to provide the court with evidence relevant to the inquiry that has not been presented by the other parties.
2. The evidence of the proposed intervener suggests that the Minister of Justice knew that he was failing to comply his Ministerial duties to protect the public and ensure that the administration of government is in compliance with the law.¹
3. The evidence suggests that David Lametti made false and misleading statements to obstruct justice², therefore was not conducting himself with the requisite “good faith” that his office

1 Exhibit “D”

2 Exhibit “C”

requires and that he knew or ought to have known that a request for accountability was pending in the Court system of British Columbia, regarding his conduct.³

4. The evidence suggests that the PM knew or ought to have known that his Minister of Justice was not conducting himself in “good faith” and was failing in his duties to protect the public and ensure that the administration of justice was in compliance with the law.⁴

5. The proposed intervener seeks to provide the court this evidence and make the legal arguments in regards to the failure of good faith of the Minister of Justice which is further evidenced by the refusal of David Lametti and the current Minister of Justice Arif Virani to provide the legal opinion provided to Cabinet for invoking the Emergencies Act.⁵

6. The Proposed Intervener presents unique evidence and legal arguments focused on the allegedly good faith opinion of the Minister of Justice as to the reasons for invoking the Emergencies Act.

7. This evidence will assist the court in its role in determining the legality of the decision to invoke the Emergencies Act.

8. There is significant public interest in the decision to invoke the Emergencies Act, the justification and the public right to access a fair and impartial tribunal in compliance with fundamental justice as guaranteed in the Charter of Rights and Freedoms.

3 Exhibit “H”

4 Exhibit “B”

5 During questioning before the Parliamentary Special Committee on the Declaration on the 27 February 2024

PART I – STATEMENT OF FACTS

A. The Appeal

9. This is an appeal by the Attorney General of Canada of the Federal Court's judgment in 2024 FC 42 by Justice Mosely declaring that the invocation of the Emergencies Act was not reasonable, not justified, unconstitutional and illegal.⁶

B. The Parties and other potential interveners

10. The Respondents to the Appeal is the Canadian Constitutional Foundation

11. The Appellant is the Attorney General of Canada.

12. The Attorney General of Alberta has applied for leave to intervene.

C. The Potential Intervener

13. I am a citizen of Canada who is a participant and witness to evidence that is relevant to the inquiry before the Court⁷

14. The potential intervener has demonstrated significant diligence in his duty as a citizen to confront and expose abuse of power, fraud and corruption.⁸

15. The allegations made by the potential intervener are extremely serious and require a thorough examination before the Court to assist in the restoration of trust in our purportedly transparent and accountable democratic institutions.

6 [Decision of Justice Mosely Jan 23, 2024 para 372](#)

7 Affidavit of Trevor Holsworth of March 26 2024

8 Exhibit "A", "D", "E", "F", "G", "H", Affidavit of Trevor Holsworth March 26 2024 (4-9)
[Contributions to Parliamentary Committees](#)
[Parliamentary Committee on the Status of Women](#)
[Parliamentary Committee on Justice and Human Rights – Judges Act](#)
[Parliamentary Committee on Justice and Human Rights – Wrongful Convictions](#)
[Parliamentary Committee on Constitutional Affairs – Judges Act](#)

PART II – POINTS IN ISSUE

11. The issue for determination on this motion is whether the Court should grant the Intervener leave to intervene in this appeal and, if so, the terms of their intervention.

PART III – SUBMISSIONS

A. The test for leave to intervene under rule 109 FCA

12. In deciding whether to grant leave to intervene, the Court is to consider three factors: usefulness, genuine interest, and consistency with the interests of justice:

- I. Will the proposed intervener make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding, not new issues? To determine usefulness, four questions need to be asked:
 - What issues have the parties raised?
 - What does the proposed intervener intend to submit concerning those issues?
 - Are the proposed intervener's submission doomed to fail?
 - Will the proposed intervener's arguable submissions assist the determination of the actual, real issues in the proceeding?
- II. Does the proposed intervener have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervener has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?
- III. Is it in the interests of justice that intervention be permitted? A flexible approach is called for. The list of considerations is not closed but includes at least the following questions:
 - Is the intervention consistent with the imperative in Rule 3 that the proceeding be conducted “so as to secure the just, most expeditious and least expensive outcome”? For example, will the orderly progression or the schedule for the proceedings be unduly disrupted?
 - Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?
 - Has the first-instance Court in this matter admitted the party as an intervener?
 - Will the addition of multiple interveners create the reality or an appearance of an “inequality of arms” or imbalance on one side?⁹

⁹ [Le-Vel Brands, LLC v Canada \(Attorney General\)](#), 2023 FCA 66 at paras 7-8, 19 [Le-Vel Brands]; see also [Canada \(Citizenship and Immigration\) v Canadian Council for Refugees](#), 2021 FCA 13 at para 5 [Canadian Council]; [Sport Maska Inc v Bauer Hockey Corp](#), 2016 FCA 44 at paras 37-43 and 71-75 [Sport Maska].

13. The critical and overarching question for the Court is whether the proposed intervener will bring “different and valuable insights and perspectives” that will assist the Court in determining the issues in the case.

B. The Intervener should be granted leave to intervene

1. The Interveners' intended submissions

14. In order to make the correct decision the court should hear from the public perspective, whom the Canadian government and legal system serves.

15. The Minister of Justice knew that he was failing to protect the Public Interest.¹⁰

16. The Minister of Justice knew that the administration of government was not in compliance with the law.¹¹

17. The Minister of Justice knew or ought to have known that the Court system had been presented with submissions of a failure in the rule of law throughout the legal system and a request for Ministerial accountability through a Writ of Mandamus.¹²

18. The Minister of Justice knew that his conduct was not in good faith as he knew he made false and misleading statements as to his duties.¹³

19. The Minister of Justice failure to provide the Court, Parliament and the Public with his legal opinion for the invocation of the Emergencies Act was because it was false and misleading and it was not in the public interest.¹⁴

10 Exhibit “B”, “D”, “G”, “H”

11 Exhibit “A”, “C”, “D”, “G”, “H”

12 Exhibit “A”, “F”, “G”, “H”

13 Exhibit “C”

14 Exhibit “A”, “C”, “D”, “G”

20. The Minister invoked the Emergencies Act not because of a national emergency as could be justified under the Act but because the government was not in compliance with the law¹⁵ and could not legitimately enforce the law.

(i) The Interveners' submissions are distinct

21. The proposed intervener will bring different and valuable insights and perspectives to this appeal and their submissions will assist the court in the determination of the issues in the proceeding. The evidence provided will ensure that the Court has a comprehensive understanding of the specific impacts affecting the general public and the rule of law.¹⁶

22. The evidence of the proposed intervener includes personal communications with the Prime Minister's Office¹⁷ and the Minister of Justice¹⁸ demonstrating their knowledge of their failures to comply with their oaths of office to protect the public and ensure that the administration is in accordance with the law.

23. The evidence of the proposed intervener demonstrates efforts to bring accountability and transparency including personal communications with the RCMP National Division¹⁹, Parliamentary Ethics Commissioner²⁰ as well a service of the Enforcement Procedure of the Charter, a Constitutional Question on a failure to respond to the Enforcement Procedure²¹ and an application for a Writ of Mandamus on the Minister of Justice.²²

15 Exhibit "A", "D", "G", "H"

16 Affidavit of Trevor Holsworth March 26 2024 paragraph 2

17 Exhibit "B"

18 Exhibit "C", "D"

19 Exhibit "E"

20 Exhibit "G"

21 Exhibit "A"

22 Exhibit "H"

(ii) The Interveners submissions will assist the Court

24. The arguments that the intervener intends to make are not “doomed to fail” as the administration of government is a public service so the perspective of the public is paramount.

25. It is the submission of the intervener that the Minister of Justice invoked the Emergencies Act because he perceived a threat to national security not from the conduct of the Public but from the conduct of those in authority breaching the Charter requirement for the Rule of Law. Instead of the Minister doing his duty David Lametti made false and misleading statements²³ as to his duty to obstruct justice in a display of bad faith which fundamentally compromises the legitimacy of his claim of authority.

The Intervener has a genuine interest in the appeal and relevant expertise

26. To qualify for public interest standing, the litigant must demonstrate that:
(1) there is a serious issue as to the validity of the legislation or administrative action;
(2) they have a genuine interest in the measure’s validity; and
(3) that the litigation is a reasonable and effective way to bring the matter before the court²⁴

27. The underlying purposes of limiting standing are threefold:
(i) efficiently allocating scarce judicial resources and screening out “busybody” litigants;
(ii) ensuring that courts have the benefit of the contending points of view of those most directly affected by the issues; and
(iii) ensuring that courts play their proper role within our democratic system of government.
The purposes that justify granting standing are twofold:
(i) giving effect to the principle of legality and
(ii) ensuring access to the courts, or more broadly, access to justice²⁵

23 Exhibit “C”

24 Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society, [\[2012\] 2 S.C.R. 524](#)

25 Council of Canadians with Disabilities, *supra*, at paragraphs 29-30 Downtown Eastside Sex Workers United Against Violence Society at paragraph 50

28. As a general rule, courts should not attach particular weight to any one purpose, principle or factor – including legality and access to justice – but should strive to “balance all of the purposes in light of the circumstances and in the ‘wise application of judicial discretion’”²⁶

29. “All other relevant considerations being equal, a plaintiff with standing as of right will generally be preferred”²⁷

30. There is a serious issue before the Court as to the legitimacy of the conduct of the Minister of Justice David Lametti.²⁸

31. I have a personal and share a public interest with all Canadians in accessing a legal system and government in compliance with the rule of law and constitutionality.

32. The matter before the court is extremely serious and goes to the heart of Canada's constitutional values. The invocation of the Emergencies Act for improper purpose is a threat to constitutionality, the rule of law and democracy.

33. The Federal Court has determined that the decision was not reasonable, not justified, unconstitutional and illegal.²⁹ It is the submission of the proposed intervener that the decision to appeal by the Attorney General of Canada without revealing the legal opinion of David Lametti is not in the public interest and is made knowing that the administration of government is not in compliance with the law and thus is not in good faith,

34. The participation of the intervener is a reasonable and effective method of providing evidence to the court as to the elements behind the decision to invoke the Emergencies Act which includes a lack of good faith on the part of the Minister of Justice and evidence of a

26 Council of Canadians with Disabilities, *supra*, at paragraphs 31, 58-59

27 [Downtown Eastside Sex Workers United Against Violence Society](#), *supra*, at paragraph 37

28 The broad language of subsection 52(1) dictates that all law, including the common law, must be consistent with the Charter (*RWDSU v. Dolphin Delivery Ltd.*, [1986] 2 S.C.R. 573 at paragraph 25). Accordingly, as the common law develops, it should do so in a manner consistent with the Charter (*Salituro*, [1991] 3 S.C.R. 654, at page 670; *R. v. Mann*, [2004] 3 S.C.R. 59 at paragraph 17; *R. v. Clayton*, [2007] 2 S.C.R. 725 at paragraph 21

29 [Decision of Justice Mosely Jan 23, 2024 para 372](#)

failure to do his duty to protect the public and ensure that the administration is in compliance with the law.

35. Allowing the participation of the petitioner as an intervener in this matter eliminates the requirement for a separate legal action which would use up valuable judicial resources, involve additional expenses for both the intervener and the public purse.

36. The fundamental issue before the Court is the assertion of the Minister of Justice before Justice Rouleau at the Public that the decision to invoke the Emergency Act was made with the requisite attributes of good faith.³⁰

37. The proposed intervener has demonstrated significant efforts to bring the attention of the appropriate authorities including the Canadian Judicial Council, The Minister of Justice³¹, The Prime Minister's Office³², The RCMP National Division³³, The Parliamentary Ethics Commissioner³⁴, The Court system of British Columbia³⁵, The Attorney General's of the Province of BC and Federal, The relevant Parliamentary Committees³⁶, the Speaker of the House, his Member of Parliament, the Leaders of the Federal political parties, every Senator and the Provincial and Territorial Premiers, which demonstrates a high level of commitment rather than a mere “busybody” litigant.

30 [POEC November 23, 2022 page 177-178](#)

31 Exhibit “B”, “C”, “D”

32 Exhibit “B”

33 Exhibit “E”

34 Exhibit “G”

35 Exhibit “H”

36 **Contributions to Parliamentary Committees**

[Parliamentary Committee on the Status of Women](#)

[Parliamentary Committee on Justice and Human Rights – Judges Act](#)

[Parliamentary Committee on Justice and Human Rights – Wrongful Convictions](#)

[Parliamentary Committee on Constitutional Affairs – Judges Act](#)

38. As a member of the public the expertise is unique as the proposed intervener is not a member of the Executive, Judiciary or the Legislature and a subject of the abuse of power of all three.³⁷

3. The Interveners participation is in the interests of justice

i) The appeal has a public, important, and complex dimension

39. The Public has a critical but often overlooked perspective in the administration of justice being unequally and unfairly typically the subject with little to no ability to enforce the law against those purporting to have legitimacy in enforcing the law against them.

40. The invocation of the Emergencies Act is a matter of immense concern to the Public and their relationship with the Executive of Government as the purported safeguards of Parliament are removed and Cabinet itself is vested with extraordinary powers.³⁸

41. The findings of the Federal Court of Appeal in this case have serious implications for the public interest as they fundamentally affect accountability of the Executive to Parliament and the people of Canada as a free and democratic state.³⁹

42. The accountability of the Judiciary to the people of Canada is a fundamental democratic right. The lawful procedure was obstructed by the Minister of Justice improperly protecting judges from legitimate review by Parliament and failing to protect Canadians from abuses of power.⁴⁰ The conduct cannot be defended in a free and democratic state.

37 Exhibit "H"

38 Statutes and Regulations "5" Emergencies Act

39 Statutes and Regulations "5" Emergencies Act

40 [Cosgrove v Canadian Judicial Council 2007 FCA 103](#) at para 64 "If the question of removal is to be put before Parliament, it is the Minister who does so. It is open to the Minister to put the question to Parliament or to decline to do so. Like all acts of an Attorney General, the Minister's discretion in that regard is constrained by the constitutional obligation to act in good faith, objectively, independently and with a view to safeguard the public interest."

43. The Minister of Justice breached his duty. As a protector of the rule of law The Minister cannot allow that judges could legitimately ignore the transcript to protect a lawyer committing fraud on a court order.⁴¹

44. The Minister of Justice breached his duty.⁴² The duty is to ensure that the administration is in compliance with the law including the Charter, the Minister cannot permit judicial rule that is in conflict with the constitutional imperative of the rule of law⁴³, democracy, fundamental justice, fair and impartial trials.⁴⁴

45. The current Minister of Justice Arif Virani's position that he is not obliged to disclose the legal advice provided by David Lametti to Cabinet in Council for his reasons to invoke the Emergencies Act is in conflict with his duty to the Public⁴⁵, the actual client of the Minister.⁴⁶

41 Appendix "6" Judges Act 65 (d) and Appendix "2" Constitution Act 1867 s 99

42 The paramount concern, consistently mentioned in the case law, is that exercises of public powers cannot be immune from review: *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, [2012] 2 S.C.R. 524 at paragraphs 31-34

43 Secondary Sources i) Principles Guiding the Attorney General of Canada, Department of Justice

"I view the unique role of the Attorney General as a fundamental pillar of the rule of law in Canada. In its simplest articulation, the rule of law ensures that no one, including the elected Government of the day, is above the law. As a guardian of the rule of law, the Attorney General is tasked with upholding the public interest." Jody Wilson Raybould

44 [Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#), the dissenting judgement of Stratas J.A. in the Slansky case is also particularly illuminating on this issue...p 317-332 [323] Based on what they see, fair-minded observers might justifiably describe the decision as a whitewash regardless of the actual merits of the complaint. Worse, fair-minded observers might speculate as to misconduct committed by other judges that has gone unpunished by the Council and has been similarly immunized from review.

45 [Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#) Furthermore "the rule of law is the ultimate justification of the privilege" (*Three Rivers District Council v Governor and Company of the Bank of England*, 2004 U.K.H.L. 48 (Eng. H.L.) at para 34) and "individuals...ability to successfully assert their legal rights, or discharge their legal duties, may be prejudiced. And the integrity of the administration of justice undermined *R v McLure* 2001 SCC 14 [2001] 1 S.C.R. 445 at para 2. The claim of solicitor client privilege is also defeated as "it must not have had the purpose of furthering unlawful conduct"

(ii) the elements of legal advice privilege

[74] The four elements of the test for determining whether a communication qualifies for legal advice privilege are well established: (1) it must have been between a client and solicitor; (2) it must be one in which legal advice is sought or offered; (3) it must have been intended to be confidential; and (4) it must not have had the purpose of furthering unlawful conduct: see *R. v. Solosky*, [1980] 1 S.C.R. 821 at 835; Pritchard at para. 15.

46 [Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#) "[65] First, solicitor-client privilege has two branches: litigation and legal advice privilege. The only branch claimed for the Friedland Report is legal advice privilege. This attaches to communications between solicitor and client for the purpose of obtaining or giving legal advice. It is the privilege of the client, not the lawyer.

[119] & [121] "subject to public interest privilege"

ii) The intervention will not cause delay or imbalance on one side

46. Granting leave to the proposed intervener will not cause delay or imbalance but will merely place all of the relevant facts that may have affected the decision of the Minister of Justice and Cabinet to invoke the Emergencies Act. Any minor delay in examining the record of the proposed intervener is easily balanced by the interests of the pursuit of justice for Canadians including full disclosure of all evidence.

47. The imbalance is currently in the favor of the Minister of Justice as they hide the legal opinion provided to Cabinet by claiming the solicitor – client relationship between the Minister and Cabinet although properly the client of the Minister is the people of Canada.⁴⁷ The evidence of the proposed intervener will merely balance the scales of justice by providing evidence that establishes the lack of good faith in the decision of the Minister.

48. The proposed intervener is dedicated and committed to ensure that their submissions are constructive and not duplicative and to comply with all scheduling requirements.

PART IV – ORDER SOUGHT

49. The proposed intervener seeks an order granting Trevor Holsworth leave to intervene in this appeal pursuant to Rule 109 of the Federal Court Rules on the following terms.

50. The purpose of the order would provide the court the attached evidence relevant to the inquiry before the court, to establish the information before the Prime Minister and the Minister of Justice prior to their decision to invoke the Emergencies Act.

51. To file a Memorandum of Fact and Law.

⁴⁷ During questioning before the Parliamentary Special Committee on the Declaration on the 27 February 2024

52. To receive all documents required to be served or filed by a party to this proceeding also be served on the proposed intervener.

53. To be exempt from any costs associated with this motion or the appeal.

54. To submit oral submissions if permitted or required

55. Such further terms proposed that the Court deems just.

All of which is respectfully submitted,

Dated in New Denver this 3rd of April, 2024.

Trevor Holsworth

TREVOR HOLSWORTH
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Proposed Intervener

PART V – LIST OF AUTHORITIES

LEGISLATION and REGULATIONS

Appendix “1” Federal Court Rules

Appendix “2” Constitution Act 1982 Charter of Rights and Freedoms

Appendix “3” Department of Justice Act R.S.C.,

Appendix “4” Judges Act 1985

Appendix “5” Emergencies Act

Appendix “1”

Federal Court Rules SQR/98-106

General principle

3 These Rules shall be interpreted and applied so as to secure the just, most expeditious and least expensive determination of every proceeding on its merits.

...

Intervention

Leave to intervene

109 (1) The Court may, on motion, grant leave to any person to intervene in a proceeding.

Contents of notice of motion

(2) Notice of a motion under subsection (1) shall

(a) set out the full name and address of the proposed intervener and of any solicitor acting for the proposed intervener; and

(b) describe how the proposed intervener wishes to participate in the proceeding and how that participation will assist the determination of a factual or legal issue related to the proceeding.

Directions

(3) In granting a motion under subsection (1), the Court shall give directions regarding

(a) the service of documents; and

(b) the role of the intervener, including costs, rights of appeal and any other matters relating to the procedure to be followed by the intervener.

...

Motions in writing

369 (1) A party may, in a notice of motion, request that the motion be decided on the basis of written representations.

...

Reply

(3) A moving party may serve and file written representations in reply within four days after being served with a respondent’s record under subsection (2).

Disposition of motion

(4) On the filing of a reply under subsection (3) or on the expiration of the period allowed for a reply, the Court may dispose of a motion in writing or fix a time and place for an oral hearing of the motion.

Appendix “2”

Constitution Act 1982 Charter of Rights and Freedoms

PART I

Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

Rights and freedoms in Canada

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

...

Legal Rights

Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

...

Equality Rights

Equality before and under law and equal protection and benefit of law

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

...

Enforcement

Enforcement of guaranteed rights and freedoms

24 (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

...

Application of Charter

32 (1) This Charter applies

(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

...

52 (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Appendix “3”

Department of Justice Act R.S.C., 1985

Minister and Attorney

(2) The Minister is ex officio Her Majesty’s Attorney General of Canada, holds office during pleasure and has the management and direction of the Department.

...

Powers, duties and functions of Minister

4 The Minister is the official legal adviser of the Governor General and the legal member of the Queen’s Privy Council for Canada and shall

- (a) see that the administration of public affairs is in accordance with law;
- (b) have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the governments of the provinces;
- (c) advise on the legislative Acts and proceedings of each of the legislatures of the provinces, and generally advise the Crown on all matters of law referred to the Minister by the Crown; and
- (d) carry out such other duties as are assigned by the Governor in Council to the Minister.

...

Powers, duties and functions of Attorney General

5 The Attorney General of Canada

- (a) is entrusted with the powers and charged with the duties that belong to the office of the Attorney General of England by law or usage, in so far as those powers and duties are applicable to Canada, and also with the powers and duties that, by the laws of the several provinces, belonged to the office of attorney general of each province up to the time when the Constitution Act, 1867, came into effect, in so far as those laws under the provisions of the said Act are to be administered and carried into effect by the Government of Canada;
- (b) shall advise the heads of the several departments of the Government on all matters of law connected with such departments;
- (c) is charged with the settlement and approval of all instruments issued under the Great Seal;
- (d) shall have the regulation and conduct of all litigation for or against the Crown or any department, in respect of any subject within the authority or jurisdiction of Canada; and
- (e) shall carry out such other duties as are assigned by the Governor in Council to the Attorney General of Canada.

Appendix “4”

Judges Act R.S.C., 1985, c. J-1

(<https://laws-lois.justice.gc.ca/eng/acts/j-1/20210629/P1TT3xt3.html>)

Objects of Council

60 (1) The objects of the Council are to promote efficiency and uniformity, and to improve the quality of judicial service, in superior courts.

Inquiries

63 (1) The Council shall, at the request of the Minister or the attorney general of a province, commence an inquiry as to whether a judge of a superior court should be removed from office for any of the reasons set out in paragraphs 65(2)(a) to (d).

65 Recommendation to Minister

(2) Where, in the opinion of the Council, the judge in respect of whom an inquiry or investigation has been made has become incapacitated or disabled from the due execution of the office of judge by reason of

- (a) age or infirmity,
- (b) having been guilty of misconduct,
- (c) having failed in the due execution of that office, or
- (d) having been placed, by his or her conduct or otherwise, in a position incompatible with the due execution of that office, the Council, in its report to the Minister under subsection (1), may recommend that the judge be removed from office.

Removal by Parliament or Governor in Council

Powers, rights or duties not affected

71 Nothing in, or done or omitted to be done under the authority of, any of sections 63 to 70 affects any power, right or duty of the House of Commons, the Senate or the Governor in Council in relation to the removal from office of a judge, a prothonotary of the Federal Court or any other person in relation to whom an inquiry may be conducted under any of those sections.

Appendix “5”

Emergencies Act R.S.C., 1985, c. 22 (4th Supp.) (<https://laws-lois.justice.gc.ca/eng/acts/e-4.5/page-1.html>)

Preamble

WHEREAS the safety and security of the individual, the protection of the values of the body politic and the preservation of the sovereignty, security and territorial integrity of the state are fundamental obligations of government;

AND WHEREAS the fulfilment of those obligations in Canada may be seriously threatened by a national emergency and, in order to ensure safety and security during such an emergency, the Governor in Council should be authorized, subject to the supervision of Parliament, to take special temporary measures that may not be appropriate in normal times;

...

National emergency

3 For the purposes of this Act, a national emergency is an urgent and critical situation of a temporary nature that

(a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or

(b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada and that cannot be effectively dealt with under any other law of Canada.

....

Declaration of a public welfare emergency

6 (1) When the Governor in Council believes, on reasonable grounds, that a public welfare emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 14, may, by proclamation, so declare.

...

Definitions

16 In this Part,

declaration of a public order emergency means a proclamation issued pursuant to subsection 17(1); (déclaration d'état d'urgence)

public order emergency means an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency; (état d'urgence)

threats to the security of Canada has the meaning assigned by section 2 of the Canadian Security Intelligence Service Act.

Declaration of a public order emergency

17 (1) When the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 25, may, by proclamation, so declare.

Contents

(2) A declaration of a public order emergency shall specify

(a) concisely the state of affairs constituting the emergency;

CASE LAW

[Canada \(Attorney General\) v. Slansky, 2013 FCA 199](#)

[Cosgrove v Canadian Judicial Council 2007 FCA 103](#)

[R. v. Clayton, \[2007\] 2 S.C.R. 725](#)

[R. v. Mann, \[2004\] 3 S.C.R. 59](#)

[RWDSU v. Dolphin Delivery Ltd., \[1986\] 2 S.C.R. 573](#)

[Salituro, \[1991\] 3 S.C.R. 654](#)

[Downtown Eastside Sex Workers United Against Violence Society](#)

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[Canada \(Citizenship and Immigration\) v Canadian Council for Refugees, 2021 FCA 13](#)

[Sport Maska Inc v Bauer Hockey Corp, 2016 FCA 44](#)

[Decision of Justice Mosely Jan 23, 2024 2024 FC 42](#)

SECONDARY SOURCES

- i) Principles Guiding the Attorney General of Canada, Department of Justice
(<https://www.justice.gc.ca/eng/csj-sjc/principles2-eng.pdf>)