

Improve the accountability of judges in Canada

Judicial Abuse of Power

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



Page sponsor Trevor Holsworth believes that we need mechanisms to hold judges accountable to the rule of law and the Canadian Charter of Rights and Freedoms.

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 a year 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

Protect YOUR democratic rights and provide witness by attending the Nakusp Court at the Nakusp Arena at 9:30 am on July 15th, 2021. Your participation will make a difference.



Canadian
Judicial Council
Conseil canadien
de la magistrature

Our File : 07-0176

28 August 2007

Ottawa, Ontario K1A 0W8

Mr Trevor Holsworth
622 Front Street
Unit 203
Nelson British Columbia
V1L 5B4

Dear Mr Holsworth:

I am responding to your letter of 10 July 2007 in which you make a complaint against The Honourable D.W. Shaw of the Supreme Court of British Columbia. In accordance with the *Complaints Procedures* of the Council I referred your letter to The Honourable Robert Pidgeon, Senior Associate Chief Justice of the Superior Court of Quebec and Vice-Chairperson of the Judicial Conduct Committee of the Council.

The mandate of the Council in matters of judicial conduct is to determine whether a recommendation should be made to the Minister of Justice, after a formal investigation, that a judge be removed from office by Parliament. The reasons for removal are set out in the *Judges Act* and address situations where a judge has become incapacitated or disabled from performing the duties of a judge. This can be as a result of age or infirmity, misconduct, a failure to execute the duties of the position, or being in a position incompatible with the functions of a judge.

You complain that Justice Shaw accepted the evidence of your former spouse and her lawyer instead of accepting the transcript. You also complain Justice Shaw allowed a lawyer to not comply with an order.

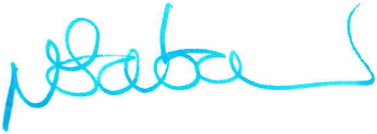
The admissibility and weighing of evidence is a matter that falls within the ambit of judicial discretion. Chief Justice Pidgeon is of the view that Justice Shaw exercised his judicial discretion when he preferred certain evidence over others. The exercise of judicial discretion is not a matter of conduct. The failure by a party to abide by the order is not either a matter of judicial conduct.

.../2

- 2 -

Given the foregoing, Chief Justice Pidgeon advises your complaint falls outside the mandate of the Council and he has directed me to close the file with this reply.

Yours sincerely,



Norman Sabourin
Executive Director and General Counsel



trevor holsworth <fundamentaljustice@gmail.com>

Complaint regarding a member of the Canadian Judicial Council

trevor holsworth <fundamentaljustice@gmail.com>

Sun, Jul 9, 2023 at 12:11 PM

To: info@cjcccm.gc.ca

Bcc: trevor.holsworth@gmail.com

I am writing to complain about the conduct of Norman Sabourin and his improper handling of this complaint. I understand that Mr Sabourin is no longer in the employ of the Canadian Judicial Council but the incorrect handling of the complaint should be corrected.

My understanding from the 2010 Procedures of the Canadian Judicial Council under section 6. Complaints involving a council member.

6.1 When proposing to close a file that involves a member of the Council, the Chairperson shall refer the complaint and the proposed reply to Outside Counsel who shall provide their views on the proposed disposition of the complaint.

This is the letter that I was sent by email in 2019. It does not appear that Mr Sabourin referred the complaint to Outside Counsel, or if he did please provide their response.

Yours sincerely,

Trevor Holsworth

Norman Sabourin <Norman.Sabourin@cjcccm.ca>
To: "trevor.holsworth@gmail.com" <trevor.holsworth@gmail.com>

Thu, Oct 3, 2019 at 9:49 AM

Mr Holsworth:

I am responding to your email below, in which you make a complaint against the Honourable Robert Pidgeon, in relation to a decision, in August 2007, to dismiss your complaint against a judge of the Supreme Court of British Columbia.

In light of the nature of your several exchanges with the Canadian Judicial Council, going back to 2005, and the length of time that has elapsed since the 2007 decision, I find that your correspondence constitutes an abuse of the complaints process.

I will be taking no further action.

Norman Sabourin
Executive Director and Senior General Counsel /
Directeur exécutif et avocat général principal
Canadian Judicial Council /
Conseil canadien de la magistrature

Evidence to assist the deliberation of Parliament

Trevor Holsworth
PO Box 406
New Denver BC V0G 1S0

Marc Giroux
Acting Executive Director and Senior General Counsel
Canadian Judicial Council

March 7th 2024

Registered Mail: RN 623 044 099 CA

Dear Mr Giroux,

I attach the correspondence that I have sent to the Canadian Judicial Council. I have not received a response. A failure to respond cannot be said to be in “good faith”.

This does not generate trust in the process.

Let me know the plan to restore trust which would start by following with your procedures, and the Judges Act.

From the perspective of the public a judge protecting a judge protecting a lawyer committing fraud on a court order by calling upon the Plaintiff and preferring her testimony over the transcript is a clear display of bias, a failure in the rule of law and not in the public interest to be free of fraud and corruption in the legal system.

I note that the standard established for the judging of judicial conduct is;
“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?”

I look forward to your response,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

Submission to the Standing Committee on Justice and Human Rights regarding Bill C-9, An Act to amend the Judges Act

trevor holsworth <fundamentaljustice@gmail.com>

Tue, Sep 20, 2022 at 9:26 PM

To: just@parl.gc.ca

Bcc: trevor.holsworth@gmail.com

To: Standing Committee on Justice and Human Rights <just@parl.gc.ca>

September 20, 2022

Via email: just@parl.gc.ca

Randeep Sarai, M.P.
Chair, Justice and Human Rights Committee
House of Commons
Sixth Floor, 131 Queen Street
Ottawa, ON K1A 0A6

Dear Mr. Sarai:

Re: Bill C-9, Judges Act amendments

There are some very serious problems facing the administration of Justice which affect all Canadians. Parliament is failing in its role as a check on the powers of the judiciary. The legitimacy of the Public Service and the Executive, the Crown Prosecution Service, the RCMP, and the ethical integrity of the MOJ/AG in a Democracy.

I have previously submitted comments to this committee in 2021 but a clerk of this committee saw fit to delete the comments from being submitted which is decidedly undemocratic. A single public servant preventing the legitimate debate before the People's House is an affront to Canadians and Parliament and effects the integrity of the Public Service, Ministerial and MP responsibilities. It is also probably illegal as an obstruction of justice.

I have attached the comments that I previously submitted which include both a problem with the judiciary claiming absolute power - that their word is above the law and not subject to the Charter, our governing agreement and constitutional law as well as a failure to comply with the open court principle - the CJC should be subject to the FOI Act as currently it is not despite the CJC claiming transparency and accountability in its propaganda statements.

I also add the basics of two constitutional questions that I placed before the BC Court of Appeal for their information regarding the failure of the Judges Act to provide sufficient safeguards for the public in the discipline of federal judges. There is NO protection for the public in the process and NO rights for the public in the forum. The second constitutional question addresses the problem of how that might have come to be, which is the failure for Parliament to maintain the integrity of the doctrine of the separation of powers in its membership requirement for Parliament and the Senate including ex-judges and lawyers in the People's House.

I am currently before the Court and the problems that I present are causing problems for the integrity of the justice system including Judges, Crown Prosecution, the AG/MOJ, GG's office, and the PM's office. Urgent political steps are urgently required. I attach my correspondence with the PM's office, and the Parliamentary Ethics Commissioner regarding the conduct of the MOJ refusing to respond to the enforcement procedure of the Charter improperly protecting lawyers and judges obstructing justice.

This matter is in the public domain at www.fundamentaljustice.com and I am active on Twitter @RuleofLawCanada










I am available for assistance in the resolution of this matter. I know the seriousness of this matter and the delicacy required for proper resolution. The time to solve this problem is now because the integrity of the justice system and the public's confidence is seriously strained. Based on the evidence, there is zero trust. It is time to restore the breach in the Charter.

Evidence to assist the deliberation of Parliament

Thank you for your attention to this matter.

Trevor Holsworth
www.fundamentaljustice.com

9 attachments

-  **briefforparliamentCOMPILATIONforWEBSITE.pdf**
53K
-  **EthicsCommissionerMOJComplaint.pdf**
52K
-  **EmailCommunicationswithETHICSCommissionerDION.pdf**
139K
-  **Gmail - Office of the Prime Minister _ ref to MOJ & MPS March 4, 2022.pdf**
82K
-  **Gmail - Office of the Prime Minister _ August 22-2022.pdf**
75K
-  **Gmail - Office of the Prime Minister _ July 28-2022.pdf**
74K
-  **Form 2 - appeal for SRL - completed&stampedJune9th2022 by registry.pdf**
102K
-  **NoticeOfConstitutionalQuestionElectoralActLawyers.pdf**
93K
-  **NoticeOfConstitutionalQuestionJudgesActKeiraLaw.pdf**
104K

Evidence to assist the deliberation of Parliament

I have in my possession a reply from the Canadian Judicial Council to a complaint that I made against a Federal Judge. My complaint was that when I presented the official transcript of trial to the Judge he personally called up my ex-wife and accepted the verbal testimony of my ex-wife of what she heard a previous Judge say 6 months earlier over what the transcript of trial indicated. The Canadian Judicial Council indicated that this was a matter of discretion and the weighing of evidence which is not a matter for discipline.

I disagree with their finding and find that the result of this determination is that we have a judicial system in Canada which is arbitrary. If Federal Judges have the right to ignore their own transcript of trial then we don't have a system of appeal. If Federal Judges have the right to ignore their own transcript of trial then we have a massive problem with our Charter of Rights.

S7. 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.

It seems very well established that the primary component of fundamental justice is that is NOT arbitrary.

I cannot present better evidence than the transcript of trial. For a judge to decide to ignore the transcript of trial is arbitrary. For the Canadian Judicial Council to accept that conduct as within their acceptable standard is completely unacceptable. I have pointed this reality to the Canadian Judicial Council but they have refused to respond. I wrote and requested that the Canadian Judicial Council put this issue to Parliament for confirmation that Parliament agrees with this incredible determination. They wrote back and refused and called my request abusive.

I have attempted to communicate with the Attorney General of Canada including an accepted registered letter including partly the following.

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.

I have received zero response.

My understanding is that the Rule of Law is that no-one is above the law, including judges. The Canadian Judicial Council simply cannot have a policy that contradicts the Canadian Charter of Rights. The result of this policy is that there has been a massive breach in our Charter of Rights affecting thousands of Canadians as well as myself personally. I am of course in contempt of court because Federal Judges believe that they have the right to arbitrary justice contrary to our Charter of Rights. I cannot attend a court to defend myself or protect myself without risk to my rights and freedoms.



trevor holsworth <fundamentaljustice@gmail.com>

Submissions to the Parliamentary Committee on Public Safety and National Security

trevor holsworth <fundamentaljustice@gmail.com>
To: DEDC@parl.gc.ca

Fri, Nov 18, 2022 at 9:56 AM

Thank you for your response. The evidence that I enclose disclose an obstruction of Justice and a failure of the Minister of Justice to comply with his duty to protect Canadians and ensure that the Administration of Justice in compliance with the law. The government is not in compliance with our constitution, the Charter creating a constitutional crisis which respect for the rule of law, constitutionality and Public Safety. As the documents demonstrate the PM's office has acknowledged the problem and forwarded the issue to the Minister of Public Safety but nothing further has occurred in several months which is unacceptable. The invocation of the Emergencies Act was due in part to the problems facing the Prime Minister from the contents of these documents. The Freedom Convoy was the scapegoat.







I attach my communications with the Prime Minister's office and the AG/MOJ, as well as the follow up email to the PM's office where the matter is forwarded to Minister of Public Safety. I have put this matter before the Courts but due to the obvious conflict of interest and their lack of jurisdiction in the matter was not resolved and I include the Notice of Constitutional Question that has never been answered which compelled me to submit an additional Notice of Constitutional Question on the failure to respond to a Constitutional Question which was not answered. The Ethics Commissioner has accepted the complaint and I attach the correspondence in that regard. When I did bring up the matter with the RCMP National Division they threatened to "destroy" the evidence if I communicated further. This matter has also been referred to the Committee of Justice and Human Rights and I include that communication as well.

I have submitted this evidence to the Public Order Emergency Commission as well.

[Quoted text hidden]

[Quoted text hidden]

6 attachments

-  **EthicsCommissionerMOJComplaint.pdf**
52K
-  **Gmail - Submission to the Standing Committee on Justice and Human Rights regarding Bill C-9, An Act to amend the Judges Act.pdf**
104K
-  **Gmail - Office of the Prime Minister _ ref to MOJ & MPS March 4, 2022.pdf**
82K
-  **correspondancewithAG-PM-MOJwithhighlights.pdf**
195K
-  **NoticeOfConstitutionalQuestion.pdf**
63K
-  **CommunicationwithRCMPCorruption.pdf**
92K



trevor holsworth <fundamentaljustice@gmail.com>

Failure in the Integrity of Canada's Democratic institutions

trevor holsworth <fundamentaljustice@gmail.com>
To: "proc@parl.gc.ca" <proc@parl.gc.ca>

Mon, Mar 6, 2023 at 11:42 AM

House of Commons
Standing Committee on Procedure and House Affairs,

Canadian Judges claim not to be bound by the constraints on their authority by the Charter and refuse to allow the legitimate debate appropriate in a free and democratic State, to permit the appropriate checks and balances. When presented with the facts supporting this allegation the Minister of Justice made false and misleading statements regarding his duties and as an Attorney General refused to respond to the Enforcement Procedure of the Charter s 24(1). The refusal of the Executive to comply with the terms of our governing agreement, our Constitution creates a Constitutional Crisis. The principles of Parliamentary Sovereignty and Democracy dictate that Parliament speaking for the People are the Penultimate decision makers to legitimately resolve this issue to perform their role in the protection of the public interest for peace, order and good government.

I will be serving Parliament directly with the Enforcement Procedure of the Charter in the coming days and as the procedure laid out by the Ministry of Justice has been ignored by the Executive in an obstruction of Justice and denied by Judges in a breach of public trust I thought to communicate with the Standing Committee on Procedure and House Affairs on the next most appropriate procedure.

A Parliamentary Petition on the matter didnt work the first time we tried in 2021, the sponsoring MP was approached by the Government and crossed the floor and never presented. The subsequent petition #3848 was completed on June 16, 2022 but never presented. Both of the associated MP's, being informed of the public concern, joined the rest of Parliamentarians in voting for the Judges Act, in conflict with the public interest and contradicting the claim that input from all stakeholders, including the public, had been considered. There was no public consultation and no interest in what the public had to say. I communicated with my MP, as well as the Official Leader of the Opposition and the Shadow Minister of Justice. I have communicated with the Leader of the NDP regarding his role, the NDP-Liberal confidence agreement was signed within a month of my communication with the Governor-General regarding her role, particularly within the framework of a minority government, where she is not obliged to accept the legal opinion of the Minister of Justice. So, I propose I serve the House of Commons, for the House to fulfill it's democratic function to check the powers of the Executive and Judiciary. I could easily send the matter to all Members of Parliament directly or proceed in any other manner that you propose.

The Canadian Judicial Council receives over 600 complaints every year alleging misconduct by federal judges, Less than 0.1% of these result in a referral to council. The complaints that do make it through are mostly relate to allegations of sexual, racial, or drug misconduct. The reminder are dismissed by the gatekeeper as within the exercise of the discretion of the judge and a claim that discretion cannot be judged as conduct. In my own complaint the Judicial Council determined that Judges have discretion on their acceptance of the official record of trial, the transcript, the best evidence that any Canadian could provide. The current acceptable conduct of Judges includes calling the Plaintiff to the stand and asking her what she heard a judge say 6 months previously, and preferring that to the official court record, the transcript that I presented, to correct a lawyer committing fraud upon the Court with a fraudulent court order. I had also reported to the Court that a lawyer was not complying with a court order to provide monthly trust account statements but the Judge and the Judicial Council did not deem that to be a problem. I suggested to the Council that they reconsider but they did not change their perspective. I made a complaint regarding the Judge who dismissed my complaint but the gatekeeper responded that I was abusing the process.

If you cannot report criminal activity in a legal system you do not have a justice system you have organized crime, sanctioned by the State.

The duty of the Minister of Justice is to protect the public and, to ensure that administration of Justice is in compliance with the Law. Which it isn't, because I had served the Deputy AG's office by registered mail following the procedures set out by the Ministry of Justice and following the enforcement procedure of s24(1) of the Charter and requested that Parliament exercise it's jurisdiction over the conduct of judges, under section 99 of the Constitution. I received no response. A breach of the Charter. I wrote to the PM's Office and they forwarded the problem to Marco Mendicino acknowledging the public safety concern. I received no response.

Evidence to assist the deliberation of Parliament

In the court system I presented evidence of failures in the Rule of Law throughout the Canadian Legal System and the problem of Judges claiming absolute unreviewable discretion and requested that they issue a writ of mandamus for the Minister of Justice to present this to Parliament. Justice refused to rule, failing the role of a Judge, s 80 c) of the Judges Act. I appealed to the BC Court of Appeal but they refused to allow debate on the matter. The Judiciary lacks the legitimate attributes to claim an ability to perceive the "public interest" and are willfully blind in their concept of what is "good behavior" for a judge, section 99 of the Constitution, and fatally flawed in their determination of what a "fair-minded and informed observer would consider to be incompatible with the due execution of judicial office." as defined by section 80 d) in the Judges Act.

The established precedent is that "no-one can be a judge in their own cause". The rules for the judging of judicial 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." It is obvious that the Judiciary are unable to resolve this matter internally, that is why Democracy has checks and balances and Parliament is the legitimate and constitutional body to perform the function of the examination of judicial conduct, speak democratically to the public interest, and they are the only body with the jurisdiction to provide the remedy required, to dismiss a judge, under s99 of the Constitution.

I presented a brief before the House of Commons Committee on Justice and Human Rights disclosing these problems and it was posted prior to the debate on the proposed Judges Act. I requested to be heard before the Committee on the same day as the man with the hearing impairment was selected. Before his presentation he was told that the Bill was going to pass, that the MP, a former crown prosecutor, had investigated the citizen, and then he was asked if he had anything to say. No mention was made of the issue I presented in the brief before the Committee. The Judge's Act is now before the Senate and I have informed the appropriate Senate Committees and every Senator of the problems I outline in this email.

I communicated with the Premiers of the Provinces and Territories in late December 2022 and a week later they requested a shake down from the PM for "health care funding".

The Ethics Commissioner in 2021 accepted my complaint regarding the conduct of the Minister of Justice improperly protecting lawyers and judges by refusing to respond to the enforcement procedure of the Charter.

The RCMP National Division Intake Unit has the "mandate to safeguard and investigate significant threats to Canada's political, economic and social integrity" concerning complaints about "federally elected members of Parliament." However, when I reported that the Minister of Justice was failing to respond to a Charter complaint to have judicial conduct examined by Parliament and provided them a copy of my Charter complaint, they wrote, "any future communications... unless solicited...will not be reviewed and will be destroyed."

The matter was presented as evidence to the Emergencies Act Inquiry and they acknowledged receipt on Dec 26, 2022.

I notified CSIS at the very end of 2022.

The AG's office refuses to respond to a Constitutional Question on the constitutionality of the AG refusing to respond to the Enforcement Procedure of the Charter and subsequently a Constitutional Question on the constitutionality of not responding to a constitutional question. Refusing to respond cannot be said to be in "good faith". The problem goes to the legitimacy of the Executive as they are in breach of the Constitution, meaning they are illegitimate. It also goes to the integrity of the Public Service as the Judiciary is the administrative head of the Public Service. The Judiciary claims not to be bound by their own documentation. How does any citizen trust a Public Service that claims that they can make up evidence to protect criminal activity? How does any citizen trust any Parliamentarian who does not protect the "public interest".

The problem with the Judges Act and the proposed reform, Bill c-9 is that there continues to be in the process, zero protection for the public. Despite claims to the contrary, there has been zero consultation with the public, whom the justice system purports to serve. The claim that the lay person process is an improvement is simply a fabrication. The process is; first, a screening officer removes some complaints and sends some to a reduced hearing panel which comprises only of judges. If that panel passes it, then it goes to a full hearing panel, where a lay person, may be included, from a list of any number (including 0) and the only qualification for that position, besides not being a lawyer is that the Council appoint them. The previous Judges Act didn't include the full panel option so they added another step at the very end of the existing procedure and claimed the process is more efficient.

Parliament must assert its authority to maintain Parliamentary Supremacy, protect Democracy, and work to re-establish trust and the rule of law for Canadians. Denial is destructive. Free and legitimate debate is how democracy is protected. Unfortunately for the integrity of the impartiality of Parliament the Judge who initially created this problem had previously had his fitness as a Judge debated in the House, when in 1999 he declared the law on child pornography to be

Evidence to assist the deliberation of Parliament

unconstitutional and MP's were determined for his removal however they folded their resolve to comply with the Minister of Justice pleadings to allow the Justice system to internally regulate.

Is this the Canada we leave to our children?

No Canadian will trust a justice system that cannot determine right and wrong between accepting the transcript and soliciting perjury. A Judge that supports a claim of absolute power is not fit to be a judge in a democracy. A legal system that fails to protect the integrity of our governing agreement is not fit for purpose. Parliament must perform its constitutional duty for Peace, Order and Good Government.

I have done my very best as a Canadian citizen to communicate at all times with the appropriate authorities following the law and procedures. Nobody is above the law in a democracy. We are equal and have a right to face our abusers and see justice done in a fair and impartial tribunal complying with constitutional and democratic values. These are human rights that are enshrined in our Constitution and represent the values that Canadians share. There is a path forward to restore trust. Canada will be a better place for our efforts.

Trevor Holsworth

www.fundamentaljustice.com

3 attachments



CJCPigeon-Shaw'JudicialDiscretion'_20201009_0001.pdf

641K



NoticeOfConstitutionalQuestion.pdf

63K



attorneygeneralapplicationtoparliament.pdf

41K

Brief to support the deliberations of the Parliamentary Committee on
Justice and Human Rights.
Debate on Bill C-40

AN ACT TO AMEND THE CRIMINAL CODE, TO MAKE
CONSEQUENTIAL AMENDMENTS TO OTHER ACTS AND TO
REPEAL A REGULATION (MISCARRIAGE OF JUSTICE
REVIEWS)

Submitted by Trevor Holsworth

Thank you for this opportunity to contribute to the advancement of the better administration of justice.

I am in the unfortunate position of having informed the legal system of problems in the administration of justice which has resulted in retribution, which reflects poorly on the constitutional requirement for fair and impartial trials.

My experience included a lawyer committing fraud on a court order and a refusal to comply with a court order to provide monthly trust account statements, evidence tampering and trial fixing. I reported the problems to the BC Law Society and the lawyer involved admitted to the default in writing and pleaded for mercy. There was no hearing and the matter was dismissed by the benchers with no discipline whatsoever and a refusal to provide the written reasons for their decision as required by statute of the legislature.

How can Canadians trust this relationship critical to accessing justice?

Unfortunately the Judge who presided over the trial was Mr Shaw whose fitness as a judge was debated in the House of Commons in early February 2002 with near unanimous condemnation however they almost all folded their position when the MOJ Anne McLellan pleaded with them to permit the justice system to resolve the matter internally. Unfortunately a local Judge had seized himself of the trial and there was no explanation for why he was not in attendance and the police were informed of substantial removal of documents from the court file and redacting of all references to failures by the lawyer to comply with court orders. There was no investigation conducted beyond interviewing me, and dismissing my concerns as being paranoia.

A complaint was made to the Canadian Judicial Council of Judge Shaw's behavior at trial where when presented with the transcript to conclusively demonstrate the fraud perpetrated on the court order he called upon the Plaintiff and requested she provide testimony and preferred that to the best evidence that any Canadian could provide.

The council approved of the conduct as complying with the "good behavior" constitutional requirement. How that judicial conduct complies with the Judges Act s 80, "the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office..." specifically subcategory "d) the judge is in a position that a reasonable, fair-minded

and informed observer would consider to be incompatible with the due execution of judicial office".

The Council dismissed the complaint without examination as being one of "judicial discretion" as if discretion is absolute and not bounded when the acceptance of the transcript is a duty, to protect Canadians to their right to access the public service of justice.

I subsequently made a complaint to the Council regarding that decision which the lawyer assigned to reviewing complaints dismissed as an abuse of process instead of following the Council's procedures to send complaints regarding members of the council to an independent lawyer for independent advice. Despite reminders this has never been resolved and further communications with the council remain unanswered.

I properly served the enforcement procedure of the Charter s 24(1) upon the AG/MOJ which failed to generate a response, including a response to a constitutional question on the matter, which continues to remain unanswered and subsequently an explicit refusal to respond to the constitutional question and constitution.

The concern is a lack of regard by the administrators to deliver the public interest in a legal system that provides justice, complies with the constitutional constraints and procedures.

When I presented these facts and lots more before the BC Supreme Court including a writ of mandamus on the MOJ to comply with his duty to protect the public and ensure that the administration of justice was in compliance with the law it was dismissed as "irrelevant" and subsequently for a right to appeal to the BC Court of Appeal where my lived experience was not only "irrelevant" but a "conspiracy theory...does not reflect reality".

The reality of the consequences of that decision confirm that I have no rights in the BC Courts as everything I say can be denied as a conspiracy theory and given that the Judicial Council claims discretion over all evidence the legal system is arbitrary and worse. I was subsequently incarcerated for 80 days with a refusal by all lawyers to represent me, and no ability to appeal the decision as the incarceration occurred immediately. I did submit a habeas corpus application the Supreme Court of Canada which was ignored for over a month, until a complaint to the Canadian High Commission in Australia by my parents generated a response from the Court, that termed my habeas corpus application, "a letter" in denial of s 9, arbitrary imprisonment" and s 10 c the right to habeas corpus. I can confirm that there was no legal advice available through prison legal services on habeas corpus applications at all. The prison law library had no Supreme Court of Canada decisions in its legal database, only Western Provincial decisions which for my purposes were irrelevant.

If the Canadian Judicial Council approves of judges ignoring the best evidence that any Canadian could provide then justice is subject to every whim and bias of a judge and offends s 9 of the Charter. The problem appears to be that Judges are not competent at fair and impartial judging of their own conduct, and the conduct of lawyers. That should have been apparent long ago, as it is a well established principle of fundamental justice that no-one can be a judge in their own cause.

The desire to assert the important separation of powers doctrine of judicial independence forgot that the principle exists to protect the public. During the debate on the Bill c-9 the Judges Act in the Senate I proposed amendments that would correct that deficiency but it appears that the government refused to accept most of the amendments suggested by the Senators. My proposal was that judicial conduct should be examined by a jury as a bulwark of individual liberty and the reality that judicial conduct can

only be legitimately examined by the citizen, whom they purport to serve.

I informed both the Speaker of the House and the Committee on Procedures and House Affairs regarding the problems in the administration of justice and requested procedural details regarding the process to follow to request Parliament to assert its constitutional responsibility for peace, order and good government for Canadians. Parliament is the penultimate protector of the liberty of the citizens of Canada and the separation of powers doctrine requires checks on the legitimacy of the claims of constitutional compliance by the Judiciary. PROC never responded, which is somewhat understandable given that the MOJ's legal advice is to deny the enforcement procedure of the Charter which creates a constitutional crisis as the Executive claims it is not bound by the procedures of the Charter and have refused to justify that conduct in a free and democratic state as required in s 1.

It is not fair to subject Canadians to abuse by lawyers and judges and provide them with zero ability to protect themselves. This is a responsibility of Parliament. Law Societies are a creation of the provincial legislatures with the protection of the public interest as their primary objective. But the Judges Act and the Supreme Court of Canada Act are responsibilities of the Federal Parliament. If there is no protections for the public then they have no purpose.

Having a judge or a lawyer check for situations of false imprisonment does not properly check the powers of the Judiciary.

On a personal note, I shouldn't be incarcerated for telling the truth about my bad experiences in the legal system, requesting accountability, transparency and constitutionality to be rigidly tested and enforced according to the established legal rules. We are supposedly guaranteed these legal rights. I wouldn't return to a store that didn't honor their guarantees because I have other options, but the legal system is operating a monopoly and Parliament has a duty to enforce the terms of the guarantee upon the Judiciary. It is one of the core responsibilities of the Executive and the House of Commons, failure to do so constitutionally should result in the dismissal of the MOJ and the PM. That is how important upholding the rule of law is in a democracy. They hire them, often based on political party affiliations, probably political bias and the MOJ has the responsibility to request Parliament to fire them for failure to provide their constitutionally required "good behavior".

The best solution for democratic deficit is to reinforce democracy. For the current bill it would be important to have a citizen jury at the head of the process in order to protect the public interest. The Jury system is well respected as a bulwark against a biased, overzealous or vindictive Judiciary.

I support the problem identified in the brief, by the Canadian Criminal Justice Association, Dr. Myles Frederick McLellan

"The available remedies in Canada to pursue compensation include civil litigation for malicious prosecution, negligent investigation, a Charter breach and the highly politicized exercise of discretion by a government to make a payment without acknowledging liability. Except for the very few, none of these remedies are very helpful. Liberal democracies like Canada are honour bound if not constitutionally mandated to provide for innocence compensation far beyond the onerous and cost prohibitive pursuit of litigation against the State and the current highly secretive and inadequate executive remedy requiring an elusive exercise of mercy."

"Clearly, this is an area that calls for legislative action. The right to be free from a wrongful accusation, conviction and imprisonment and the corresponding right to be compensated for the damages caused thereby is enshrined in international human rights law. The need is palpable to create a legislative remedy that is transparent, consistent, removed from the political process and perhaps most

importantly, accessible to those in need.”

I support the problem identified in the brief, by Harry LaForme, Kent Roach and Juanita Westmoreland-Traoré

“The creation of this commission has been recommended by commissions of inquiry since 1989. Canadians and most importantly victims of miscarriages of justice have waited much too long to be presented with such an unnecessarily inadequate bill.... We recommended a commission of between 9 and 11 commissioners chosen by an independent committee.”, although they recommended lawyers and I recommend a jury of citizens, expanding on s.696.75 requirement of only 50%, this would also solve the independence from government problem.

I emphasize their comment, “Almost 20% of the 87 people on the Canadian Registry of Wrongful Convictions pled guilty.” Section 696.4(3) requiring an adverse decision from a Court of Appeal would make the commission inaccessible for many, indeed most, victims of miscarriages of justice and “Section 696.2 should be amended to allow applications from persons who are currently serving a sentence of imprisonment.”

“Section 696.6(2) should be amended to delete the phrase “and considers that it is in the interests of justice to do so”. The phrase is vague.” and subject to abuse on the perception of whose interests justice should represent.

I support the problems identified in the brief by the Innocence Project particularly the investigation of causes for false guilty pleas.

I support the statements in the brief by Darren Seed,

“David Milgaard was wrongly convicted, and the people who wrongly convicted him felt “tension” and “resentment” because their laughable, were it not so tragic, incompetence was pointed out. Out of the buffet of available emotions, there were arguably many more appropriate ones available. Such as Shame. Sorrow. Regret. Guilt. Remorse. Desire to improve. Rejoicing that justice was finally achieved. Yet in Saskatchewan, they still act like kindergarten kids who lost their favourite marbles in a game on the playground. Childishly sulky and bad tempered. Sore losers. They don’t have the quality of character to either stop or rectify wrongful convictions.: In February 1991, former Saskatchewan prosecutor Serge Kujawa was outraged that the Supreme Court was reviewing the Milgaard case and called Milgaard a “guilty kook,” reported the Winnipeg Sun. “It doesn’t matter if Milgaard is innocent of the 1969 murder for which he’s spent 22 years in prison – his case should remain closed,” Kujawa, then an NDP MLA, told the Winnipeg Sun. “The whole judicial system is at issue – it’s worth more than one person,” said Kujawa. THAT is the longstanding, ongoing attitude toward wrongful convictions by prosecutors, police and the ministry of justice for Saskatchewan. DON’T dare Question the System. Especially when they are wrong.“

I support the comments made by the Advocates Society, “We recommend that the commission have jurisdiction to do systemic reform work related to the prevention of miscarriages of justice”.

The last thing that anyone who has been wrongfully convicted is to submit themselves to a Judiciary that denied them on typically multiple occasions. That is abusive. I will not voluntarily submit myself to that abuse under the current regime.

Parliament has the ultimate responsibility to protect the public interest from abuses of power by the Judiciary or the Executive.

Trevor Holsworth



Trevor Holsworth <[REDACTED]>

Fundamental Justice - CJC Petition

Trevor Holsworth <[REDACTED]>
To: Jenica.Atwin@parl.gc.ca

Mon, Apr 19, 2021 at 7:57 PM

Jenica Atwin,

I just signed the petition regarding the Canadian Judicial Council and I wanted to thank you personally.

I actually was considering running for the Green Party specifically in order to create accountability in this organization.

I live in British Columbia.

I made a complaint about a judge disregarding the transcript of trial that was presented at court. This judge is well known to Parliament as he has been previously the subject of numerous debates. However the Canadian Judicial Council approved of his conduct in order to protect him protecting a lawyer creating a fraudulent court order.

I pointed out to the CJC how their decision conflicts with the charter of rights as well as any notion of justice. They just ignored me and ignored me and ignored me every year when I wrote them reminder letters.

Absolute discretion has not been claimed by ANY modern democracy and revolutions have been fought over this issue for centuries. This is a major problem.

I submitted a Charter of Rights complaint to the current Attorney General / Minister of Justice David Lametti however he just ignored it, including follow up emails. I notified the PM and that got a very brief response "we do not provide legal advice to the general public" from the Minister of Justice. I requested that Parliament be notified of the issue and provide the constitutional safeguard checks and balances. REFUSED.

This is a very serious issue for Canada. I hope that you see the enormous problem. There is absolutely no document that a Canadian can provide to the courts where they do not claim a discretion to ignore it. I wrote to the United Nations because I could not get justice in Canada.

I am pleading with you to attempt to resolve this situation for ALL CANADIANS. This needs to be addressed by Parliament urgently.

Yours sincerely,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

Constitutional Crisis

trevor holsworth <fundamentaljustice@gmail.com>
To: pierre.poilievre@parl.gc.ca

Sat, Oct 22, 2022 at 9:54 AM

Mr Pierre Poilievre,

I am writing to you as a member of the public living in British Columbia and addressing you as a member of the House of Commons and leader of the official opposition party.

In March 2020 I properly served the AG/MOJ through the Deputy AG's office following the procedures in the s 24(1) of the Enforcement Procedure of the Canadian Charter of Rights due to legal and administrative failings within the justice system compromising the public safety due to a complete failure of the rule of law and democracy at all levels of Government up to the PM's and GG's office.

There has been no response ever received, despite constitutional questions being asked through the court process and communication with the PM's office regarding the MOJ lack of response. David Lametti did eventually respond by email however unfortunately he made false and misleading statements regarding his duties and has refused to respond further. Further communications with the PM's office then resulted in the matter being forwarded to the Minister of Public Safety Marco Mendicino for the obvious reason, the government is in breach of it's governing agreement and refusing to comply with the law and be accountable to the people. I have received no further correspondence on the matter. There is an ongoing breach of the Charter by the Executive for failures in the administration of justice which requires Parliament to be informed.

That is your role as the official opposition in a parliamentary democracy.

It is a constitutional crisis that the Executive and Judiciary are attempting to ignore, which requires Parliament to provide the legitimate checks and balances that the people require for trust in our democratic institutions.

I am also available by telephone at [REDACTED]

Yours sincerely,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

Constitutional Crisis and NDP Support for the Federal Liberal Party.

trevor holsworth <fundamentaljustice@gmail.com>

Thu, Dec 29, 2022 at 10:47 AM

To: Jagmeet.Singh@parl.gc.ca

I am writing to you as a member of the public living in British Columbia and addressing you as a member of the House of Commons and leader of the NDP, particularly in the context of the confidence and supply agreement with the Federal Liberal Party Executive.

In March 2020 I properly served the AG/MOJ through the Deputy AG's office following the procedures in the s 24(1) of the Enforcement Procedure of the Canadian Charter of Rights due to legal and administrative failings within the justice system compromising the public safety due to a complete failure of the rule of law and democracy at all levels of Government up to the PM's and GG's office.

There has been no response ever received, despite constitutional questions being asked through the court process and communication with the PM's office regarding the MOJ lack of response. David Lametti did eventually respond by email however unfortunately he made false and misleading statements regarding his duties and has refused to respond further. Further communications with the PM's office then resulted in the matter being forwarded to the Minister of Public Safety Marco Mendocino for the obvious reason, the government is in breach of it's governing agreement and refusing to comply with the law and be accountable to the people. I have received no further correspondence on the matter. There is an ongoing breach of the Charter by the Executive for failures in the administration of justice which requires Parliament to be informed.

I did write to the Governor General's Office on October 26, 2021 and again on March 7th, 2022 outlining the problems facing the administration of Government by the Liberal Party Executive in breach of the Constitution of Canada and her responsibilities in that regard specifically as it might apply for a minority government. I received no response however I did note that the NDP agreed on March 22nd, 2022 to a confidence and supply agreement with the Federal Liberal Party Executive. I'm not sure if you are aware of the complete story so I am attaching my communications with the Governor General's office. In light of this information I would suggest that the NDP agreement is not in the Public Interest and should be revoked immediately.

It is a constitutional crisis that the Executive and Judiciary are attempting to ignore, which requires Parliament to provide the legitimate checks and balances that the people require for trust in our democratic institutions.

I am also available by telephone at [REDACTED]

Yours sincerely,

Trevor Holsworth

2 attachments



Gmail - Current problems with Responsible Government - GG Mar 7.pdf

60K



Gmail - Current problems with Responsible Government - October 26 2021 Letter to Governor General.pdf

82K



trevor holsworth <fundamentaljustice@gmail.com>

Petition for Parliament to check the Constitutionality of the Judiciary

trevor holsworth <fundamentaljustice@gmail.com>
To: richard.cannings@parl.gc.ca

Wed, Jun 21, 2023 at 11:51 AM

My name is Trevor Holsworth. I am a resident of New Denver V0G 1S0 and Richard Cannings is my federal member in the House of Commons as a representative of the citizens of South Okanagan / West Kootenay.

The Canadian Judicial Council has written to me claiming that Judges have discretion in their decision to accept their official record, the transcript, the best and most relevant evidence that any Canadian could provide when disclosing fraud committed on a court order by a lawyer. Unfortunately in this instance the Judge went a step further and called upon the Plaintiff, a woman, to dispute the transcript and preferred the suborned perjury to my evidence, the transcript.

"The legal concept of discretion implies the power to make a choice between alternative courses of action. If only one course can lawfully be adopted, the decision taken is not the exercise of a discretion, but the performance of a duty" Principles of Judicial Review, Discretion in Administrative Law

No Canadian is going to trust a legal system that denies them all evidence. Forcing them to "trust" by coercion is not legitimate in a democracy. Judges assert that their discretion cannot be challenged claiming judicial independence although that is not a valid legal argument.

"In public regulation of this sort there is no such thing as absolute and untrammelled discretion", "abuse of power and corruption are always the exception" and "The rule of law operates...to constrain the exercise of arbitrary authority...no public official has the authority to make a decision that is arbitrary, improper, or in bad faith."

Supreme Court of Canada

R v Roncarelli [1959] S.C.R. 121

Judicial independence exists for the protection of the public, not the judges.

Parliament must face the reality that the Judiciary is claiming absolute and unreviewable discretion, a claim of absolute power, which is undemocratic, unconstitutional, and a threat to the safety of the Canadian Public.

"leads to the community's frustration with the judicial system and eventually to a feeling of contempt for court proceedings"

R v Askov, [1990] 2 S.C.R. 1199

I will be serving every member of the House with the enforcement procedure of the Charter to have this matter heard by the only court of competent jurisdiction to do so, Parliament.

As a preliminary step to follow established procedure for the public to access Parliament I am asking for your support to sponsor a private members bill to have this matter brought to the attention of the House of Commons.

Thank you for your attention to this matter. I attach for your information my communications with PROC, an identical letter was also sent to the Speaker of the House who did respond but PROC did not.

Trevor Holsworth

www.fundamentaljustice.com



Gmail - Failure in the Integrity of Canada's Democratic institutions - House of Commons.pdf

92K



trevor holsworth <fundamentaljustice@gmail.com>

Your role as Shadow Minister of Justice and AG

trevor holsworth <fundamentaljustice@gmail.com>
To: Rob.Moore@parl.gc.ca

Sun, Oct 23, 2022 at 5:36 PM

I am writing to you as a member of the public living in British Columbia and addressing you as a member of the House of Commons and shadow Minister of Justice and AG of the official opposition party.

In March 2020 I properly served the AG/MOJ through the Deputy AG's office following the procedures in the s 24(1) of the Enforcement Procedure of the Canadian Charter of Rights due to legal and administrative failings within the justice system compromising the public safety due to a complete failure of the rule of law and democracy at all levels of Government up to the PM's and GG's office.

There has been no response ever received, despite constitutional questions being asked through the court process and communication with the PM's office regarding the MOJ lack of response. David Lametti did eventually respond by email however unfortunately he made false and misleading statements regarding his duties and has refused to respond further. Further communications with the PM's office then resulted in the matter being forwarded to the Minister of Public Safety Marco Mendocino for the obvious reason, the government is in breach of it's governing agreement and refusing to comply with the law and be accountable to the people. I have received no further correspondence on the matter. There is an ongoing breach of the Charter by the Executive for failures in the administration of justice which requires Parliament to be informed.

That is your role as the official opposition in a parliamentary democracy.

It is a constitutional crisis that the Executive and Judiciary are attempting to ignore, which requires Parliament to provide the legitimate checks and balances that the people require for trust in our democratic institutions.

I am also available by telephone at [REDACTED]

Yours sincerely,

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

Shadow Minister of Democratic Reform.

trevor holsworth <fundamentaljustice@gmail.com>
To: michael.cooper@parl.gc.ca

Thu, Jul 13, 2023 at 2:15 PM

Michael,

I am contacting you in your role as Shadow Minister of Democratic Reform. I am a citizen of Canada and live in New Denver, BC V0G 1S0 which is the NDP held seat of South Okanagan-West Kootenay with Richard Cannings as my MP.

I first contacted Richard Cannings to sponsor this Petition to Parliament but he has declined to respond. I attach my communication with Mr Cannings for your information.

I also attach the communication that I have had with the Speaker of the House and his response. An identical email was also sent to PROC but no response was forthcoming.

I have been involved in communicating with Parliament extensively attempting to resolve this issue for the peace, order and good government of all Canadians. You may find it helpful to connect with Senator Batters regarding this issue as she might be able to provide some more context in regards to the debate that occurred in the Senate and my communication with that democratic institution. I submitted a proposal for the democratic reform of the judicial conduct process to the Senate during the debate on the Judges Act which can be accessed here https://sencanada.ca/Content/Sen/Committee/441/LCJC/briefs/LCJC_C-9_Brief_Holsworth_e.pdf.

You may find it educational as well to examine the contents of www.fundamentaljustice.com particularly the debate before the BC Court of Appeal Justice Newbury where despite extensive reporting of failures in the rule of law by lawyers, judges and the Minister of Justice refusing to respond to the enforcement procedure of the Charter to have Parliament examine the claim of Absolute and Unreviewable Power of the Judiciary her opinion was that my experience "does not reflect reality". That decision is unreviewable for correctness either in facts or law. Except through Parliament to check the powers of the Judiciary as appropriate in a democracy.

I've been admiring your work on the floor of the House and look forward to our further communication prior to my serving every member of the House with the enforcement procedure to ensure that the principles and protections of the Charter are not removed by a Judiciary claiming absolute power over the people of Canada.

Yours sincerely,

Trevor Holsworth

3 attachments

 **Gmail - Petition for Parliament to check the Constitutionality of the Judiciary - Richard Cannings.pdf**
69K

 **Gmail - Speaker of the House - Rota.pdf**
92K

 **Letter to Holsworth from Speaker of the House March 9, 2023.pdf**
205K



Failure in the Integrity of Canada's Democratic institutions

trevor holsworth <fundamentaljustice@gmail.com>

Tue, Feb 21, 2023 at 4:00 PM

To: anthony.rota@parl.gc.ca

Anthony Rota
Speaker of the House,

Canadian Judges claim not to be bound by the constraints on their authority by the Charter and refuse to allow the legitimate debate appropriate in a free and democratic State, to permit the appropriate checks and balances. When presented with the facts supporting this allegation the Minister of Justice made false and misleading statements regarding his duties and as an Attorney General refused to respond to the Enforcement Procedure of the Charter s 24(1). The refusal of the Executive to comply with the terms of our governing agreement, our Constitution creates a Constitutional Crisis. The principles of Parliamentary Sovereignty and Democracy dictate that Parliament speaking for the People are the Penultimate decision makers to legitimately resolve this issue to perform their role in the protection of the public interest for peace, order and good government.

I will be serving Parliament directly with the Enforcement Procedure of the Charter in the coming days and as the procedure laid out by the Ministry of Justice has been ignored by the Executive in an obstruction of Justice and denied by Judges in a breach of public trust I thought to communicate with you on the next most appropriate procedure.

A Parliamentary Petition on the matter didnt work the first time we tried in 2021, the sponsoring MP was approached by the Government and crossed the floor and never presented. The subsequent petition #3848 was completed on June 16, 2022 but never presented. Both of the associated MP's, being informed of the public concern, joined the rest of Parliamentarians in voting for the Judges Act, in conflict with the public interest and contradicting the claim that input from all stakeholders, including the public, had been considered. There was no public consultation and no interest in what the public had to say. I communicated with my MP, as well as the Official Leader of the Opposition and the Shadow Minister of Justice. I have communicated with the Leader of the NDP regarding his role, the NDP-Liberal confidence agreement was signed within a month of my communication with the Governor-General regarding her role, particularly within the framework of a minority government, where she is not obliged to accept the legal opinion of the Minister of Justice. So, I propose I serve you as Speaker of the House, for the House to fulfill it's democratic function to check the powers of the Executive and Judiciary. I could easily send the matter to all Members of Parliament directly or proceed in any other manner that you propose.

The Canadian Judicial Council receives over 600 complaints every year alleging misconduct by federal judges, Less than 0.1% of these result in a referral to council. The complaints that do make it through are mostly relate to allegations of sexual, racial, or drug misconduct. The reminder are dismissed by the gatekeeper as within the exercise of the discretion of the judge and a claim that discretion cannot be judged as conduct. In my own complaint the Judicial Council determined that Judges have discretion on their acceptance of the official record of trial, the transcript, the best evidence that any Canadian could provide. The current acceptable conduct of Judges includes calling the Plaintiff to the stand and asking her what she heard a judge say 6 months previously, and preferring that to the official court record, the transcript that I presented, to correct a lawyer committing fraud upon the Court with a fraudulent court order. I had also reported to the Court that a lawyer was not complying with a court order to provide monthly trust account statements but the Judge and the Judicial Council did not deem that to be a problem. I suggested to the Council that they reconsider but they did not change their perspective. I made a complaint regarding the Judge who dismissed my complaint but the gatekeeper responded that I was abusing the process.

If you cannot report criminal activity in a legal system you do not have a justice system you have organized crime, sanctioned by the State.

The duty of the Minister of Justice is to protect the public and, to ensure that administration of Justice is in compliance with the Law. Which it isn't, because I had served the Deputy AG's office by registered mail following the procedures set out by the Ministry of Justice and following the enforcement procedure of s24(1) of the Charter and requested that Parliament exercise it's jurisdiction over the conduct of judges, under section 99 of the Constitution. I received no response. A breach of the Charter. I wrote to the PM's Office and they forwarded the problem to Marco Mendicino acknowledging the public safety concern. I received no response.

Evidence to assist the deliberation of Parliament

In the court system I presented evidence of failures in the Rule of Law throughout the Canadian Legal System and the problem of Judges claiming absolute unreviewable discretion and requested that they issue a writ of mandamus for the Minister of Justice to present this to Parliament. Justice refused to rule, failing the role of a Judge, s 80 c) of the Judges Act. I appealed to the BC Court of Appeal but they refused to allow debate on the matter. The Judiciary lacks the legitimate attributes to claim an ability to perceive the "public interest" and are willfully blind in their concept of what is "good behavior" for a judge, section 99 of the Constitution, and fatally flawed in their determination of what a "fair-minded and informed observer would consider to be incompatible with the due execution of judicial office." as defined by section 80 d) in the Judges Act.

The established precedent is that "no-one can be a judge in their own cause". The rules for the judging of judicial 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." It is obvious that the Judiciary are unable to resolve this matter internally, that is why Democracy has checks and balances and Parliament is the legitimate and constitutional body to perform the function of the examination of judicial conduct, speak democratically to the public interest, and they are the only body with the jurisdiction to provide the remedy required, to dismiss a judge, under s99 of the Constitution.

I presented a brief before the House of Commons Committee on Justice and Human Rights disclosing these problems and it was posted prior to the debate on the proposed Judges Act. I requested to be heard before the Committee on the same day as the man with the hearing impairment was selected. Before his presentation he was told that the Bill was going to pass, that the MP, a former crown prosecutor, had investigated the citizen, and then he was asked if he had anything to say. No mention was made of the issue I presented in the brief before the Committee. The Judge's Act is now before the Senate and I have informed the appropriate Senate Committees and every Senator of the problems I outline in this email.

I communicated with the Premiers of the Provinces and Territories in late December 2022 and a week later they requested a shake down from the PM for "health care funding".

The Ethics Commissioner in 2021 accepted my complaint regarding the conduct of the Minister of Justice improperly protecting lawyers and judges by refusing to respond to the enforcement procedure of the Charter.

The RCMP National Division Intake Unit has the "mandate to safeguard and investigate significant threats to Canada's political, economic and social integrity" concerning complaints about "federally elected members of Parliament." However, when I reported that the Minister of Justice was failing to respond to a Charter complaint to have judicial conduct examined by Parliament and provided them a copy of my Charter complaint, they wrote, "any future communications... unless solicited...will not be reviewed and will be destroyed."

The matter was presented as evidence to the Emergencies Act Inquiry and they acknowledged receipt on Dec 26, 2022.

I notified CSIS at the very end of 2022.

The AG's office refuses to respond to a Constitutional Question on the constitutionality of the AG refusing to respond to the Enforcement Procedure of the Charter and subsequently a Constitutional Question on the constitutionality of not responding to a constitutional question. Refusing to respond cannot be said to be in "good faith". The problem goes to the legitimacy of the Executive as they are in breach of the Constitution, meaning they are illegitimate. It also goes to the integrity of the Public Service as the Judiciary is the administrative head of the Public Service. The Judiciary claims not to be bound by their own documentation. How does any citizen trust a Public Service that claims that they can make up evidence to protect criminal activity? How does any citizen trust any Parliamentarian who does not protect the "public interest".

The problem with the Judges Act and the proposed reform, Bill c-9 is that there continues to be in the process, zero protection for the public. Despite claims to the contrary, there has been zero consultation with the public, whom the justice system purports to serve. The claim that the lay person process is an improvement is simply a fabrication. The process is; first, a screening officer removes some complaints and sends some to a reduced hearing panel which comprises only of judges. If that panel passes it, then it goes to a full hearing panel, where a lay person, may be included, from a list of any number (including 0) and the only qualification for that position, besides not being a lawyer is that the Council appoint them. The previous Judges Act didn't include the full panel option so they added another step at the very end of the existing procedure and claimed the process is more efficient.

Parliament must assert its authority to maintain Parliamentary Supremacy, protect Democracy, and work to re-establish trust and the rule of law for Canadians. Denial is destructive. Free and legitimate debate is how democracy is protected. Unfortunately for the integrity of the impartiality of Parliament the Judge who initially created this problem had previously had his fitness as a Judge debated in the House, when in 1999 he declared the law on child pornography to be

Evidence to assist the deliberation of Parliament

unconstitutional and MP's were determined for his removal however they folded their resolve to comply with the Minister of Justice pleadings to allow the Justice system to internally regulate.

Is this the Canada we leave to our children?

No Canadian will trust a justice system that cannot determine right and wrong between accepting the transcript and soliciting perjury. A Judge that supports a claim of absolute power is not fit to be a judge in a democracy. A legal system that fails to protect the integrity of our governing agreement is not fit for purpose. Parliament must perform its constitutional duty for Peace, Order and Good Government.

I have done my very best as a Canadian citizen to communicate at all times with the appropriate authorities following the law and procedures. Nobody is above the law in a democracy. We are equal and have a right to face our abusers and see justice done in a fair and impartial tribunal complying with constitutional and democratic values. These are human rights that are enshrined in our Constitution and represent the values that Canadians share. There is a path forward to restore trust. Canada will be a better place for our efforts.

Trevor Holsworth

www.fundamentaljustice.com

3 attachments



CJCPigeon-Shaw'JudicialDiscretion'_20201009_0001.pdf

641K



NoticeOfConstitutionalQuestion.pdf

63K



attorneygeneralapplicationtoparliament.pdf

41K



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

THE SPEAKER
LE PRÉSIDENT

OTTAWA, CANADA
K1A 0A6

March 9, 2023

Mr. Trevor Holsworth
Email: fundamentaljustice@gmail.com

Dear Mr. Holsworth:

I am writing in response to your email of February 21, 2023.

As Speaker, I preside over the proceedings of the House of Commons. In my role, I interpret parliamentary rules, maintain order and decorum, and act as the guardian of the rights and privileges of the House and its Members.

The matter you have raised in your email does not fall within my purview as Speaker of the House of Commons.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Hon. Anthony Rota, M.P.



Submission to the Committee on Legal and Constitutional Affairs

trevor holsworth <fundamentaljustice@gmail.com>
To: lcjc@sen.parl.gc.ca

Mon, Dec 12, 2022 at 1:47 AM

I provide the following documents for the general information for the Committee as well as specifically in the context of the upcoming debate on the Judges Act.

The House of Commons Committee on Justice and Human Rights was also informed, although I didnt see any mention in the Committee reports or Parliamentary debate prior to the passing of the bill which was disappointing given the seriousness of the matter but I suspected it might happen. The House of Commons itself is historically implicated. In 1999 Parliamentarians of all political parties complied with the wishes of the Minister of Justice Anne McLellan and allowed Judge Shaw to remain on the bench after he declared the law on child pornography to be unconstitutional for breaching freedom of expression.

Everyone wanted Judge Shaw gone, everyone. Except the Minister of Justice.

Then when I appeared before Judge Shaw with the transcript to prove a lawyer obstructing justice and creating a fraudulent court order the Judge requested the plaintiff provide evidence he knew was perjury because he had the transcript but preferred the perjury to protect the lawyer. The Canadian Judicial Council approved of the conduct of the Judge. Justice Pigeon authorized the claim of Canadian Judges having absolute power but a complaint regarding his conduct was called an abuse of process. I served the Federal Deputy Attorney General following the enforcement procedure in the Charter of Rights and requested that Parliament hear the matter but received no response. In the BC Court system I made requests for a writ of mandamus for the Minister of Justice to comply with his duty to protect the public and ensure that administration of Government is in compliance with the law. The Minister is in breach of the enforcement procedure of the Charter but Justice refused to rule on the request which is a failure for a judge to do their duty but a right to appeal to the BC Court of Appeal was denied

I hope that the Senators will be fully educated on the seriousness that Canadians view this situation of a Judiciary that claims absolute and unreviewable power and an Executive that is in breach of the enforcement procedure of the Canadian Charter of Rights and refuses to provide reasons requested through a constitutional question, clearly, not in good faith. Canadians clearly cannot trust the legal system. That failure of trust crashes through the Public Service affecting their legitimacy as well. Restoration of trust is going to be critical and a very important step. Denial just erodes the public trust further.

I am available for presenting these details to the Senators in person or by video conference to best answer any questions on how best to resolve the issue.

I do have some rather serious personal legal issues that are also caught up with this problem that I would like to resolve, which is clearly not possible within the legal system as it is currently not providing adequate protections to safeguard the public and me, in particular. I clearly cannot trust the legal system. There is nowhere else for me to turn. Telling me to return to the current court system is like sending an abused alter boy back to an abusing priest and demanding the boy request forgiveness for suggesting such a thing.

I need to get my passport returned as soon as possible so that I can see my father, he is 87

The Constitution needs enforcement in Canada. That is your role. The integrity of the conduct of the Senate is in your hands.

Yours sincerely,

Trevor Holsworth

7 attachments

 **PremiersCouncil.pdf**
45K

Evidence to assist the deliberation of Parliament



briefforparliamentCOMPILATIONforWEBSITE.odt

28K



EthicsCommissionerMOJComplaint.pdf

52K



Gmail - Office of the Prime Minister _ ref to MOJ & MPS March 4, 2022.pdf

82K



Gmail - Office of the Prime Minister _ August 22-2022.pdf

75K



Gmail - Office of the Prime Minister _ July 28-2022.pdf

74K



NoticeOfConstitutionalQuestionJudgesActKeiraLaw.pdf

104K

Proposal for Judicial Reform

Part 1. The role of Parliament – Legislate to create Peace, Order and Good Government. Provide Order through the legitimate checks on the Executive and Judiciary according to the doctrine of the separation of powers to ensure the correct balancing of interests to prevent abuse of power by any branch of government to properly represent the public interest in a democracy. This is Good Government. Without the proper balance tyranny results and Peace is unattainable.

Part 2. The Constitutional Requirements. The constitution states that Judges have authority during “good behavior” and can be removed only by Parliament. The rule of law and equality before the law is a constitutional and democratic requirement along with fair and impartial trials and fundamental justice.

Part 3. The Legislation of the Judges Act. Defines “good behavior” as ...

Part 4. The legitimacy of the judging of the judiciary.

Part 5. Proposal for reform

Part 6. Rebuilding Trust

Part 1. The Role of Parliament

Parliament has the Authority through the Constitution, section 91 to Legislate to create Peace, Order and Good Government.

Legislation provides Order through the legitimate checks on the Executive and Judiciary according to the doctrine of the Separation of Powers to ensure the correct balancing of interests to prevent abuse of power by any branch of government to properly represent the Public interest in a Democracy. This is Good Government. Without the proper balance tyranny results and Peace is unattainable.

“Follow the golden rule. Doing unto others as you would have them do unto you is a determinant and test of trust.

Personal trust is measured...by generosity and the degree to which people believe they can count on someone else in times of trouble. We are happier when we know we live in a society in which people care for one another and show that caring through their generosity and being there with support when other fall on hard times.

The conclusion is clear: happy societies are trusting societies- both socially and institutionally – and trusting societies are happy societies.”

David Johnston

Part 2. The Constitutional Requirements regarding Judicial Conduct

The Constitution s99 states that Judges have jurisdiction and authority during “good behavior” and can be removed only by Parliament. The Rule of Law and Equality before the Law are further Constitutional and Democratic requirements, along with Fair and Impartial trials and Fundamental Justice as guaranteed in the Charter of Rights, which must be satisfied prior to the removal of any rights, unless that removal can be demonstrated to be justified in a free and democratic country.

Section 99 “judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.”

Part 3. The Legislation of the Judges Act.

Removal from Office

Justification

80 For the purposes of this Division, the removal from office of a judge is justified only if, for any of the following reasons, the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office:

- (a) infirmity;
- (b) misconduct;
- (c) failure in the due execution of judicial office;
- (d) the judge is in a position that a reasonable, fair minded and informed observer would consider to be incompatible with the due execution of judicial office.

The test created by Judges for the examination of their 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 with this provision in mind,

"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."

Part 4. The Legitimacy of the Judging of the Judiciary.

The process could be simply resolved by acknowledging that in a Democracy the Judiciary are legitimately examined by the Public. It must be admitted that judicial conduct cannot be legitimately performed by Judges as "no-one can be a judge in their own cause". The conflict of interest and implicit bias without checks and balances is admitted in law as being illegitimate. "A reasonable apprehension of bias exists when a reasonable, well-informed person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it is more likely than not that the member, whether consciously or unconsciously, would not decide fairly."

The judging of judicial conduct does create precedent and defines the bounds of "good behavior" and so a rigorous system must be established. It should be a court process and not a "panel", unless the Ministry of Justice is moving away from the adversarial system in its administration of justice, judicial conduct must be judged equally, to that of citizens.

The Judiciary is such an important function in our democracy we must treat the process with the highest regard and with the protection of the public as the ultimate goal. We will create a system of accountability that will be the model for the world. This is what Canada stands for, what the people of Canada believe is our national aspirations. It is our opportunity to give something enormously powerful to Canadians that will create a better world.

In regards to Judicial Independence the principle exists to protect the public from undue influence being brought to bear on Judges by illegitimate means of the Executive, Parliament or other nefarious means. It does not exist to protect Judges from the legitimate and constitutional checks and balances of the principle of separation of powers.

According to convention it is the Minister of Justice that is supposed to present a request for

removal of a Judge to Parliament and can do so for his own legitimate reasons or through the recommendations of the statutory body, the Canadian Judicial Council. The council as currently manifested is an outdated system designed to insulate the Judiciary from improper influence by the Executive for the reasons of the separation of powers. The invention of a screening officer in the Judicial Council's regulations, is nowhere authorized by the Judges Act and has been used to remove legitimate complaints from scrutiny and the public has no means to examine the process as the Judicial Council is exempted from the Freedom of Information Act.

Currently the Judiciary claim that their discretion cannot be examined and they exclude it from the examination of conduct. However that is not the legal standard.

“there is no such thing as absolute and untrammelled discretion” R v Roncarelli [1959]

“fraud and corruption are always the exception” Constitutional Law by Peter Hogg

“we are judges. When we sit in judgment, we are subject to judgment.” A Judge in a Democracy by Aharon Barak, Chief Justice of the High Court of Israel

We must remember that we are here to protect the innocent, and empower the weak to protect against the powerful. That is the source of all legitimacy.

Perhaps it would be helpful to work backwards and take some examples of judicial conduct that we can agree are grounds for removal and check to see if the process would function as intended.

Part 5. Proposal for reform

The current proposed “panel“ in bill c-9 does not promote equality under the law or a fair and impartial trial, so does not comply with the Charter

A Grand Jury would be a just solution.

The Jury would be created on a rotating basis of 3 groups of 4 citizens serving for one year and would take responsibility for the acceptance of judicial complaints, screening according to a defined and legal criteria, investigation, court process, decision, and a right to appeal that decision to Parliament as the final authority. During service, members of the Jury would be paid at the equal rate to that of Judges. To ensure the protection of the doctrine of separation of powers the judiciary, lawyers, public servants, and politicians (federal, provincial and municipal) would be not permitted to serve on the Grand Jury. A range of sanctions should be available and just as in the judging of citizens the Charter legal rights are protected, the presumption of innocence, fundamental justice and a right to a fair and impartial trial. The Grand Jury would make recommendations to Parliament which has the sole authority to complete the process.

The process is legitimate as it is procedurally and substantially legal and just and would create a more educated, involved and empowered citizens and therefore democratically a positive step to restore trust.

Part 6. Rebuilding Trust

The eminent Canadian David Johnston has already written on the steps to create Trust:

Create a Trustworthy and Trusted Country

One. Recognize a present peril

Two. Trust is built, when we invite people to dance and not when we invite them merely to the dance.

Three. Apologize. Expressing regret is a necessary first step on a long journey to restore trust.

Four. Honour and cherish our teachers....fairness...empathy....humility.

Five. Be a knowledge diplomat. Sharing knowledge across academic disciplines, cultural barriers, and political borders is the surest way to promote peace, spread prosperity, and built trust among all the people of the world.

Six. Start Now. Each of us can begin strengthening trust and, with our actions, make our country better.

Further Inspiration to do the right thing.

“Each of us take meaningful action now to make ourselves more worthy of trust, and to restore trust in the communities in which we live, the businesses and organization in which we work, and the public institutions in which we serve....each of us can carry out our foremost duty as citizens of this country – we can build a better Canada.”

Remembering that it is our duty to leave this world, a better place:

‘To children, who offer their trust instinctively and with full expectation of fairness’

David Johnston

“One of the most important challenges of our day – how to maintain trust in ourselves and our institutions.”

“Trust in most democracies is decreasing. Yet without trust our democracies cannot function effectively.”

“how we can restore trust, by making ourselves worthy of trust, by building trust around us and by creating a more trustworthy and trusted country.”

“We sometimes feel that our individual actions cannot make a meaningful and lasting difference in the complex world we inhabit”

“Every one of us, high or humble, can work to increase trust in ourselves, our society, and our country.”

Right Honourable Beverley McLachlin, Former Chief Justice of the Supreme Court of Canada.

“Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.”

Reinhold Niebuhr

“Authority, unless justified, is inherently illegitimate and that the burden of proof is on those in authority. If this burden can't be met, the authority in question should be dismantled.”

Noam Chomsky

“A proper balance will not be achieved when national security is afforded full protection, as if there were no human rights. The balance and compromise are the price of democracy. Only a strong, safe, and stable democracy may afford and protect human rights, and only a democracy built on the foundations of human rights can have security...”A delicate and sensitive balance is necessary. That is the price of democracy. It is expensive but worthwhile. It strengthens the state. It gives it a reason to its fight”

Aharon Barak

“to make justice visible in the land, to destroy the wicked person and the evil-doer, that the

strong might not injure the weak.”
The Code of Hammurabi 1754 BC

Parliament is in a very unique situation as there is a member of the public communicating directly with this democratic institution alleging breaches of the Constitution by the Executive and Judiciary and willing to contribute in the restoration of that breach to improve the public's trust in our democratic institutions. But the reality is that no-one really wants to hear from me because you would all feel better if I would just go away and let everyone pretend that everything is just fine and continue doing whatever we were doing for years and years. but everything is clearly not fine and the legal system has been informed, knowing these facts and ignoring them is a breach of their ethical duty to improve the legal system but worse than that lawyers in the Public Service are actively obstructing justice and refusing to respond to the enforcement procedure of the Charter, improperly protecting lawyers and judges. I am not going away. The remedy for a breach of the Charter is the restoration of that breach. If lawyers had complied with the Charter you would have in your hands a properly researched and written Judges Act to attempt to restore the public trust but instead you see more evidence of what the public experiences, denial and breaches of the public trust from our Country's most trusted advisors. The current legal advice of the government is that they are not bound to comply with the Charter and a refusal to justify their position. A claim that they are above the law.

Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

Current problems with Responsible Government

trevor holsworth <fundamentaljustice@gmail.com>
To: info@gg.ca

Tue, Oct 26, 2021 at 5:14 PM

I watched the signing-in ceremony with great interest this year and noted that Minister of Justice David Lametti retains his position within the Executive of Government. This presents a problem in the administration of Justice and presents a problem for the Governor-General when the Government is acting contrary to the Constitution.

I wrote to your office a year ago about the problem of the Canadian Judicial Council claiming judges have the discretion to reject the transcript if they want. Thank you for your return correspondence at that time.

Since that time I have served the Minister of Justice, David Lametti through the Deputy Attorney General's office with a Charter complaint to bring Parliament to the attention of the matter of the Judiciary claiming a power that is unconstitutional.

The Judiciary is bound by the Charter of Rights to provide fundamental justice, and fair and impartial trials in criminal matters and guaranteed in the bill of rights s 2 e) "the right to a fair hearing in accordance with the principles of fundamental justice...." This is obviously not happening if judges can disregard the best evidence that any Canadian could provide.

Unfortunately, David Lametti has refused to respond to the Charter complaint.

I attended court and presented the Attorney General's office with a Notice of Constitutional Question in this regard and they refused to respond.

This is an obstruction of Justice at the highest levels.

I made a complaint to the Parliamentary Ethics Commissioner, which I attach for your information. Unfortunately, it appears that they have no duty to make their report public and I have heard nothing more since they accepted the complaint.

My understanding is that through the Constitution Act 1867 The Governor General has the following responsibilities, amongst others.

38. The Governor-General shall from Time to Time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.
54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed.
55. Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's Assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for Signification of the Queen's Pleasure.

I am suggesting that because the Liberal Party has a minority Government the Governor General should parogue Parliament and compel the Minister of Justice to present the Charter complaint to Parliament. Failing to do so is contrary to the Charter and thus unconstitutional. The Governor General should refuse assent to any law until this matter is resolved. It is in your power to enforce the Constitution.

I quote from Constitutional Law of Canada by Peter Hogg. I am sure there are other perspectives to consider but this is one.

"9.6 The Office of the Governor General's personal prerogatives

(a) The principle

Evidence to assist the deliberation of Parliament

The Governor General has certain "personal prerogatives" or "reserve powers" which he or she may exercise upon his or her own personal discretion. Whereas in the exercise of governmental powers generally the Governor General must act in accordance with the advice of the Prime Minister or cabinet, there are some occasions on which he or she may act without advice, or even contrary to advice.

The definition of those occasions when the Governor General may exercise an independent discretion has caused much constitutional and political debate. But it is submitted that the basic premise of responsible government supplies the answer: so long as the cabinet enjoys the confidence of a majority in the House of Commons, the Governor General is always obliged to follow lawful and constitutional advice which is tendered by the Cabinet.

But there are occasions, as we have seen, when a government continues in office after it has lost the confidence of the House of Commons, or after the House of Commons has been dissolved. There are also occasions, for example, after a very close election, or after a schism in a political party, where for a period it is difficult to determine whether or not the government does enjoy the confidence of a majority in the House of Commons. In all these situations it is submitted that the Governor General has a discretion to refuse to follow advice which is tendered by the ministry in office.

When a government is in office without the support of the House of Commons, there are the makings of a constitutional crisis: not only can the government not secure the passage of any legislation, it cannot even secure parliamentary approval of supply to meet government expenditures. The crisis can be resolved or averted by a new election or by the resignation or dismissal of the Ministry. But the ministry in office which lacks the support of the House of Commons and which stands to lose most by the resolution of the crisis, is not the fittest group to determine the mode of resolution of the crisis. It is true of course that the Governor General has even less of a political base than the ministry in office, but it is for this very reason that the Governor General may reasonably be trusted to set aside partisan considerations and act impartially in the interests of the country as a whole. In this situation the role of Governor General is somewhat akin to that of a judge – another non-elected official to whom we readily entrust large powers in the expectation that they will be exercised impartially.

c. Dismissal of Prime Minister

the second reserve power of the Governor General is the power to dismiss the Prime Minister. The dismissal of a prime minister automatically involves the dismissal of the entire ministry.”

“When does the power of dismissal arise?.....Could the Governor General dismiss a ministry because he or she believed its policies to be illegal?”

I communicate with you with respect for the powers of your office to compel a Government to operate within the rule of law and the constitution. I should not have to have taken this message this far, but I will go further if necessary.

I remain bound to the Charter as a citizen of Canada.

Yours sincerely,

Trevor Holsworth.

more information is available at www.fundamentaljustice.com



trevor holsworth <fundamentaljustice@gmail.com>

Current problems with Responsible Government

trevor holsworth <fundamentaljustice@gmail.com>
To: info@gg.ca

Mon, Mar 7, 2022 at 9:43 AM

I know that your office has been extremely busy however I sent this email on October 26th, 2021 and your website says to expect a reply within 3 weeks and now it is now 4 months. This is a very very important issue that requires resolution in accordance to the law. Part of this matter is before the courts at this time and causing a general collapse of law and order. Leadership at the highest level is required at this time. I hope that the Prime Minister has disclosed these events to her Majesty the Queen in his recent visit. If he has not I would expect that it would be relevant for your office to inform the Queen of these events and ensure that your office is in agreement with her office in accordance with the law. To complete the communication it would be important that I am informed of the communications. Thank you for your attention to this matter.

Yours sincerely,

Trevor Holsworth
[Quoted text hidden]

 **EthicsCommissionerMOJComplaint.pdf**
46K



Office of the Prime Minister / Cabinet du Premier ministre

Prime Minister/Premier Ministre <PM@pm.gc.ca>
To: "trevor.holsworth@gmail.com" <trevor.holsworth@gmail.com>
Cc: "David Lametti, P.C.,M.P." <mcu@justice.gc.ca>

Mon, Nov 16, 2020 at 11:55 AM

Dear Mr. Holsworth:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your correspondence.

Please be assured that your comments have been carefully reviewed. In your correspondence, you raise an issue that falls within the portfolio of the Honourable David Lametti, Minister of Justice and Attorney General of Canada. I have therefore taken the liberty of forwarding your email to Minister Lametti for information and consideration.

Thank you for taking the time to write.

J.P. Vachon
Manager/Gestionnaire
Executive Correspondence Services
for the Prime Minister's Office
Services de la correspondance
de la haute direction
pour le Cabinet du Premier ministre

>>> From : trevor.holsworth@gmail.com Received : 15 Nov 2020 02:57:37 PM >>>

>>> Subject : PM Web Site Comments - Justice and Attorney General of Canada >>>>

Subject/Sujet : Justice and Attorney General of Canada
Date : 2020/11/15 7:57:35 PM
First Name/Prénom : Trevor
Last Name/Nom : Holsworth
E-Mail/Adresse électronique : trevor.holsworth@gmail.com
Address/Adresse : Box 406
City/Ville : New Denver
Province : British Columbia
Postal Code/Code postal : v0g1s0
Telephone/Téléphone : (250) 551-6940

Comments/Commentaires : 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

Evidence to assist the deliberation of Parliament
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.



trevor holsworth <fundamentaljustice@gmail.com>

Office of the Prime Minister / Cabinet du Premier ministre

Prime Minister | Premier Ministre <PM@pm.gc.ca>

Fri, Mar 4, 2022 at 5:58 AM

To: trevor holsworth <fundamentaljustice@gmail.com>

Cc: Marco Mendicino <ps.ministerofpublicsafety-ministredelasecuritepublique.sp@canada.ca>

Dear Mr. Holsworth:

I would like to acknowledge receipt of your email sent to Prime Minister Justin Trudeau. I sincerely regret the delay in replying.

Thank you for taking the time to write. You may be assured that your comments have been carefully reviewed.

I have taken the liberty of forwarding your email to the Honourable Marco Mendicino, Minister of Public Safety, so that he may be made aware of your correspondence.

Once again, thank you for writing.

H. Clancy
Executive Correspondence Officer
/Agente de correspondance
Executive Correspondence Services/
Services de la correspondance de la haute direction

>>> From : trevor holsworth fundamentaljustice@gmail.com Received : 21 Nov 2021 10:46:13 AM >>>

>>> Subject : Fwd: Office of the Prime Minister / Cabinet du Premier ministre >>>>

Office of the Prime Minister,

I never did get a response from my email of 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 governments lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.'

Your Minister of Justice, David Lametti's office has been properly served with a Charter complaint to bring to the attention of Parliament the matter of federal judges claiming powers that go beyond the limits provided for in the Charter of Rights. His failure to respond whatsoever with the charter complaint is an obstruction of justice, and brings the administration of justice into disrepute. It is illegal and unconstitutional. It is a breach of the Charter of Rights to fail to respond to a charter complaint. Your administration is claiming it is not bound by our governing document.

The Parliamentary Ethics Commissioner has been notified and has accepted the complaint.

I have attempted to notify the Parliamentary committee on Justice and Human Rights but a gatekeeper at that committee has refused to present my evidence to the committee.

The RCMP National Intake Unit tasked with the mandate 'to safeguard and investigate significant threats to Canada's political, economic and social integrity' has refused to investigate and threatened to 'destroy evidence' despite their mandate to 'investigate complaints concerning federally elected members of Parliament'

This matter is a failing from a matter of Judge Shaw's fitness as a Judge that was put before Parliament on February 2nd, 1999. Parliament was determined at that time to respond however based on the pleas from the then Minister of Justice Anne McLellan they permitted the Justice system to resolve the matter internally however the consequence of that is reverberating still and will destroy the integrity of Canada's Justice System unless immediate steps are taken to restore the integrity of the Charter of Rights, and that involves political leadership.

I submit the following quotes from Parliament from all sides of the political spectrum from 1999

'It is important for Parliament to reassert its intention both with respect to the Charter and with respect to ...the criminal code'

'We have a duty to protect citizens.'

'As legislators we have an obligation to conduct ourselves in a manner that respects the rule of law. This is the highest court in the land.'

'The people of Canada assume that the House of Commons is the supreme power in the country. Under this Justice Minister.....the government has allowed the courts to become the lawmakers'

'the Charter of Rights and Freedoms is a legal instrument we have given ourselves to guarantee the fundamental rights and freedoms of everyone. This is an instrument we are proud of, and rightly so. It represents our core values.'

'In the final analysis who is on the hook if a judge screws up? It is the Prime Minister and the Justice Minister'

'I believe that in Canada we have a system where we have parliamentary supremacy. That means we have a responsibility. We cannot abdicate it and say that every question has to go to the Supreme Court. We can act here in the House.'

'The Minister of Justice is not defending the Rule of Law. She is undermining it today by refusing to assert the sovereignty of this Parliament to defend innocent children.'

'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'

'They place greater emphasis on the importance of the authority of judges as opposed to those of us who place greater emphasis on the importance of the authority of Parliament. It is a legitimate debate to have in a democracy.'

'This is not a political issue. I suspect and hope there are members of all parties who will support this motion this evening.'

'I call on my colleagues on all sides of the House to not impute motives to one another here but let us assert the sovereignty of this Parliament. We can act. The Constitution gives us the power to act and we must act. To do otherwise is to abdicate our fundamental democratic responsibility.'

'I point out that what distinguishes our society from non-democratic societies is the rule of law. There is no question that no one in the House today has indicated anything but abhorrence for the decision of the Chief Justice of the British Columbia Supreme Court'

'Mr Speaker, I rise on a point of order. Based on an earlier decision of a vote in the House, may I recommend we close this place and let the judges and courts run this country.'

I also had the good fortune to read Trust by the former Governor General of Canada. I just include a summary of quotes from the Introduction, foreword, and first Chapter. The message is clear.

Twenty ways to build a better country

by David Johnston

28th Governor General of Canada

'To children, who offer their trust instinctively and with full expectation of fairness'

Foreword by the Right Honourable Beverley McLachlin, former chief justice of the Supreme Court of Canada.

"One of the most important challenges of our day - how to maintain trust in ourselves and our institutions."

"Trust in most democracies is decreasing. Yet without trust, our democracies cannot function effectively."

"how we can restore trust by making ourselves worthy of trust, by building trust around us and by creating a more trustworthy and trusted country."

"We sometimes feel that our individual actions cannot make a meaningful and lasting difference in the complex world we inhabit. This book puts the lie to that feeling. It demonstrates that every one of us, high or humble, can work to increase

Evidence to assist the deliberation of Parliament
 trust in ourselves, our society, and our country.

Introduction - An invitation to trust

Trust as a firm belief in the reliability, truth or ability of someone or something; or the acceptance of the truth of a statement without proof.

Trust is the bedrock of democracy. Democracy....depends on a rule of law that strives toward justice. That rule of law depends on trust-a trust in each other as citizens and a trust between citizens and the institutions that stand for and serve them.

Trust in these relationships means sharing a belief in basic facts. People who trust are reluctant to tailor facts to their views, instead of their views to the facts.

If one does not consider anything to be true, if one believes facts are fungible commodities, if one thinks journalism is a sham and history a con, then the rule of law cannot work. And if the rule of law cannot work, then our democracy and its institutions are doomed.

We tend to think little about trust because it is a curious quality that is almost always more noticeable in its absence than its presence - as something much more likely to be lost than gained.

"Well placed trust grown out of active inquiry rather than blind acceptance" Onara O'Neill

Equipped with this understanding, we can then - with eyes wide open - identify, explore, and evaluate the attitudes, habits, and approaches that make a person trustworthy, that make a business, organization, or public institution trustworthy, and that make a country trustworthy.

Part 1 - Make yourself worthy of trust - Eight ways to think and act so that other people view you as trustworthy.

1. Never manipulate - trusting relationships depend on full, true, and plain disclosure and a commitment never to distort or deceive.

Full and true disclosure of relevant information in all aspects of a democratic society gives citizens the capacity to filter truths from falsehoods

An important distinction must be made between manipulation and persuasion. The worst leaders manipulate by failing to disclose vital information or by disclosing only the information that support their views, decisions and actions. The best leaders persuade in great part by being open about their motives and goals.

The urgent need for someone in authority to act in a way to preserve trust....., or at least prevent a substantial erosion of that trust.

Disclose fully and truly. Share credit. Accept responsibility. And, above all, never manipulate and certainly never deceive. I hope I have made myself clear.

I know that your father was instrumental in his efforts to bring the Charter of Rights to the people of Canada. Follow and extend your legacy by protecting your father's. The people will love you for it. There is much work to be done. I am available and I want to help to restore the integrity of your office, Parliament and the Justice system. Leadership is required.

I attach the communication with the Parliamentary Commissioner of Ethics, the United Nations, The Minister of Justice and the brief provided to the Parliamentary Committee on Justice and Human Rights. I am currently in the Court system and this situation is compromising the integrity of the RCMP, Crown Prosecution office, Judges, the MOJ, Parliament and your own office. The people are looking for your leadership.

Yours sincerely,

Trevor Holsworth
 [REDACTED]

I have published the information at www.fundamentaljustice.com to share with all Canadians.

On Sat, Nov 21, 2020 at 9:12 AM Trevor Holsworth [REDACTED] wrote:

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

Evidence to assist the deliberation of Parliament

very fair for me to be extremely fearful of the governments lack of response. Why should I feel this way? I should feel safe. It is important to view this situation from my perspective.

Trevor

[https://ipmcdn.avast.com/images/icons/icon-envelope-tick-green-avg-v1.png]<http://www.avg.com/email-signature?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=webmail> Virus-free.
www.avg.com<http://www.avg.com/email-signature?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=webmail>

On Mon, Nov 16, 2020 at 11:55 AM Prime Minister/Premier Ministre <PM@pm.gc.ca<mailto:PM@pm.gc.ca>> wrote:
Dear Mr. Holsworth:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your correspondence.

Please be assured that your comments have been carefully reviewed. In your correspondence, you raise an issue that falls within the portfolio of the Honourable David Lametti, Minister of Justice and Attorney General of Canada. I have therefore taken the liberty of forwarding your email to Minister Lametti for information and consideration.

Thank you for taking the time to write.

J.P. Vachon
Manager/Gestionnaire
Executive Correspondence Services
for the Prime Minister's Office
Services de la correspondance
de la haute direction
pour le Cabinet du Premier ministre

>>> From : trevor.holsworth@gmail.com<mailto:trevor.holsworth@gmail.com> Received : 15 Nov 2020 02:57:37 PM >>>

>>> Subject : PM Web Site Comments - Justice and Attorney General of Canada >>>>

Subject/Sujet : Justice and Attorney General of Canada
Date : 2020/11/15 7:57:35 PM
First Name/Prénom : Trevor
Last Name/Nom : Holsworth
E-Mail/Adresse électronique : [REDACTED]
Address/Adresse : [REDACTED]
City/Ville : [REDACTED]
Province : British Columbia
Postal Code/Code postal : [REDACTED]
Telephone/Téléphone : ([REDACTED])

Comments/Commentaires : 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

Evidence to assist the deliberation of Parliament

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.

4 attachments

-  **EthicsCommissionerMOJComplaint.pdf**
52K
-  **briefforparliamentCOMPILATIONforWEBSITE.pdf**
53K
-  **UnitedNationsComplaint.pdf**
3024K
-  **correspondancewithAG-PM-MOJwithhighlights.pdf**
195K



trevor holsworth <fundamentaljustice@gmail.com>

Office of the Prime Minister / Cabinet du Premier ministre

trevor holsworth <fundamentaljustice@gmail.com>
To: Prime Minister | Premier Ministre <pm@pm.gc.ca>

Mon, Aug 22, 2022 at 3:02 PM

As promised I am forwarding the court transcript from the BC Supreme Court of Dec 3rd 2021 where I outline the abuse of powers currently affecting the integrity of the Canadian legal system. I currently have a judge promising me that he will incarcerate me for 14 days despite full knowledge of the current problems and another judge claiming that he must "follow orders" and ignore argument and precedent even after acknowledging the abusiveness of the situation. The legal system does not have the consent of the governed as the people do not consent to being ruled outside of the constraints of the Charter of Rights. A valid argument and substantial evidence has been presented before the court regarding the failures in the rule of law within the crown prosecution/ag/moj office affecting the integrity of the administration of justice. A request for a writ of mandamus - an order of the court, for the Minister of Justice, to comply with his duty to protect the public and to ensure that the administration is in accordance with the law, has been ignored by the Court - in a refusal to submit to the examination of their discretion and compliance with the law. Unfortunately that refusal to submit causes a constitutional crisis because the Minister of Justice is refusing to respond to the enforcement procedure of the Charter, a claim to be above the law. The Government is not in compliance with the law and refuses to respond to a constitutional question regarding that conduct. This type of conduct cannot happen in a democracy, and yet it is happening right now, under your watch. You are the Prime Minister and that should mean something. There is a good opportunity here and two choices. The right one and the wrong one.

Trevor Holsworth
www.fundamentaljustice.com

----- Forwarded message -----


From: **trevor holsworth** <fundamentaljustice@gmail.com>

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3 attachments

 **TrevorHolsworthFundamentalJusticeCourtOfAppealOriginatingDocument.pdf**
91K

 **223285.Jul 14 22.Hearing_FMEP.pdf**
449K

 **CA48339_TRANSCRIPT.pdf**
422K



trevor holsworth <fundamentaljustice@gmail.com>

Office of the Prime Minister / Cabinet du Premier ministre

trevor holsworth <fundamentaljustice@gmail.com>
To: Prime Minister | Premier Ministre <PM@pm.gc.ca>

Thu, Jul 28, 2022 at 2:54 PM

Following up on my email of 27th of July 2022 in regards to the problems in the administration of justice, the AG refusing to respond to the enforcement procedure of our governing document, the Charter which puts the Government into an illegal position which means that the public service is not operating within the law. I attach the appeal documents to the BC Court of Appeal which details the failing and the incapacity of the judicial system to resolve the matter before them. I also attach the transcript from a recent court hearing which details in more detail the abuse that I am being subjected to. I am waiting for the transcript from the hearing on December 3rd, 2021 which details my experience in the justice system and I will forward that to your office when I receive it next week. You may think that the administration of justice can resolve this matter but that is simply not the case. Judges obviously have a conflict of interest in the judging of their own conduct. It is established law that Parliament alone has the authority to provide the necessary checks and balances on the powers of the Judiciary. Your Minister of Justice is refusing to respond to the enforcement procedure, improperly protecting lawyers and judges obstructing justice instead of protecting the public, which is his legal duty. The Prime Minister is ultimately responsible for the conduct of his cabinet.

I urge you to resolve this matter for the reason provided by Lord Dicey, "Frequent use of unbridled judicial power contains the seeds of its own destruction because it will erode the perceived legitimacy of the judiciary"

Yours sincerely,

Trevor Holsworth
www.fundamentaljustice.com



Virus-free. www.avg.com

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2 attachments



TrevorHolsworthFundamentalJusticeCourtOfAppealOriginatingDocument.pdf
91K



223285.Jul 14 22.Hearing_FMEP.pdf
449K



trevor holsworth <fundamentaljustice@gmail.com>

Office of the Prime Minister / Cabinet du Premier ministre

trevor holsworth <fundamentaljustice@gmail.com>
To: Prime Minister | Premier Ministre <PM@pm.gc.ca>

Sun, Feb 5, 2023 at 10:02 AM

I am writing to you again as my further communication with the Minister of Justice regarding his office's failure to respond to the enforcement procedure of the Canadian Constitution, the Charter and your forwarding the problem to the Minister of Public Safety has not resulted in any response.

At this time my understanding is that the conduct of the Executive is in conflict with the Constitution and there has been no defense offered and no communication at all, which can hardly be termed to be in good faith. On the basis of these facts Canadians must conclude that the Executive is in a Constitutional Crisis affecting the legitimacy of the government. Unfortunately as my efforts to confront this issue through the Canadian legal system has resulted in obstruction of justice and a refusal to even rule on the request for a writ of mandamus on the Minister of Justice to comply with his duty to protect the public and to ensure that the administration of government is in compliance with the law. This conduct by the Judiciary protecting the illegal conduct of the Executive is also clearly not in good faith, refusing to provide written reasons and effects Canadians relationship with the Judiciary, Executive, RCMP and the Public Service. I remind you that the Canadian Judicial Council claims that Judges can legitimately call upon the Plaintiff and request that she perjure herself to protect her lawyer committing fraud and can prefer that testimony to the official court record, the transcript. That is a claim of absolute power; that a judge's decision need not be based on verifiable facts.

I have all the evidence demonstrating a failure in the rule of law, the independence of the judiciary, separation of powers, fundamental justice, equality and basic human rights in Canada. This problem requires leadership not denial in order to comply with the constitutional requirement to provide peace, order and good government. I suggest that the Executive, Judiciary and myself should communicate and meet in person in order to resolve this situation in the best interests of the Canadian Public. There is much work to be done, denial is creating more problems than it solves.

I have presented the matter before the Parliamentary Committee on Justice and Human Rights however the lawyers on that committee ignored the problem entirely which led me to communicate with the Senate Committee on Legal and Constitutional Affairs and Canadian Senators directly as they prepare to debate the Judges Act which as written provides exactly zero rights for Canadians facing a Judiciary claiming absolute power and zero accountability or transparency. Canadians deserve to know the truth about the state of their "democracy". The Public Prosecution has decided to drop their legal action against me, based on the circumstances of this case, in the public interest.

I look forward to our continued communication.

Trevor Holsworth

[Quoted text hidden]



Public Submissions on the invocation of the Emergencies Act

trevor holsworth <fundamentaljustice@gmail.com>
To: perspectives@poec-cedu.gc.ca

Sat, Oct 22, 2022 at 12:47 PM

Thank you for the opportunity to submit evidence regarding the constitutional validity for the invocation of the Emergencies Act.

I believe that these communications played a role in the Government's decision to invoke the Emergencies Act.

The PM's office knows that his AG / MOJ David Lametti is refusing to respond to the Enforcement Procedure of the Canadian Charter s 24(1).

The Parliamentary Ethics Commission has been informed and has accepted the complaint, although now refuses to respond to further inquiries as to the progress of their investigation.

The PM's office when informed of the breach forwarded my email to the Minister of Justice, who, in his response, made false and misleading statements regarding his duties to the public and has refused further communication. When the PM's office was informed of this situation they forwarded the email to the Minister of Public Safety Marco Mendicino, who has not responded.

When I reported the situation to the RCMP anti-corruption squad National Division Intake Unit which has the "mandate to safeguard and investigate significant threats to Canada's political, economic and social integrity" concerning complaints about "federally elected members of Parliament". However when I reported that the MOJ was failing to respond to a Charter complaint to have judicial conduct examined by Parliament and provided them a copy of my Charter complaint, they wrote "any future communications...unless solicited...will not be reviewed and will be destroyed"

I attempted to communicate the situation to the House of Commons committee on Justice and Human Rights but a clerk at that committee saw fit to delete the comments from being submitted which is decidedly undemocratic. A single public servant preventing the legitimate debate before the People's House is an affront to Canadians and Parliament and effects the integrity of the Public Service, Ministerial and MP responsibilities. It is also probably illegal as an obstruction of justice.

When I presented this evidence before the Judiciary and requested a writ of mandamus for the MOJ to comply with his duty to enforce the law and ensure that the administration of Government is in compliance with the law, they refused to respond and refused to allow debate on the matter.

I attach the evidence to this correspondence. There is a great deal more but this will do for now.

Yours sincerely,

Trevor Holsworth

Attachments:

1. The brief for the Parliamentary Justice and Human Rights Committee
2. Complaint submitted to the Parliamentary Ethics Commissioner
3. Emails Communications with the Parliamentary Ethics Commissioner
4. Communications with the PM's office March 4th, 2022
5. Communications with the PM's office July 28th, 2022
6. Communications with the PM's office August 22nd, 2022
7. Notice of Constitutional Question presented to Court July 16th, 2021

7 attachments

 **briefforparliamentCOMPILATIONforWEBSITE.pdf**
53K

 **EthicsCommissionerMOJComplaint.pdf**
52K

Evidence to assist the deliberation of Parliament



EmailCommunicationswithETHICSCommissionerDION.pdf

139K



Gmail - Office of the Prime Minister _ July 28-2022.pdf

74K



Gmail - Office of the Prime Minister _ August 22-2022.pdf

75K



Gmail - Office of the Prime Minister _ ref to MOJ & MPS March 4, 2022.pdf

82K



NoticeOfConstitutionalQuestion.pdf

63K



trevor holsworth <fundamentaljustice@gmail.com>

Failure of Trust in our Democratic Institutions

trevor holsworth <fundamentaljustice@gmail.com>
To: Arif Virani <arif.virani@parl.gc.ca>

Thu, Aug 17, 2023 at 12:27 PM

Arif Virani
Minister of Justice

Mr Virani,

I write to you today in your role as Minister of Justice of Canada. My name is Trevor Holsworth and I live in British Columbia V0G 1S0.

Please correct me if I am wrong but my understanding is that the administration of Government is not in compliance with the law and the safety of Canadians cannot be guaranteed.

I properly served the enforcement procedure of the Charter upon the Deputy AG of Canada in March 2021 and despite reminders there has been no response except in the Provincial Court where Crown correctly noted that the CJC does not have jurisdiction. Public Prosecution has in writing refused to respond, that matter has been presented before Court in an abuse of process argument and been denied, which is a validation by the Judiciary that Crown can breach the Charter, our governing agreement, which represents a constitutional crisis.

Given that the Judiciary claims absolute and unreviewable discretion the situation cannot be resolved through the Court system. Numerous attempts have been made through the court system to have the Judiciary's claim of absolute discretion to be checked by the only court of competent jurisdiction to do so, Parliament. Despite evidence disclosing a failure in the rule of law through the legal and political system Judges claim my experience is merely a "conspiracy theory" and "does not reflect reality" although provided no evidence to support their opinion.

The Canadian Judicial Council claims that Judges may legitimately request the Plaintiff to testify to protect her lawyer committing fraud and prefer that lie to the best evidence that any Canadian could provide, the transcript. Given the circumstances I have to agree with the Chief Justice of the Supreme Court of Canada that "it is not possible for Canadians to have trust".

Unfortunately the Canadian Judicial Council is no longer responding to my phone calls or emails. A failure to respond is hardly an act of service to the public or a demonstration of good faith which would create trust in the legitimacy of this allegedly democratic institution. I wanted information on the roster of lay persons and to inquire why the Council was not complying with section 6.1 of their procedures. Without the authority of the transcript to prove anything there is no meaningful justice in court, no appeal system and no judicial conduct process.

I note that the Speaker and PROC have been notified of my intention to serve the enforcement procedure upon every single MP in the House of Commons to ensure that they properly complete their role to represent the public interest of peace, order and good government by enforcing the constitutional principles of democracy in accordance with the principles of the separation of powers. If you wish to communicate prior to that occurring the time to do so is now.

I am willing to work with you to restore trust in our democratic institutions. I look forward to our continued communications. The practice of denial is not in the best interest of Canada or Justice and only serves to protect politicians, lawyers and judges obstructing justice, a failure in the constitutional principle of the rule of law.

Trevor Holsworth
www.fundamentaljustice.com

Trevor Holsworth
PO Box 406
New Denver BC V0G 1S0

Niki Sharma
Attorney General
PO Box 9044 Stn Prov Govt
Victoria, BC V8W 9E2

COPY SENT BY REGISTERED MAIL

26th February 2024

Dear Niki Sharma,

I note in your mandate letter, *"As Attorney General, part of your unique role is to ensure the rule of law is protected as a foundational principle in British Columbia"*

I have some concerns.

Firstly I understand that the BC Law Society is not protecting the public. I understand that your office purports that the Law Society is self-governing and the AG has no authority over their conduct. However that simply is not true. The BC Law Society is a creation of the BC Legislature and that body has the duty to ensure that the Law Society is complying with its statutory obligations. The BC Law Society refuses to discipline lawyers not complying with court orders and creating fraudulent court orders and refuses to provide written reasons as they are required by statute of the BC Legislature. I also note that recently a lawyer who was disciplined by the BC Law Society for money laundering has received no criminal charges, apparent to the public, due to his status as a lawyer.

If it is not your duty to report breaches of the Law Society Act to the Legislature then whose duty is it?

I note that you have received communications from the Office of the Premier, David Eby with evidence that the administration of government is not in compliance with the law. A Charter breach requires restoration of the breach. The Federal MOJ is refusing to respond to s 24(1) the Enforcement Procedure of the Charter, improperly protecting Federal Judges. The Canadian Judicial Council claims that judges have discretion to reject the transcript and prefer to call upon the Plaintiff to protect her lawyer committing fraud. Discretion implies choice between two or more legally permissible options, otherwise it is a Duty. Compelling British Columbians to attend a Court that does not respect the law and does not protect the public is abusive, and unconstitutional. This represents a failure in the rule of law throughout the legal system and cannot be justified in a free and democratic state. A Constitutional Question has been presented to your office but *"no comment"* is the only response provided in Court and a statement by Prosecution that Provincial Court Judges are not governed by the Canadian Judicial Council.

Evidence to assist the deliberation of Parliament

There is a Court Order on the Nelson Registry to provide Access to Court Audio that remains unfulfilled. Requests for accountability in the form of evidence of efforts to comply with the Order were rejected, *"I will not be providing evidence of our efforts to look for the tapes."*

I provided evidence to two judges regarding my efforts to access the Kelowna Registry to file and the denial of the Registry to acknowledge receipt and file, were ignored without comment. The conduct of the Registries is the responsibility of the Attorney General's office. I cannot access justice through the Court Registry given this evidence.

I have made two judicial conduct complaints regarding Provincial Court Judges to the Chief Justice Michelle Gillespie, acknowledged by fax receipt but no response from their office acknowledging receipt. The dates are August 25th and Dec 4th 2023. An online complaint was made and receipt acknowledged on February 22nd, 2024.

I cannot access justice as I cannot access the Court Registry. If I could, I can not assert or defend myself given that judges claim they can ignore all the evidence that I provide, including the transcript. A Federal Judge in the Supreme Court deemed this problem "irrelevant" and on appeal to the BC Court of Appeal my lived experience was characterized to be a "conspiracy theory. This does not reflect reality". The reality of this decision, relying on judicial deference, but supported by zero evidence, by the highest Provincial Court in British Columbia is a denial of the constitutional principle of the rule of law. The Judiciary is asserting that allegations of failures in the administration of justice by lawyers, judges, police and registries will never be admitted no matter what the evidence, including the transcript and denial of access to court audio. This is the state of justice in British Columbia, and the Supreme Court of Canada has denied access to the constitutional right of habeas corpus to resolve the matter.

The evidence is irrefutable. I was imprisoned arbitrarily by a Provincial Court Judge, denied a fair and impartial trial, all my evidence was ignored, no right to appeal and with the full knowledge of the Provincial Prosecutor of the abusive nature of the Trial, including denial of service to me, by all lawyers BECAUSE I made allegations of misconduct in the legal system.

The judge did not show up to render her decision on the writ of mandamus on David Lametti on Feb 14th 2022. Instead the Minister of Justice invoked the Emergencies Act.

Your mandate letter from David Eby includes the following,
"Federal partnerships and resources will be particularly important and, on behalf of our government, you will engage with the federal government on advancing priorities to improve the lives of British Columbians. As a Cabinet, we will uphold the highest standards of ethics, collaboration, and good conduct in service of the public, and as a Minister of the Crown, you are expected to review, understand, and act according to the Members' Conflict of Interest Act. You will establish a collaborative working relationship with your Deputy Minister, and the public servants under their direction, who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. Your Minister's Office must meet the highest standards for integrity and provide a respectful, rewarding environment for all..."

I look forward to your response knowing that protection of the Public and Constitutionality is your core responsibility. Failing a response I will serve the Enforcement Procedure of the

Evidence to assist the deliberation of Parliament

Charter directly upon the BC Legislative Assembly as the Court of Competent Jurisdiction to resolve matters of the BC Law Society failing to protect the public.

Thank you for your attention to this matter that concerns all British Columbians.

Trevor Holsworth

www.fundamentaljustice.com

Trevor Holsworth
Box 406 New Denver BC V0G 1S0
fundamentaljustice@gmail.com

Niki Sharma
Attorney General
PO Box 9044 Stn Prov Govt
Victoria, BC V8W 9E2

COPY SENT BY REGISTERED MAIL RW 785 102 510 CA

June 14, 2024

Dear Niki Sharma,

In addition to not having received a response to my last registered letter RN 623 044 156 sent on 26th February 2024 I have more disturbing news to bring you.

I made a complaint regarding the conduct of a Provincial court judge who agreed with the Crown lawyer that he could ignore the charter if it was “a narrow issue” including one for incarceration. I have been in correspondence with a lawyer at the office of the Provincial Chief Justice and he claims that there is nothing wrong with that but I have requested that confirmation occur at the level of the Chief Justice as required under Statute. I have not received a response and they are not responding to further communications because they are in breach of their constitutional and statutory requirements. A similar problem is occurring at the Canadian Judicial Council.

I understand that you will respond with a claim that judicial independence requires that you not get involved but that isn't at all true. The Executive has a duty to check the Judiciary, alongside the Legislature. The principles of fundamental justice apply as they do with every Canadian. The Executive has the responsibility for investigation and laying charges and Parliament has the duty to Judge judicial conduct in their ultimate act of responsible government to protect the people from corruption in the Judiciary or other improper individual conduct.

Furthermore you should be made aware that the Judiciary has determined that allegations of lawyer or Judicial or Executive misconduct can all be eliminated at the Supreme Court level as “irrelevant” and in the BCCA as “conspiracy theories” and full denial without evidence or explanation. The fact that their own accountability is being requested at the same time certainly leaves the public with certainty that Judges cannot judge their own conduct with the good faith that their office demands. Any reasonable and well informed person can clearly witness that there is a conflict of interest. The Legislature is the correct body to present this corruption problem and you are the responsible public official whose duty it is to inform the people's representatives to the threat to the public interest.

You are aware of the problem because I informed your office by constitutional question in June of 2021 informing you of the failure of the Federal MOJ to properly protect Canadians according to his duty. I also communicated with your office more recently in August 2023 on the constitutional question regarding the Judges Act, in which your office, “declined to participate”. The judge at trial did not present any evidence to support the constitutionality of the Judges Act and the Provincial Court has no jurisdiction to do so in any event. But the constitutional question has been asked and no response has been received.

Evidence to assist the deliberation of Parliament

I understand that you have received confirmation that the Federal Minister of Justice failed to respond to the enforcement procedure of the Charter and that the Premier of BC David Eby have also been informed.

The official position of the BC AG presented to Court on July 16th 2021 to that problem was “no comment” which ultimately led to a mistrial and the subsequent dropping of charges in the “public interest” by the PPSC although with the same evidence the Provincial Crown under your leadership apparently sees no conflict with the public interest.

In my email communication I attach the brief submitted to the Federal Court of Appeal in regards to the enforcement of the Emergencies Act by the Federal Government. The evidence demonstrates that David Lametti's assertion at POEC that his legal advice was presented in “good faith” was false and that he made false and misleading statements to me as to his duties which were intended to obstruct justice to improperly protect judges.

Your duty is the same as the Federal MOJ, to protect the public and ensure that the administration of justice is in compliance with the law. The evidence clearly demonstrates that both is not occurring in British Columbia and in Canada.

As the AG has legislated to assert control over the conduct of the BC Law Society by government controlled actors I can no longer trust the service of lawyers as it is apparent that lawyers that speak out against the government conduct could be disciplined and removed. The judiciary asserts that they can ignore all the evidence that I can provide including the transcript to correct the conduct of lawyers.

Under this regime British Columbian's have no means to protect or assert themselves in the legal system and no reasonable and well informed person could trust that they would be treated fairly and impartially or in accordance with fundamental justice.

No defence has ever been presented to dispute these facts or the implications at law.

The Chief Justice of the Supreme Court of Canada Richard Wagner spoke on June 3rd 2024 stating that “justice system is not just a service...It is a human need. People need justice and when they recognize that they will not have access to justice, that will jeopardize our democracy and the rule of law and we should not underestimate this possibility. That is why we have to facilitate access to justice. We have to ensure that people in Canada have the chance to be heard, not necessarily to accept the decisions...but to accept the system...if they are convinced that they will be heard by fair and impartial persons whether they win or lose...and if we dont do that...people will lose faith...and when that starts...the beginning of the end for democracy.”

A response is required as the minimum level of good faith to complete a duty. Please email me to acknowledge receipt of this letter at fundamentaljustice@gmail.com

A response to this letter and a response to the matters brought up in the previous letter. I have another court hearing on July 11th 2024 and the Judiciary are claiming they can ignore the Charter if they want and your office is failing to respond to protect Canadians.

Trevor Holsworth

Trevor Holsworth
Box 406
New Denver BC V0G 1S0
fundamentaljustice@gmail.com
www.fundamentaljustice.com

Premier of British Columbia,
David Eby
P.O. Box 9041 Stn Provincial Government, Victoria, BC V8W 9E1
premier@gov.bc.ca

November 30th, 2022

Dear Sir/Madam,

On March 3rd, 2020 I properly served the Deputy AG of Canada with a Charter complaint, following the enforcement procedure of the Charter.

Section 24(1) of the Charter:

“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 the 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.”

The complaint was in response to a ruling by the Canadian Judicial Council which is the governing council for Federal Judges. In 2007 I had complained about the conduct of Judge Shaw who, when I presented the transcript to the Court, had called the Plaintiff to the stand and solicited perjury to protect her lawyer, committing fraud. I also complained that the Judge had permitted a lawyer to not comply with a court order. The actual written response from the CJC was “the admissibility and weighing of evidence is a matter that falls within the ambit of judicial discretion. Chief Justice Pigeon is of the view that Justice Shaw exercised his judicial discretion when he preferred certain evidence over others. Judicial discretion is not conduct. The failure of a party to abide by an order is not either a matter of judicial conduct.”

The concern of Canadians is that it appears that this is a claim of absolute power by the Federal Judiciary. What better evidence can any Canadian provide than the transcript. 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. Judge Shaw's fitness as a Judge was debated in Parliament in response to his ruling in R v Sharpe when he declared the law on child pornography to be unconstitutional. You will be relieved to know that he retired in 2008, 6 months after my complaint and the CJC claimed that ended the matter. However, I was very concerned about the conduct of Justice Pigeon in the exercise of his discretion to dismiss the complaint given the obvious implications to equality before the law, judicial corruption, fairness and impartiality. The CJC called my complaint regarding Justice Pigeon an abuse of process and refused to respond.

The test for Judicial conduct as stated by the Canadian Judicial Council:

“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?”

”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.”

Since the time of the signing of the Magna Carta, and before, the withholding of tax has precedent as the most valid and effective method of protesting abuses of power by Government over their citizens. The Canada Revenue Agency took me to Court alleging failure to comply. I made my allegations public and ultimately requested a Writ of Mandamus on the Federal Minister of Justice to comply with his duty to protect the public and ensure that the administration of government is in accordance with the law, which it is not as the AG/MOJ has refused to respond to the enforcement procedure of our governing document, our Constitution, the Charter. At the BC Provincial Court they admitted the evidence into Court and ignored it so I appealed to the Supreme Court and Justice refused to rule at all on the request for a Writ of Mandamus, to compel a Minister to do his duty, which is a democratic failure in accountability and a failure to act judicially. At the BC Court of Appeal requesting a right to appeal I was denied. In the eyes of the judiciary that ended the matter, Res Judicata.

The Minister of Justice ultimately responded after I complained to the PM's office but attempted to mislead Canadians as to his duties, claiming that he had no legal right to intervene in the processes of the CJC. I received no further response and ultimately the PM's office admitting the Public Safety concern forwarded the matter to Marco Mendicino who has never responded.

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 submitted a complaint regarding corruption by a federally elected member of Parliament to the RCMP National Division whose mandate is to safeguard and investigate significant

threats to Canada's political, economic, and social integrity. In response the RCMP told me to stop sending them evidence, that they would not investigate and would destroy evidence. I suggested that the RCMP should no longer be arresting members of the public as they are failing in their application of the rule of law and the justice system is not complying with fundamental justice.

I did submit this evidence to the Emergencies Act Inquiry but it was not entered into evidence. I have submitted some of the evidence to the appropriate Federal Parliamentary committee's including the Justice and Human Rights Committee as they are currently debating proposed amendments to the Judges Act and it is posted as evidence on their website. That proposed Act of Parliament provides Canadians with exactly zero rights in the conduct of judicial complaints and provides Judges with zero accountability and zero transparency in the process. It is an absolute failure in our elected representatives to ensure the protection of the public, whom they serve.

The effect of this concentration of power in the PM's office, Federal Cabinet and Federal Judges the Provincial Governments face the real prospect of a coup, which began back in 1982 with the "Kitchen Accord" on the "Night of the Long Knives". The Provincial Premiers have a constitutional duty inspired in the doctrine of the separation of powers to act to control abuses of power by the Federal Government.

The Charter is a meaningless document if there is no method to enforce the enforcement clause. The Minister Of Justice cannot claim that the administration of Government is in accordance with the law because they are not responding to the enforcement procedure, an obstruction of justice. The Minister of Justice's absence of a public legal opinion cannot be said to be in "good faith" and in the "protection of the public". Combined with the claim to be able to plant perjured evidence at trial to defeat the transcript, is a claim of absolute power. The refusal to allow the legitimate review of that discretion is undemocratic and the claim of dictators and police states.

The Court system is the pinnacle of the Public Service and this failing of the Courts affects the integrity of the entire Public Service, Provincial and Federal.

Parliamentary Supremacy overrules the Tyranny of Justice. Ministerial Responsibility in a Parliamentary Democracy represents the power of the people. The People of Canada have the ultimate power in a Democracy. Please help to protect Canadians from abuses of power by the Executive and Judiciary of the Federal Government.

Trevor Holsworth
www.fundamentaljustice.com

Trevor Holsworth
P.O. Box 1500
Fraser Regional Correctional Centre
Maple Ridge BC V2X 7G3

November 9th 2023

Supreme Court of Canada
301 Wellington St
Ottawa ON K1A 0J1

To: Alaa Sanaknaki,

Thank you for your letter of November 2nd 2023 acknowledging receipt of my writ of habeas corpus that the registry received on September 29th 2023, which you label, a “letter”. It is disturbing to the concept of good faith that it appears to have required my father contacting the Canadian High Commission in Australia in order to generate this response.

As the Canadian Judicial Council has written to me claiming that Federal Judges have discretion in their acceptance of their official record of court, the transcript, and the BCCA has called my appeal on this issue, “...a conspiracy theory. That does not reflect reality” including the evidence of the AG/MOJ David Lametti refusing to respond to the enforcement procedure of the Charter s 24(1). A claim that the administration of Government is not bound by the guarantees of the Charter.

Further, the sentencing Judge at the Provincial Court specifically stated that the Charter guarantees would not apply to the hearing and given that the transcript is claimed can be ignored arbitrarily and rules of precedent and res judicata make further appeal meaningless, and impossible within the the prison system.

I have notified every official that I have encountered upon my incarceration my legal opinion as to the illegality of my detention and the supporting evidence. The administration of Fraser Regional Correctional Centre have been informed regarding my habeas corpus application to this Court. Despite the absence of a digital file of Supreme Court decisions in the facility law library, and a denial of access to my legal files. I can also confirm that all lawyers available within the prison system do not provide advice on habeas corpus. I have managed to find reference to the common law precedents from R v Gamble and Isbell in the Supreme Court of Canada (SCC).

“The basis of the application is that the applicant is unlawfully detained.”

“to provide a speedy inquiry into the legalilty of any imprisonment”

“be exercised with due regard to the constitutional duty mandated need to provide prompt and effective enforcement of Charter rights”

Parliament has authorized the processes of the legal administration for this Court to comply with in s 35, 36, 39, 42, 43, 53, and 64 of the Supreme Court of Canada Act.

The legal protections of habeas corpus are constitutionally enshrined in the Charter s 9, 10 and 24(1)

Please forward a filed copy of my writ of habeas corpus and the plan for moving this process forward or an immediate explanation of any defencies required by law. The absence of a response to my prior service does not generate good faith, trust in the processes of the Court, nor the Public right to access justice, the legitimate constitutional purpose of the Court for Peace, Order and Good Government.

Evidence to assist the deliberation of Parliament

I note that the SCC determined in R v Gamble that “neither should [the courts] bind themselves by overly rigid rules about the availability of habeas corpus which may have the effect of denying applicants access to Courts to obtain Charter relief.”

The constitutionality of the Judges Act was questioned and served upon the Provincial and Federal AG's who “declined to participate” and the hearing judge merely dismissed the application as a collateral attack in conflict with the decision in Morgantaller by Lamar and Dickson, “Section 7 does impose upon courts a duty to review the substance of legislation once it has been determined that the legislation infringes an individuals right to life, liberty and security of the person.”

This was not done. The Judges Act completely ignores the impact of judicial misconduct upon those most vulnerable and affected. This breach in the Charter must be resolved to provide fundamental justice for Canadians. The Charter compliance report provided to Parliament by the AG/MOJ does not address these issues whatsoever and although debate and evidence was presented to Parliament in regards to these deficiencies the protections were ultimately not included in the Act.

Please acknowledge the receipt of this letter and the previous correspondence of October 10th, 2023

Citizen, Trevor Holsworth



trevor holsworth <fundamentaljustice@gmail.com>

Failures in the rule of law requiring legislative intervention

trevor holsworth <fundamentaljustice@gmail.com>
To: brittney.anderson.MLA@leg.bc.ca

Wed, Aug 28, 2024 at 1:51 PM

Dear Brittney Anderson,

Sent by Trevor Holsworth Box 406 New Denver BC V0G 1S0

There is a problem in the administration that requires the attention of the Legislature. The Executive through the Attorney General's department are denying that they have jurisdiction to check the Judiciary in order to avoid communicating with the Legislature AND they are asserting that the Legislature has no jurisdiction to check the conduct of the Judiciary, which is simply not true. The people are always the final check on the claim of any purported ruler. That principle is guaranteed in the Constitution, in the Judges Act, and in precedent from the judges themselves.

I believe that the Judiciary is in breach of fundamental justice and the Executive are running interference because they are similarly implicated. This is a matter that the Legislature must consider as the remedy may involve the removal of a judge and certainly legislation is required to properly protect the people in a free and democratic society as promised in the Charter.

I'll briefly present the relevant facts

In 2007 I presented the BC Law Society and the Nelson City Police with evidence of obstruction of justice by two lawyers trial fixing.

The BC Provincial Court Chief Justice is currently being represented by a lawyer in order to avoid commenting on a judicial conduct complaint regarding a judge who agreed with a lawyer for BC FMEP asserting that he could ignore charter arguments, if it was a "narrow issue", including requests for incarceration.

Federal AG David Lametti fails to respond to s 24(1) The Enforcement Procedure of the Charter

The Attorney General of BC was served with a Constitutional Question regarding the legality of Federal Attorney General failing to respond to the enforcement procedure of the Charter along with a constitutional question regarding the constitutionality of the ITA s 238(1) requirement to file. The response of the Attorney General of BC is, "no comment"

A BC Supreme Court Judge does not show up to Court on Feb 14 2022 to provide a decision on a writ of mandamus on the Minister of Justice David Lametti following evidence of a failure in the rule of law throughout the Canadian legal system. When Justice Lyster finally does produce a decision it claims that all my allegations of misconduct by authority are "irrelevant" to the charges against me. A continuation of a failure in the rule of law.

At the BC Court of Appeal, my appeal is dismissed as a "conspiracy theory. This does not reflect reality." My lived experience in the British Columbia and Canadian legal system is not only irrelevant it is not real, contrary to all the evidence before the court, replaced by judicial opinion alone and in her written decision purposefully removing the fact that I presented the transcript to the Court, the best evidence any Canadian could provide to prove fraud committed by a lawyer, on a court order. Allegations of misconduct by lawyers or the judiciary are removed from the system and dismissed as "conspiracy theories", "vexatious litigants", or as the BC Sheriff attending court labelled me in his communication with the RCMP, a "Freeman of the Land" in a continuation of the smear campaign to discredit my testimony.

I have reported the problem I have encountered to the Police of jurisdiction on numerous occasions with no investigation ever been initiated because it involves the court system. Clearly the police are on a lower rung than lawyer, or judges. Unfortunately the citizens of Canada are below that, with nowhere to turn unless a police officer, a lawyer or a member of the legislature becomes involved to properly check the powers of the Judiciary.

The implications of these judicial rulings is that the Public has no rights in the legal system established in Canada. Judges assert that they may legitimately ignore all of our evidence up to and including their official record, the transcript, being used to correct a court order improperly drafted. Our efforts to access justice in the BC Legal system are subject to un-resolveable failures in the rule of law and open criminal conduct with the fact that it is happening in our legal system the

only defense. Clearly this conduct cannot be justified in a free and democratic State, and that is why they refuse to respond to Constitutional Questions.

I filed an application as an intervener in the Federal Court of Appeal hearing the matter of the appeal by the Executive of the decision of the Federal Court declaring the enforcement of the Emergencies Act to be not justified, illegal and unconstitutional. My evidence includes the MOJ making false and misleading statements in order to improperly protect judges instead of doing his duty and protecting Canadians. When I replied and corrected David Lametti I received no further communications. The PMO forwarded the matter on to the Minister of Public Safety Marco Mendicino, who never responded. The submitted evidence was acknowledged and is on the court record but my further participation in the process was dismissed.

The Premier of BC, David Eby is notified by email and registered letter of the failure of the MOJ to respond to the enforcement procedure of the Charter. In addition I had communicated the problem previously on Sep 21, 2020 by letter to David Eby as Attorney General of BC.

On February 26, 2024 I sent a registered letter to the Attorney General of BC. I received no response.

On June 14, 2024 I sent a second registered letter. I received a response that they are examining the situation. Unfortunately given that they knew all of this beforehand and did nothing might prove to be a conflict of interest as is the reality that the BC Law Society is in conflict with their governing statute improperly protecting lawyers and refused to provide written reasons for their failure to protect the public, which provides the legitimacy for their monopoly on the provision of legal services. On July 10, 2024 they responded denying that there was any problems.

The Attorney General of BC with your approval enacted changes to the Legal Profession Act providing the Attorney General's office with the ability to make appointments to the Law Society of BC board enabling them to control the Law Society and through them, all lawyers, and through that, all judges. Given the evidence that lawyers are not a competent authority to properly check their own authority and the Attorney General is not in compliance with the law, is a biased party to the conflict before the purportedly fair and impartial court and is also not protecting the public interest they have a conflict of interest that destroys their legitimacy.

Lawyers at the Attorney General's office are asserting that the Judiciary is supreme and not subject to oversight by the Legislature. The Judiciary is also refusing reasonable legal attempts to provide legitimate checks and balances. Without the protection of the representatives in the Legislature the citizens of Canada are vulnerable to these abuse of power. The Legislature is the appropriate forum to address the problem of law societies and the family law act as obviously they are a creation of the legislature. Provincial Court Judges and the administration of the criminal law are provincial responsibility.

So, I come with a problem and a very big one and denial has been the solution so far which has been very easy for them but terrible for me and the people around me. We all deserve better. I certainly deserve to be treated better. I have published my story through the legal system and into politics at www.fundamentaljustice.com

The solution to democratic deficit is to strengthen democracy which means great citizen involvement. I suggest British Columbia embraces this as an opportunity for a new beginning, to dilute power, seek transparency and accountability by creating a citizen jury to check the powers of police boards, lawyers and judges. This will foster greater connection between the citizen and the public service to create trust.

There are many benefits. An empowered citizen is a powerful force, so much better than a rebellious citizen. It's the difference between inspiration and despair. I would suggest that a random mixture of young persons just leaving school along with retired persons and others from diverse working backgrounds would provide a much needed communication conduit back and forth between government and citizens. Bring democracy home so we can enjoy the fruits of our labors and have respect for our country once again.

I know this is challenging but your role as the representatives of the People in a Democracy is to check the powers of the Executive and the Judiciary for abuses. This clearly, is such a time. The BC Law Society is a BC Legislature responsibility, the current plan for the BC AG Dept to effectively take over the Law Society clearly doesn't protect the people of British Columbia from abuses of government power. A check over the powers of the Law Society to protect the public would best be accomplished by a grand jury inquisitorial system. Nothing else is obviously acceptable for the public trust. It is well known, trust is earned not given.

The problem of the BC Federal Judiciary is more challenging as they are governed by the Federal Government but I will be serving every Parliamentarian with the Enforcement Procedure of the Charter s 24(1) in an effort to bring accountability in that forum. I thought I would start the process informally at the Provincial level, hopeful that will bring a response, before making this a formal constitutional issue.

The problem of the BC Attorney General is more straightforward. The legal advice of the Attorney General is contrary to the law and the constitution, and contrary to their duties, to protect the public and see that the administration is in compliance with the law. The Attorney General's are obstructing justice. The refusal to respond to the enforcement procedure of the charter is followed by the failure to respond to a constitutional question, a refusal to debate the

constitutionality of the Federal Judges Act and a refusal to investigate the conduct of Provincial Court Justices in accordance with the BC Provincial Court Act. We also have the problem of a failure by the Attorney General's staff to comply with a court order to provide court audio and a refusal to file documents at a BC Registry due to allegations of access to justice issues contained therein. Investigations under private prosecutions are never investigated and dismissed arbitrarily. The public is not being protected. Not by the BC Law Society and not by the BC Attorney General. Accountability, Transparency and Public oversight with investigatory powers would help to balance the scales of justice.

I formally request that the matter of the Ymir Backcountry Ski Lodge Kootenay Experience Crown Land Tenure be re-examined in the context of the above situation and a realization that the public would best be served by the facilitation of compliance and the restoration of the licence.

I conclude by thanking you for standing up to represent the people of British Columbia.

No Canadian should be subjected to a Judicial dictatorship supported by the Executive in the form of the Attorney General's Office. Access to justice is a Public service which must be protected from corruption by the Legislature. This is the exact moment when the importance of the Legislative Assembly shines to truly protect the public interest. British Columbians and Canadians should not be coerced into trusting a legal system that clearly is dysfunctional for the needs of the Public. The restoration of trust in our legal system is of vital importance to the national security of Canada.

A citizen of British Columbia and Canada who has been guaranteed rights in our governing constitution,

Trevor Holsworth

Please find attached

Brief in support of Intervener status at the Federal Court of Appeal regarding the enforcement of the Emergencies Act

Registered Letter of November 30, 2022 to Premier of British Columbia, David Eby

Registered Letter of February 26, 2024 to Attorney General of British Columbia, Niki Sharma


Registered Letter of June 14, 2024 to Attorney General of British Columbia, Niki Sharma

4 attachments

 **LettertoNikiSharmaAGBCFeb2024.pdf**
120K

 **BC_Premier_David Eby.pdf**
45K

 **LettertoNikiSharmaAGBCJune2024.pdf**
80K

 **Binder-A-75-24-Complete.pdf**
3603K

Trevor Holsworth
P.O. Box 406
New Denver BC V0G 1S0

Canada Revenue Agency
Coastal & Central BC Tax Services Office
Surrey B.C. V3T 5E1
fax 604-586-8205

L. Ballarin
Collections Officer
mailed on July 3rd 2024

Dear L. Ballarin,

My apologies for the delay in replying. I've had some family emergencies. I'm sorry for the briefness of our recent phone call but I do get tired of telling the story over and over again and hopefully now you have a more full-some understanding of my personal position as well as that of Canada.

I was placed in debt several hundred thousand dollars in a court action where the judge whose fitness as a judge had been very seriously debated in Parliament and who in my trial preferred the lie of the plaintiff to the transcript of hearing several months previously in order to protect her lawyer committing fraud on a court order in a massive display of partiality to lawyers or plaintiffs or women. Financially it was unreasonable to appeal the decision and trust in the legal process was obviously completely compromised I made a complaint regarding the judges conduct because it clearly fit the description for judicial misconduct, "“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 everyone I talked to agreed that you cant have our judicial council approving of judges protecting lawyers committing fraud on the public and using their clients opinion to settle the dispute and call that fair or impartial and certainly not in accordance with the law. The judicial council approved of the conduct of the judge without even reviewing any evidence at all, simply on the contents of my letter. Naturally I did not feel this was an adequate examination and wrote back several times, until I made a complaint about the judge, who dismissed my complaint, which requires that the opinion of outside counsel be requested, however instead of doing that, the legal officer dismissed my complaint as an abuse of process. I wrote to the Minister of Justice and informed them of the problem of the judiciary breaching the charter rights of Canadians and how could we trust the legal system if we cant report criminal activity happening within it anywhere. I was paying for shelter with gardening work and struggling to keep my battered brain from being abused further after two years of unrelenting harassment, 10 break and entry's, legal proceedings and business collapse. The complaints that I had with the lawyers and their fixing of the trial by removing their self-incriminating evidence of fraud on trust accounts and failures to comply with court orders for trust account disclosure and much more were

initially taken seriously by the law society but suddenly their position changed and the complaints were dismissed and a refusal to provide written reasons as required by their governing statute was the subject of a complaint to the BC Ombudsman Office who after a year of refusal by the law society gave up saying that the law society promised to do so, in the future. A report to the police similarly was dismissed. But I had followed all the formal channels and all the legal advice provided. Case fixing seriously compromises the public's trust in the legal system and there is no method available to the public to report criminal conduct by anyone involved.

I live a very modest life and have survived through the generosity of friends and family. Since that divorce I borrowed money from clients to build back part of my business but eventually failure to comply with some rules and regulations, by me was the reason for seizing the last remaining asset that I owned and my entire life's work and only means ever to pay back any debts that I owe.

I struggled with depression from the hopelessness of the situation and I'm sure my partner, later to be, mother of my children, at that time suffered too. It was brutal. For at least four years I suffered severe PTSD and general dysfunction on many levels. BC Child Support Collection Services attempted to collect from me the child support that I had hired a lawyer 2.5 years previously to correct and who never did. That was after my first experience in 2005 being in contempt of court for failing to comply with child support and I had presented evidence to the judge who had declared that *"his income is now down to zero"* and *"lack of future prospects"* and *"But I cannot urge you strongly enough, sir, to get on with your application to vary that order."*

I had hired a lawyer and he never did, after the trial he wrote dismissing my complaint, *"if you find your income doesn't reach that level you can hire a lawyer"*. Well, my income never did and I never had enough money to hire a lawyer but I did communicate with FMEP the child support collection agency in BC and provided them the details that I had provided the law society demonstrating the fraud perpetrated and their decision was to delay collection activities for 5 years. That was the first acknowledgement that something was wrong and an effort to solve the problem. After five years I was in no better situation but I was a father to two little children that had started to restore my faith in humanity, with the provision of, and receiving of, the love that children share with their mother and father.

Being constantly broke I was leveraging advance payments and short term investment strategies with customers in order to stay afloat and when covid hit I was neck deep in a massive effort to bring my operation up to regulations or face seizure but at the same time the government was threatening me with 80 days of jail for failing to pay child support which my ex had initiated legal proceedings against me around the time I met a new partner and started an assault on the custody of the children. It's a small town. It's not pretty. One winter she took the kids away for the winter and I had resolved to hire a lawyer to resolve it but the \$10,000 I could raise didn't even start the process and left me in a worse situation than when I started.

I had however served the Minister of Justice with the Enforcement Procedure of the Charter s 24(1) and taken the matter to court and publicized my experience online and in local newspapers. I presented the problem of a failure in the rule of law in the legal system from

a fraud by a lawyer on a court order to the judge protecting the lawyer to the judicial council protecting the judge and the minister of justice refusal to respond to the enforcement procedure of the Charter request to bring the matter to the only court of competent jurisdiction to resolve the matter, Parliament. I requested from the Court a writ of mandamus, an order of the court for a minister to do his duty. The duty of the Minister of Justice is to protect the public and ensure the administration is in compliance with the law. The standard or bar is very low, on the balance of convenience, as it should be, a duty is the reason someone is paid from the public purse. A decision from that judge was due Feb 14, 2022 but she didnt do her duty that day either, she did not show up but the Minister of Justice enforced the Emergencies Act on that day. Unfortunately in my communications with the Minister of Justice he had made some false and misleading statements as to his duties in order to avoid doing them and when I called him to account just didnt ever respond again. I did present this evidence to the Federal Court of Appeal as they hear from the government on their appeal from the Federal Court decision that the government conduct was not reasonable, illegal and unconstitutional and despite David Lametti assuring the POEC inquiry that his legal advice to Cabinet was in good faith they have refused to make that decision public. My evidence demonstrates that it was not in good faith as he knew that he was in conflict with the Charter because he was refusing to respond to the Enforcement Procedure and knew accountability was being requested through Constitutional Questions and a writ of mandamus.

In the current situation I cannot access justice through the legal system, my member of Parliament does not respond, and all other mechanisms of communication have been attempted. The last that I communicated with someone from CRA was Matthew Hopkins who I had explained my position as he explained the legal action that the government was undertaking for failing to file income tax statements. In court the Judge refused to allow Mr Hopkins to answer the question that I posed to him, *"what do you think of the fairness of a justice system that claims a judge can ignore the transcript to protect a lawyer committing fraud?"*

We all know the answer to that question. Unfortunately lawyers and judges are completely silent on the issue. When I was sent to jail after an unfair and partial trial that was certainly not complying with fundamental justice, instead was retribution for my exposing their crimes as it was such a miscarriage of justice. I had challenged the constitutionality of the Judges Act and they refused to engage, *"we decline to participate"*, because my evidence demonstrated that no Canadian has any rights at all, victim or perpetrator, mother or father you are rats in a maze, and that is the access to justice crisis. Like a pyramid scheme, a shell game eventually is uncovered. But the legitimacy of judiciary has been questioned on several occasions and they refused to submit to legitimate review. The Executive's conduct is being questioned by the Judiciary. The Judiciary always questions the legality of law made by the representatives of the people of Canada. But now that questions as to the legitimacy of the Judiciary and the Executive are being asked the power of the legitimacy of the decision makers, the Members of Parliament is being questioned as foreign interference. Amidst questions regarding the process of Justice Brown's removal, the last Supreme Court of Canada Justice appointed moved the balance of judge in the there to favor the ruling party.

As I noted in my appeal to the BC Court of Appeal that if one cannot report a crime within a legal system then there isn't any difference between that and a protection racket except that the legal system has captured the perceived legitimacy and coercive powers of the State. The highest court available to me stated that,

[29] It is unclear to me whether Mr. Holsworth is intentionally ignoring the clear rule that judges must exercise their discretion judicially and is doing so in order to obfuscate and delay the fact of his convictions under the *ITA*; or whether he actually believes he was unfairly treated in 2006 and is therefore somehow not bound by court orders or by the duty of all Canadians to file income tax returns. In any event, his leap from the fact that his evidence **[the transcript]** was not accepted in 2006 to the existence of a vast failure of the justice system and of judges and lawyers to comply with their oaths of office and codes of ethics seems to indicate a disturbing world view rife with conspiracies and corruption. This does not reflect reality.

The words **[the transcript]** are not included in the judge's decision but as correctly inserted it proves the existence of the corruption, denied in their reflection of reality.

From prison I appealed to the Supreme Court of Canada for the constitutionally guaranteed right to appeal by habeas corpus, a check on the legality of the imprisonment. I wanted to be sure that the highest court in the land had a chance to respond but they denied and only after calls by my father to the Canadian High Commission in Australia did a response arrive terming my application, a letter. The Judiciary cannot justify their conduct in a free and democratic state, and neither can the Executive. Parliament, representing the people of Canada are the legitimate check on the powers of the Executive and Judiciary.

What does the Public Service say?

Your governing institution, the legal system arbitrator of the public with the public service claims that the public has no rights. In particular the most important one, the safety of not being extorted by the state.

What does the public service manual say,

Values and Ethics Code for the Public Sector

Respect for Democracy

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

Respect for People

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

Integrity

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector. Stewardship Federal public servants

are entrusted to use and care for public resources responsibly, for both the short term and long term.

Excellence

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.

One cannot be neutral in the face of oppression. It is time for the Public Service to speak.

The Public Prosecution Service dropped their prosecution of my failure to file income tax statements in *"the public interest"*. That means that given the evidence provided they did not feel they could justify the prosecution, in the public interest. I requested for more details but none were provided.

The problem that I presented in court is that given that the Judiciary claims they can ignore all my evidence there is no way that I can dispute the amount that the government claims I owe. Furthermore I attempted to negotiate with CRA and make payments using the method claimed to be fair and impartial by the Judiciary, if it was fair to apply to me it should be fair in return. In the divorce the judge provided me with the assets of my bankrupt company that he declared had a share value of 0 but for the purposes of the divorce gave it a value of \$295,000, the value in the shareholder's loan account. I suggest that if it was fair for me, it should be fair in return. I would transfer the value in the shareholder's loan account to the amount owed to the CRA. Fair is fair. CRA did not accept my proposal claiming that they did not understand, they only wanted cold hard cash, not equal treatment under the law.

Please consider that the volunteer work that I have done in the promotion of the public interest, accountability and the rule of law could be taken into consideration in our communication.

Yours sincerely,

Trevor Holsworth
www.fundamentaljustice.com

You can find all the links to all my arguments and the evidence, on the website including my application for intervener in the Appeal by the Federal Government regarding their illegal and unconstitutional conduct in the enforcement of the Emergencies Act because my evidence demonstrated that the Minister of Justice knew that the administration was not in compliance with the law and the public was not being protected and that his conduct was not in good faith as requests for accountability were on his desk and before the court and his response made false and misleading statements as to his duties in order to protect his friends, federal judges, instead of his duty to the people of Canada.

Contribution to Standing Committee on the Status of Women.

Abuse is a cycle. It is incorrect factually to assert that it is gender based and is perpetuated exclusively upon women by men. Until this false representation of the problem is resolved there will be no progress because abuse perpetuates abuse.

The only time I have ever experienced a feeling of uncontrolled rage is after being subject to the abuse of the family court system. In my experience the Plaintiff's lawyer had failed to comply with a court order to provide monthly trust account statements and created a fraudulent court order. I had provided the transcript of the hearing to the court to conclusively prove the lawyers fraud but the Judge merely called upon the Plaintiff, a woman, and requested she commit perjury to protect her lawyer. The Canadian Judicial Council approved of the conduct of the Judge and the BC Law Society approved of the conduct of the lawyer by removing evidence from their file the same way they redacted documents in the court file to hide their obstruction of justice.

This is the experience men have in the court system. How do you think men feel? Does this abuse create love and respect for the holy bond of matrimony and create safety for the family and stability for our children? Where does this fit with the "best interests of the child?"

When a woman threatens divorce or separation and goes to a lawyer as she is advised to do to 'protect her rights' how do you think men feel. The courts are a direct threat to everything a man seeks to protect, his children, personal security and finances to provide a stable home. Men are often jailed as a result of interactions with the justice system, and are certainly accused of all sorts of things to gain a tactical advantage in a biased court room. How do you think men feel about false accusations by women for financial gain over men? When accusations are proven to be false there is no consequences for the accuser, the damage is done. Families ruined, children devastated. That is not justice. That is legalized abuse and is used largely for coercive control of men by women.

This problem is before the courts and before the Minister of Justice. The Minister of Justice has refused to respond to the enforcement mechanisms of the charter to bring attention to this matter to Parliament. That is obstruction of justice. The courts have been informed and delayed providing a date for a decision for 3 months and then the Judge just didn't show up to court.

When I posted this information on the internet feminists responded claiming I felt "victimized because you are a white male, the most privileged cohort in our society. Basically it's time for white males to shut the fuck up, step back and begin to learn."

Of course my response was "what I hear you saying is that women should dictate to men what to do, when to do it, and how to do it. That a man's voice has no value because it is male. That does not say 'equality' in any shape or form."

I know that my message does not fit your narrative and you do not want to hear what I and other men have to say. That is a problem as well. Funding to represent men's rights is zero. The message that is being sent to society is that men do not matter and that equality is not the desired outcome. Of course you are going to get resentment as a result. What do you think is the solution? "Kill all men?" or lock them all up because women say so. Welcome to the New World Order. You reap what you sow. Sincere efforts to rebuild trust and love between men and women is what is required. That is not happening right now. The court system is being abused by lawyers to divide men and women for their own personal profits and our society and particularly our children are suffering as a result. There are no winners in this scenario despite claims of hollow victories.

The Charter claims that the Government guarantees equality between men and women. My suggestion is that the sex of the participants in court in private and public disputes is not disclosed to ensure that judicial bias on the basis of sex is not a factor. Unfortunately this committee is displaying blatant sexism in it's opening lines including "toxic masculinity". I would recommend using gender neutral language to avoid offending the requirements of the Charter, or you could include an equal component for "toxic feminism". This bias is a major factor in creating division between the amazing contribution men and women make to

the success of their children, our Canadian culture and our society. Labelling men in such derisive way is certainly no way to facilitate healing in our society but will only marginalize half of the population, but maybe that's the purpose but I'm here telling you that it is unconstitutional and is against human rights accords nationally and internationally and will result in a continuation of human rights abuses.

You may, or may not be interested in viewing more of the facts and legal argument that I introduce here and it is available at www.fundamentaljustice.com

Thank you for taking the time to hear my voice of concern.

Trevor Holsworth

Association for Equality on the Basis of Sex.