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**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 1

Terms of Reference

Review of the *Public Works Protection Act*

Ministry of Community Safety and Correctional Services

September 21, 2010

The *Public Works Protection Act, 1990* ("the PWPA") is an Ontario statute that was first enacted during a special session of the Legislative Assembly of Ontario in September 1939, immediately following the outbreak of World War II.

The PWPA empowers appointed guards and police officers to protect "public works", including railways, bridges, highways, courthouses, electrical generating facilities and municipal public works. A public work may also include any other place designated by the Lieutenant Governor in Council.

The Honourable R. Roy McMurtry has been retained by the Ministry of Community Safety and Correctional Services to conduct a review of the PWPA ("the Review").

Mr. McMurtry will engage in a detailed review of the provisions of the PWPA in order to identify areas for reform and make specific recommendations for amendment of the legislation. These recommendations may include amendments relating to:

- The definition of a "public work".
- The scope of authority conferred to a law enforcement official for the purpose of protecting a "public work".
- Public notice requirements relating to the designation of a "public work".
- The application of the PWPA to significant public events, such as major national and international conferences and sporting events, and mass public demonstrations.

Mr. McMurtry will undertake focused discussions with key stakeholder groups, including members of the legal profession, police organizations, civil liberties organizations, federal and municipal government officials, and other interested parties.

The purpose of the review is to develop a foundation for future legislation. Mr. McMurtry will not consider or comment on any litigation or legal matters before the courts.

Mr. McMurtry will take into account the historical context of the PWPA, including an examination of its historical and current uses for the purpose of protecting public institutions in the Province of Ontario. Mr. McMurtry may also consider similar legislation and reform initiatives in other jurisdictions that may be of assistance.

Mr. McMurtry will also review other public reports that are relevant to his work, including that of the provincial Ombudsman.

Mr. McMurtry will provide his best advice and recommendations, taking into account the position of interested parties and any consensus amongst those parties on any of the issues. However, Mr. McMurtry will not be bound by any consensus in the development of his advice and recommendations.

The Minister of Community Safety and Correctional Services may on occasion request that Mr. McMurtry provide to him an update on the progress of the Review.

Mr. McMurtry will complete the focussed discussions with stakeholder groups and provide a concise final report to the Minister of Community Safety and Correctional Services by April 30, 2011. The final report will summarize the views that have been expressed and his recommendations and advice. This report will be in a form appropriate for release to the public, pursuant to the *Freedom of Information and Protection of Privacy Act*.

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 2

Stakeholder Groups & Interested Parties

Dan Abrahams, Ontario Bar Association (OBA)

Brian Adams, Ontario Senior Officers' Police Association (OSOPA)

Sandy Adelson, Toronto Police Services Board (TPSB)

Lee Akazaki, President, Ontario Bar Association (OBA)

Oscar Alvarado

Ron G. Bain, Ontario Association of Chiefs of Police (OACP)

Michael Beaudette, Canadian Nuclear Safety Commission (CNSC)

Deputy Commissioner L.G (Larry) Beechey, Ontario Provincial Police (OPP)

Stanley Berger, Ontario Power Generation (OPG)

Chief William Blair, Toronto Police Service (TPS)

The Hon. James J. Bradley, Minister of Community Safety and Correctional Services (MCSCS)

Meredith Brown, Court Services, Ministry of the Attorney General (MAG),

Albert Cohen, City of Toronto

Joe Couto, Ontario Association of Chiefs of Police (OACP)

George Cowley, (Representing all of Ontario Provincial Police Association (OPPA), Toronto Police Association (TPA), Police Association of Ontario (PAO))

Deputy Minister Ian Davidson, Ministry of Community Safety and Correctional Services (MCSCS)

Vince DeMascio, Ontario Senior Officers' Police Association (OSOPA)

Nathalie Des Rosiers, Canadian Civil Liberties Association (CCLA)

Pat Dietrich, Ontario Senior Officers' Police Association (OSOPA)

Karl M. Druckman, Municipal Law, City of Toronto

Denise Dwyer, Ministry of Community Safety and Correctional Services (MCSCS)

Deputy Chief Jennifer Evans, Ontario Association of Chiefs of Police (OACP)

Scott Fairley, Ontario Bar Association (OBA)

Jason Fraser, Ontario Association of Chiefs of Police (OACP)

Hamlin Grange, Toronto Police Services Board (TPSB)

Elizabeth Hall, Ontario Bar Association (OBA)

Chief Robert Herman, Ontario Association of Chiefs of Police (OACP)

Deputy Chief Bruce Herridge, Ontario Association of Chiefs of Police (OACP)

Peter Hume, Association of Municipalities of Ontario

David Jarvis, Ontario Senior Officers' Police Association (OSOPA)

Shaleena Kitchlu, Ministry of Community Safety and Correctional Services (MCSCS)

John Latouf, Bruce Power

Jacques Lavoie, Canadian Nuclear Safety Commission (CNSC)

Bryan Law

Wade Lecroix, Bruce Power

Commissioner Chris Lewis, Ontario Provincial Police (OPP)
Jay Lipman, Ministry of Community Safety and Correctional Services (MCSCS)
John Malichen-Snyder, Ministry of Community Safety and Correctional Services (MCSCS)
Karen Maxwell, Ministry of Community Safety and Correctional Services (MCSCS)
Denis McBride, Ontario Power Generation (OPG)
Mike McDonell, Assistant Commissioner, RCMP, Retired
Robin McElary-Downer, Ontario Provincial Police Commissioned Officers' Association (OPPCOA)
Ann Merritt, Court Services, Ministry of the Attorney General (MAG)
Dr. Alok Mukherjee, Chair, Toronto Police Services Board (TPSB)
Paul Nadeau, Ontario Power Generation (OPG)
Peter Notaro, City of Toronto
John O'Dacre, Canadian Nuclear Safety Commission (CNSC)
Joe Pennachetti, City Manager, City of Toronto
David Phillips, Ministry of Community Safety and Correctional Services (MCSCS)
Frank Saunders, Bruce Power
Bill Schnurr, Bruce Power
Rosanna Scotti, City of Toronto
Chief Stephen Tanner, Ontario Association of Chiefs of Police (OACP)
Monika Turner, Association of Municipalities of Ontario (AMO)
Pat Vanini, Association of Municipalities of Ontario (AMO)
Jerome Wiley, Toronto Police Service (TPS)

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 3

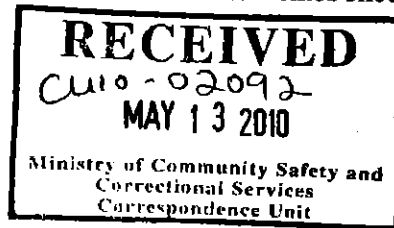


Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-2222 FAX (416) 808-8202
Website: www.TorontoPolice.on.ca



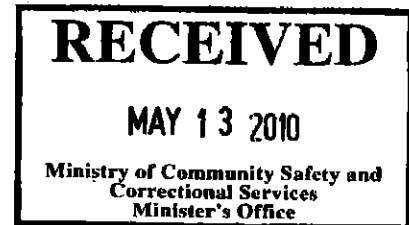
William Blair
Chief of Police



File Number:

May 12, 2010

The Honourable Rick Bartolucci
Minister of Community Safety and Correctional Services
18th Floor
25 Grosvenor Street
Toronto, Ontario
M7A 1Y6



Dear Minister:

Re: Public Works Protection Act and the G20 Summit

The Toronto Police Service is currently engaged in security planning for the G20 Summit to be held in the City of Toronto on June 26 and 27, 2010. The Service is involved in this planning as part of the Integrated Security Unit composed of the Royal Canadian Mounted Police, the Peel Regional Police and the Ontario Provincial Police.

One of the cornerstones of the security plan will be the establishment of a security perimeter in an area around the Metro Toronto Convention Centre, the site of the Summit, to be staffed by members of the Toronto Police Service. A description of the proposed boundaries of the security perimeter is attached as Appendix "A" to this letter.

The security perimeter will be established to help ensure the safety and security of those attending the Summit, the Summit site itself and people and property within the area close to the Summit site. The security perimeter will have gates allowing access for members of the public to the security zone, although the access will be controlled by the Toronto Police Service. For the very limited two day duration of the Summit, access will be limited to those that can identify themselves and can identify a destination and purpose for entering the security zone. However, in the event of an increased and unusual security threat, it is possible that access may have to be limited for a longer period of time, beginning as early as midnight on June 21, 2010.

There are some businesses and residences within the security zone and the Toronto Police Service is offering affected employees and residences the opportunity to obtain a registration card that will help ensure quick passage through the security gates.

There are various legal authorities that the Toronto Police Service and the Integrated Security Unit will rely on to support its establishment and control of the security perimeter. These include common law policing powers and, provided certain conditions are met, the federal *Foreign Missions and International Operations Act*.

In addition to those legal authorities, we believe that the provisions of the Ontario *Public Works Protection Act* (PWPA) would also offer legal support for the extraordinary security measures being undertaken for this unusual event. Section 3 of the PWPA explicitly confers powers on police officers in respect to controlling access to "public works" that would be extremely helpful in reinforcing the existing legal authority for police officers to control the security perimeter. Those powers include requiring persons entering the public work to identify themselves and state their purpose for entering and authority to search people and vehicles attempting to enter.

While section 1 of the PWPA contains a general definition of "public work", clause (c) of the definition also authorizes the Lieutenant Governor in Council to designate any "building, place or work" as a public work for the purposes of the statute. Consequently, we request the Lieutenant Governor in Council to designate the area of, or highways within, the intended security perimeter as a public work for the period from June 21, 2010 through the end of the Summit on June 27, 2010. This would provide valuable additional support for the Integrated Security Unit and the Toronto Police Service's efforts to ensure a firm legal basis for the exercise of the powers necessary to protect the Summit attendees and to provide the high level of security required for this event.

As noted above, control of access to the secured zone is currently intended to be limited to the two days of the Summit. However, the request for the designation of the secured zone as a public work for the longer period of time is designed to ensure that there is a firm legal basis for controlling access to the perimeter, if increased security concerns require a longer period of restricted access.

We appreciate your support for the security efforts for the Summit. We would be pleased to provide you or your staff with any additional information required to support the requested designation.

Yours truly,



William Blair, O.O.M.
Chief of Police

WB:jw

cc: Mr. Glenn Murray, Assistant Deputy Minister
Policy and Strategic Planning Division

APPENDIX "A"

The requested area to be designated as a public work under the *Public Works Protection Act* is as follows:

1. S/E corner of Blue Jay Way and Front St. West travelling east on Front St W. In the middle of the road to Windsor St.
2. North on Windsor St. on the east sidewalk to Wellington St.
3. East on Wellington St. in the middle of the road to Bay St.
4. South on Bay St. in the middle of the road to Front St. W.
5. West on Front St W. along the south curb to York St.
6. South on York St. in the middle of the road to Bremner Blvd.
- 6A. A separate fence corridor has been placed on the west curb of York St. from Station St. to the bottom of the GO Transit Team way which is north of Bremner Blvd.
7. West on Bremner Blvd. In the middle of the road to Lower Simcoe Rd.
8. South on Lower Simcoe Rd. to the Lake Shore Blvd W. (The fence travels on the north bound lanes of Lower Simcoe rather than the middle of the road.
9. West on Lake Shore Blvd W. on the north boulevard/grass area to Rees St.
10. North on Rees St. in the middle of the road to Bremner Blvd.
11. East on Bremner Blvd to the CN Tower.

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APPENDIX 4

War Gravity Reflected In Legislature Opening

Stripped of much ceremonial and geared to wartime directness of action, the Ontario Legislature met in extraordinary session yesterday and brushed tradition aside to clear decks for immediate action on measures designed to assist in the successful prosecution of a struggle in which Canada has already been involved for more than a week.

The grim determination of a Legislature united to meet a common danger was reflected in the guards of honor in service dress mounted at Queen's Park. The effect was heightened when Lieutenant-Governor Albert Matthews ascended the Speaker's dais to deliver the shortest Speech from the Throne in Ontario's history. And full realization of the emergency was demonstrated when, on a special motion sponsored by Premier Hepburn and Hon. George A. Drew, Leader of the Opposition, the House unanimously suspended debate on the Speech from the Throne.

As a result of this unprecedented action, the Legislature heard only addresses from the Prime Minister and the Leader of the Opposition, before plunging into the broadest program of non-contentious legislation ever presented at a single session in the history of the Province.

Traditional military courtesies were extended to the Lieutenant-Governor when he arrived to open the emergency session at 3 o'clock, but the blaze of color usually associated with the function was missing. In its place was the sombre directness of wartime, without ostentation or show.

His Honor wore morning clothes in place of the Windsor uniform, and the aides-de-camp, like the travelling escort of Dragoons and the guard of honor, wore service dress.

A guard of honor of the Toronto Scottish Regiment (M.G.), 100 strong, under command of Captain Mackenzie Robinson, was mounted before the entrance to the Legislative Buildings half an hour before the Lieutenant-Governor arrived. In full battle order, the guard was drawn up in review, with bayonets fixed. At the rear of the buildings, a saluting battery of the 23rd Medium Battery, R.C.A., was posted to render the twenty-one gun Royal salute which heralded the Lieutenant-Governor's arrival.

The Lieutenant-Governor, accompanied by his aides-de-camp, along with Brigadier R. A. Alexander and Colonel S. A. Lee of Military District Headquarters, arrived at Queen's Park shortly before 3 o'clock, escorted by a squadron of the Royal Canadian Dragoons. The officers wore service dress with slacks and carried no swords, but the gleam of sabres in the ranks of the mounted escort and the glint of 100 bayonets were silent reminders of the significance of the occasion.

Evidence of Co-operation.

Evidence of the close co-operation between Government and Opposition, which had featured preliminary arrangements for the emergency session, was seen on the floor of the House a few minutes before the Lieutenant-Governor arrived, when Colonel Drew, on entering the chamber, strode directly across to the desk of Premier Hepburn and stood for several minutes conferring with the Premier and Attorney-General Conant.

The spirit of unanimity was voiced in the brief Throne Speech, when His Honor offered commendation of "the instant co-operation and assistance rendered by the Honorable Leader of the Opposition to the Government in the common cause in which we are now engaged."

The speech itself contained less than 500 words, briefly summarizing the measures "designed to increase agricultural and industrial production, and for the protection of our vital public works and services" which would be presented by the Government. The bill to amend the Succession Duty Act was mentioned only after all war measures had been described.

With less than 200 spectators in the galleries, which normally are crowded to overflowing on such an occasion, the Chamber reflected both the gravity of the situation and the singleness of purpose that united both sides of the House in a common desire to put Ontario on a war footing.

Convening for the first time since they sat in the Chamber to receive the King and Queen last May, members found their memories of that occasion awakened by the very nature of their surroundings. The Royal red carpet and the bright draperies, hung in preparation for the visit of Their Majesties remained an eloquent reminder of the pledge of loyalty and allegiance they had unanimously passed at the last session. The Speech from the Throne recalled that this pledge, extended once in principle, was to find concrete expression in the legislative measures they had assembled to consider.

Text of Throne Speech.

Text of the Throne Speech was as follows:

Mr. Speaker and Gentlemen of the Legislative Assembly:

We meet today under circumstances of the utmost gravity. The possibility of war, in which we are now engaged, was fully realized and debated by you at the last session, when you passed unanimously a resolution calling, in such event, for the complete mobilization of all our resources.

Legislation calculated to give effect to the determination then expressed will be immediately submitted to you. You will be asked to pass measures designed to increase agricultural and industrial production, and for the protection of our vital public works and services. Our great power resources will be a major asset in the production of war equipment, and authority will accordingly be sought for the adequate control of current by the Hydro-Electric Power Commission. Another measure will provide for closer supervision of municipal expenditures.

Due to the enlistment of men, various acts will require amendment, such as provision for the transfer of trusteeships; protection of interests in mining claims; and the vesting in certain military officers of power to take affidavits which will be admissible in court. Amendments to the Corporations Tax Act and the Income Tax Act, in relation to patriotic gifts, will also be submitted.

As you are aware, the administration of the Succession Duty Act in certain details has recently been impaired by the courts. The necessity for the act to function as it was intended, particularly in view of the financial strain to which the Province will be subjected under war conditions, is now greater than ever, and the bill which will be presented to you is intended to remove all doubt as to the validity, scope and effect of the act, and establish once and for all the absolute right of the Treasury Department to investigate where fraud is suspected.

I am confident that these and other measures designed to allow Ontario to play the most effective possible role in the successful prosecution of the war will receive your earnest consideration. In this connection, I would commend most heartily the instant co-operation and assistance rendered by the honorable Leader of the Opposition to the Government, in the common cause in which we are now all engaged.

In conclusion, I am happy to inform you that, although additional expenditures have already been incurred owing to the war, the strictest economy is being observed in all departments and no further financial provision is required at the present time for carrying on the af-

Anti-Sabotage Army Will Cost Province \$1,500,000, House Told

Drew Criticizes Ottawa for Lack of Guard as Conant Lists Efforts

HEPBURN REGRETFUL

Unless Ottawa reverses its present policy and provides guards from the defense forces for anti-sabotage duties at hydro plants and works, both publicly and privately owned, and all linked with vital war production and services, the Province during the coming year will have to foot a bill for its "private army" of upwards of \$1,500,000, Hon. Gordon Conant, Attorney-General, yesterday revealed in the Legislature.

The Attorney-General's statement came after the Federal Administration's alleged failure to provide for Canada's defense internally, as well as on her borders, was attacked by Colonel George Drew, Conservative Leader, as he denounced the necessity of placing upon the statutes a bill to provide for the protection of public works.

Added to his criticism was the declaration by Premier Hepburn that he had "exhausted his persuasive powers" upon the Defense Minister and his colleagues in an attempt to impress upon them the necessity of detaching the militia, as it was detailed during the Great War, to essential guard duties.

"No one regrets more than I the necessity of appointing a private army," said the Premier.

Attorney-General Conant, in summary of the Government's efforts to guard the hydro and industry, upon which a vital part of Ontario's contribution is based, said that up to the moment, 737 veterans and 146 reserve constables have been placed on duty at a cost of \$76,476.

He forecast that a force of 1,000 men would have to be drafted to place an effective guard upon essential properties, and, in addition, he pointed out that since February, when the need of guarding against saboteurs became pressing, the Hydro alone had spent \$300,000 in protection of its plants.

"We cannot do it with the effectiveness of the militia," he said, "but we will guard these properties somehow."

Colonel Drew, with considerable heat, placed the issue squarely before the members, when he said: "It is for this House to say that when the nation is at war, any plants or properties which may be the objective of enemy activity should be guarded by the Dominion Government, and not by private armies."

And again, he stressed: "This has raised a constitutional issue of vital importance. I am not extravagant when I say that not since 1867 has there been a more vital constitutional question, in the situation that the Province and the municipalities should set up their own private armies."

Agrees With Act.

Colonel Drew, in introducing the issue, said he agreed with the act and would support it. He stressed there was little possibility of attack on the country except by either submarine or air, but, when the country was at war, it was necessary to protect hydro, the railways, public works and industries linked with war production.

He made it clear that it was only after he had learned that it was against Ottawa's policy to furnish military units for guard duty he had raised the question. "If one of these hydro plants were destroyed by bombs or by explosives carried into the plant by workmen, it might throw out of operation the source of energy for thousands of industrial plants and these plants might be out of commission for the most important year of the war," he said.

"May I say that in nothing I commend the Premier so highly as the way that he has taken hold of this thing and has refused to let this thing bind him. We can't ignore this thing. Ontario has its own private army. Furthermore, the Dominion authorities have designated points which are to be guarded at their own expense. By no principle of sovereignty can there be any justification for the provision of private armies."

He declared that the Province's guards were not under military discipline and had not the right to use the weapons which were given to them. He warned that a critical jurisdictional question might be raised if a guard in the performance of his duties killed a man.

Would Concern Empire.

If the Queenston plant were destroyed, Colonel Drew argued, it did not concern Ontario alone, but all Canada, the Empire and the Empire's allies. "I say the duty of protecting the plants should be under the best trained men we have," he added. "Men who carry rifles which are made to kill should be under exacting discipline and the restraint and discipline that is given only by severe army training."

"It is the duty of the House to pass this act without question because we must have some provision that the men who are armed are under some restriction."

In facts and in figures and supported by a correspondence file which contained secret data, from Ottawa, Attorney-General Conant outlined the vain steps which the Ontario Government had taken to secure aid from Ottawa. On Aug. 26, he said, Commissioner Wood of the R.C.M.P., reported to him conditions were sufficiently alarming as to warrant precautionary measures. In February, he said, the Government was given the impression

that if hostilities broke out, Ottawa would assume the guard duty. On Aug. 29, Premier Hepburn and the Attorney-General flew to Ottawa, conferred with Hon. Ian Mackenzie, Minister of National Defense, and pleaded with him that the setting up of guards was a national duty and that the Province by law was not allowed to set up a military force.

Told "Policy Unchanged."

He described the Minister as being "surprised" to learn of some of the activities of his department during the Great War in guarding power plants. He revealed that between Sept. 5 and Sept. 17, the Ontario Government had been in constant communication with Ottawa, seeking a declaration of policy, and on Sept. 18 was advised that the "policy is unchanged," and that the Department of National Defense would undertake to guard only those points directly affecting the department.

Colonel Drew has performed a service to this country, and I support all he has said," said the Attorney-General. "If the Federal authorities could only be made to see the absurdities of the position—of the need of building up an army in Ontario."

The Premier, joining in the debate at the last, declared he had always felt that in event of war the Dominion Government would take over the guarding of the plants as they did in 1914-18. "The greatest service a Nazi sympathizer could do would be to destroy these plants," he said.

He then revealed what to him and to his Government was a heart-break. While Ontario was protecting its side of the Chats Falls development on the Ottawa River, the plant on the Quebec side was left unguarded.

DREW DEMANDS OTTAWA ACCEPT ONUS OF GUARD

Urges House Protest
as New Minister Says
Position Is Unchanged

CONANT GETS WIRE

Persistent refusal of Ottawa to assume through the Defense Department the responsibility of guarding utilities and industries essential to war production again yesterday invoked sharp criticism in the Ontario Legislature and brought from Colonel George Drew, Conservative Leader, demand that the House make formal protest to Defense Minister Norman Rogers.

The debate ended only after Colonel Fraser Hunter (Lib., St. Patrick), in a heated assertion that it was not incumbent upon members to cease criticism of administrative policies when criticism was due, demanded that "men in charge of defense carry out their duties. And, if I am doing anything wrong, let the Minister of Defense arrest me at my seat."

The only person who had any real authority in wartime duty, he said, was the man who wore the uniform of his country. He turned to Mr. Rogers' statement. "He speaks," he said, "of commitments, of sending a couple of divisions overseas. I will tell the Minister of Defense that, before the war ends, we will be sending half a million men."

Hon. Gordon Conant, Attorney-General, revealed that Tuesday's shake-up in the Federal Cabinet and the transfer of Mr. Rogers from the Department of Labor to the defense post had failed to bring with it a change of policy in the home defense issue.

Wires New Minister.

Mr. Conant stated he had wired immediately to the new Defense Minister. His wire and Mr. Rogers' reply follows:

To Mr. Rogers: "Please advise by wire whether your Government still declines protection of vital Hydro plants and other public works as indicated in Hon. Mr. Mackenzie's last telegram to me of the eighteenth instant and in previous communication. Matter most urgent on account of organization and plans necessary to meet impending weather conditions."

To Mr. Conant: "Statement made by Mr. Mackenzie in telegram of eighteenth instant was made with authority of Government and position has not been changed. I feel sure you will accept division of responsibility for protection previously stated as fair and reasonable, in view of large commitments assumed by Dominion Government in

announcement made this morning."

Mr. Conant said no person representing the Ontario Government had ever suggested to Ottawa that the division of responsibility cited by Mr. Rogers was "fair and reasonable." "I state once more," he added, "if it is necessary to do so, that this Government has done everything it could to have these duties performed by the proper authority."

Says Issue Paramount. ☺

Colonel Drew, who at Tuesday's opening sitting of the special session, led off the attack against the Federal policy, commended Mr. Conant for having expressed so promptly to Mr. Rogers the feeling of the Legislature. The Defense Minister's reply, he said, was one which could not be passed over without comment, and he declared that the cost to the Province, estimated at upwards of \$2,000,000 for the first year, not counting cost to municipalities and to private enterprise, was secondary to the main constitutional issue raised by the necessity of the Province to raise a private army for internal defense.

"The question," he declared, "is whether or not there are to be nine separate sovereignties with separate armies or one defense force prepared to wage war inside as well as outside Canada's borders. There

should be a clear expression of a formal character from this House. The issue must not be left where it is at the present time. Every day that is passing must of necessity show an increase in our irregular armed forces."

Colonel Drew stressed that he did not mean to convey the impression that the veterans, who were serving as guards, were irresponsible. He said he had confidence in the Government's action and knew that the men were under the control of an "extremely able officer, Major C. B. Lindsey."

HOUSE WARNED OF DEVELOPING HITLERISM HERE

Roebuck, Croll Caution
Against Too Wide Curb
Upon Public Meetings

BILL TO BE ALTERED

While ten Government bills, framed to meet wartime emergencies, were sped through second reading and committee stage in the Legislature yesterday, after House rules had been suspended to spur their passage, an eleventh measure, dealing with public meetings and processions, encountered stiff opposition from two Liberal members and was held over for amendments suggested by A. W. Roebuck and David Croll.

The bill, introduced by Attorney-General Gordon Conant, would make illegal the holding of public meetings in public places unless permits were obtained from municipal authorities. While members of the Legislature voiced approval of its principle, warm debate centred around its phrasing and its application.

Mr. Roebuck, former Attorney-General, cautioned the House against allowing itself to be "tempted to set aside our bulwarks of freedom." In getting rid of Hitlerism abroad, he said, the Legislature should be sure that it did not develop Hitlerism at home.

Would Protect Thought.

"In time of war," he said, "we must give up the individuality which is our pride and boast in peacetime. We must give up many of our comforts, much of our freedom and even life itself if need be. But one of our most prized institutions has always been the right of public assembly, and in considering this bill we must be careful that we do not suppress that individual thought and criticism that is so necessary to our welfare. If you prevent the functioning of democratic thought, you are playing into the hands of the subversive elements in our community."

Referring to a clause of the bill defining a public place as "any public park, garden, square, court, bridge, highway, road, alley or passage," Mr. Roebuck said that the meaning was not clear.

"According to the literal application of that clause," he said, "if my friend the Attorney-General and I have a talk in our garden we would have to ask General Draper for a permit first. There is nothing to show that 'public garden' is meant."

Inserts Ten "Publics."

Mr. Conant said he was willing to put the word "public" before each of the places referred to, and introduced an amendment inserting ten "publics" in the defining clause.

"This bill is not the monster it has been painted," he said. "It doesn't affect the right of public assembly in any way. The City of Toronto asked for it in the first place and it might be termed a sort of local option bill. It will only apply in the municipalities which want it. There are many who would make it more rigid than at present. Only today the Mayor of Toronto telephoned me and asked if I would be disposed to make it apply to Massey Hall and other public buildings. That I was not in favor of doing."

Mr. Croll pointed out that there was nothing in the bill to suggest local option and asked that the bill be revised to make this phase perfectly clear. The Attorney-General concurred in his suggestion and the bill was held over in committee stage until amendments could be drafted.

PROVINCE WILL PRESS OTTAWA FOR GUARD AID

Hepburn, Drew and Two
Others to Visit Capital
to Ask Share Be Done

DECISION IN HOUSE

Premier Hepburn and Col. George Drew, Ontario Conservative Leader, and a representative from each party in the Legislature will go to Ottawa early next week, renew their pledges of Ontario's assistance in the prosecution of the war and in turn press for Defense Department aid in guarding essential Provincial and municipal public works and private plants against sabotage attempts.

The Premier last night said the formation of the committee which is to be set up for mobilizing Ontario's resources, under the Organization of Resources Act passed at the special session just closed, will not be completed until after the Ottawa visit.

"We will go down there and find out everything that is required and we will base everything on that information," he said.

The committee, under the act, is to be composed of Hon. Albert Matthews, Lieutenant-Governor; Premier Hepburn, Colonel Drew "and such other persons as may be appointed under the provisions of this act."

Resolution Presented.

Decision to hold the Ottawa conference was made in the Legislature yesterday when Colonel Drew presented a resolution asking that the Department of National Defense assume responsibility for the protection of all power plants, public works and other services essential to the effective prosecution of the war and that the "Department of Defense should provide the military forces now being recruited in Ontario with clothing, supplies and proper accommodation without further delay."

The resolution was seconded by Colonel Thomas Kennedy (Cons., Peel). Immediately it was presented Colonel Fraser Hunter (Lib., St. Patrick) leaped to his feet. "I strongly object for reasons of public policy any such resolution being placed before the House on the grounds that it is out of order."

"I have no intention of discussing the contents of the resolution," said the Premier, "except to make an alternative suggestion which I hope will meet the approval of the House. We want to do our share and at the same time do nothing that will give any comfort to our

He then proposed to set up a committee, composed of Colonel Drew and himself and two members, one from each party.

"We will discuss ways and means," he said. "We want to do our part and will expect the Dominion to do its share and to shoulder its responsibility in order to make Canada's cause victorious in a war that is unjust."

Colonel Drew accepted the suggestion, and dropped his resolution but said it dealt with matters which should receive immediate attention. "We are directly concerned about men actually sleeping under conditions which we would not tolerate for the unemployed and the situation is that we in Ontario have the right to say that if should not be tolerated," he said.

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 5

Foreign Missions and International Organizations Act

S.C. 1991, c. 41

Assented to 1991-12-05

An Act respecting the privileges and immunities of foreign missions and international organizations

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Foreign Missions and International Organizations Act*.

INTERPRETATION

Definitions

2. (1) In this Act,

"accredited mission"
« *mission accréditée* »

"accredited mission" means a permanent mission of a foreign state that is accredited to an international organization headquartered in Canada;

"international organization"
« *organisation internationale* »

"international organization" means an intergovernmental organization, whether or not established by treaty, of which two or more states are members, and includes an intergovernmental conference in which two or more states participate;

"political subdivision"
« *subdivision politique* »

"political subdivision" means any province, state, territory, dependency or any other similar subdivision of a state.

Meaning of "reasonable period" and "reasonable time"

- (2) The expression

- (a) "reasonable period" in paragraph 2 of Article 9 of the Vienna Convention on Diplomatic Relations, set out in Schedule I, and

- (b) "reasonable time" in paragraph 2 of Article 23 of the Vienna Convention on Consular Relations, set out in Schedule II,

shall be read as a reference to a period, not exceeding ten days, commencing on the day on which notice is given that a person is *persona non grata* or not acceptable.

Meaning of "reasonable period"

- (3) The expression "reasonable period" in paragraphs 2 and 3 of Article 39 of the Vienna Convention on Diplomatic Relations and paragraphs 3 and 5 of Article 53 of the Vienna Convention on Consular Relations shall be read as a reference to a period, not exceeding ten days, commencing

- (a) in the cases of paragraph 2 of Article 39 and paragraph 3 of Article 53, on the day on which

the functions of a person enjoying privileges and immunities have come to an end, which day shall be set out in a notice given to the Minister of Foreign Affairs by the foreign diplomatic mission or consular post with which the person was connected; and

(b) in the cases of paragraph 3 of Article 39 and paragraph 5 of Article 53, on the day determined by the Minister of Foreign Affairs.

Meaning of "grave crime"

(4) The reference in paragraph 1 of Article 41 of the Vienna Convention on Consular Relations to a "grave crime" shall be construed as a reference to any offence created by an Act of Parliament for which an offender may be sentenced to imprisonment for five years or more.

1991, c. 41, s. 2; 1995, c. 5, s. 25; 2002, c. 12, s. 1.

PART I

FOREIGN DIPLOMATIC MISSIONS AND CONSULAR POSTS

Conventions on diplomatic relations and consular relations

3. (1) Articles 1, 22 to 24 and 27 to 40 of the Vienna Convention on Diplomatic Relations, and Articles 1, 5, 15, 17, 31 to 33, 35, 39 and 40, paragraphs 1 and 2 of Article 41, Articles 43 to 45 and 48 to 54, paragraphs 2 and 3 of Article 55, paragraph 2 of Article 57, paragraphs 1 to 3 of Article 58, Articles 59 to 62, 64, 66 and 67, paragraphs 1, 2 and 4 of Article 70 and Article 71 of the Vienna Convention on Consular Relations, have the force of law in Canada in respect of all foreign states, regardless of whether those states are parties to those Conventions.

Limitation

(2) Article 58 of the Vienna Convention on Consular Relations has effect as if it contained references to only those provisions of that Convention that are given the force of law by subsection (1).

Privileges, immunities and benefits

4. (1) For the purpose of according to the diplomatic mission and consular posts of any foreign state, and persons connected therewith, treatment that is comparable to the treatment accorded to the Canadian diplomatic mission and Canadian consular posts in that foreign state, and persons connected therewith, the Minister of Foreign Affairs may, by order, with respect to that state's diplomatic mission and any of its consular posts, and any person connected therewith,

(a) extend any of the privileges and immunities accorded thereto under section 3, other than duty and tax relief privileges;

(b) grant thereto any of the benefits set out in the regulations;

(c) withdraw any of the privileges, immunities and benefits accorded or granted thereto; and

(d) restore any privilege, immunity or benefit withdrawn pursuant to paragraph (c).

Duty and tax relief privileges

(2) For the purpose of according to the diplomatic mission and consular posts of any state, and persons connected therewith, duty and tax relief privileges that are comparable to the duty and tax relief privileges accorded to the Canadian diplomatic mission and Canadian consular posts in that state, and persons connected therewith, the Governor in Council, on the joint recommendation of the Minister of Foreign Affairs and the Minister of Finance, may, by order, with respect to that state's diplomatic mission and any of its consular posts, and any person connected therewith,

(a) extend any of the duty and tax relief privileges accorded thereto under section 3; and

(b) grant thereto any duty or tax relief privilege not provided for in the Vienna Convention on Diplomatic Relations or in the Vienna Convention on Consular Relations.

Idem

(3) For the purpose of according to the diplomatic mission and consular posts of any foreign state, and persons connected therewith, duty and tax relief privileges that are comparable to the duty and tax relief privileges accorded to the Canadian diplomatic mission and Canadian consular posts in that foreign state, and persons connected therewith, the Minister of Foreign Affairs may, by order, with respect to that foreign state's diplomatic mission and any of its consular posts, and any person connected therewith,

(a) withdraw any duty or tax relief privilege accorded thereto under section 3 or by an order made under subsection (2); and

(b) restore any duty or tax relief privilege withdrawn pursuant to paragraph (a).

Detention of goods

(4) The Minister of Foreign Affairs may, by order, authorize the detention by officers under the *Customs Act* of goods imported by a diplomatic mission or consular post of a foreign state for any period during which, in the opinion of the Minister, the foreign state applies any of the provisions of the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations restrictively with the result that the privileges and immunities accorded to that state's diplomatic mission and consular posts in Canada exceed those accorded to a Canadian diplomatic mission and Canadian consular posts in that foreign state.

1991, c. 41, s. 4; 1995, c. 5, s. 25; 2002, c. 12, s. 2.

PART II

INTERNATIONAL ORGANIZATIONS

Privileges and immunities

5. (1) The Governor in Council may, by order, provide that

(a) an international organization shall have the legal capacities of a body corporate;

(b) an international organization shall, to the extent specified in the order, have the privileges and immunities set out in Articles II and III of the Convention on the Privileges and Immunities of the United Nations, set out in Schedule III;

(b.1) subject to subsection (1.2), accredited missions shall, to the extent specified in the order, have privileges and immunities comparable to the privileges and immunities accorded to diplomatic missions of foreign states in Canada under the Vienna Convention on Diplomatic Relations;

(c) representatives of a foreign state that is a member of or participates in an international organization shall, to the extent specified in the order, have the privileges and immunities set out in Article IV of the Convention on the Privileges and Immunities of the United Nations;

(d) representatives of a foreign state that is a member of an international organization headquartered in Canada, and members of their families forming part of their households, shall, to the extent specified in the order, have privileges and immunities comparable to the privileges and immunities accorded to diplomatic representatives, and members of their families forming part of their households, in Canada under the Vienna Convention on Diplomatic Relations;

(e) members of the administrative and technical staff, and members of their families forming part of their households, and the service staff of the mission of a foreign state that is a member of an international organization headquartered in Canada, other than persons who are Canadian citizens or permanent residents of Canada, shall, to the extent specified in the order, have privileges and immunities comparable to the privileges and immunities accorded to such persons under the Vienna Convention on Diplomatic Relations;

(f) such senior officials of an international organization as may be designated by the Governor in Council, and, in the case of an international organization headquartered in Canada, members of

their families forming part of their households, shall, to the extent specified in the order, have privileges and immunities comparable to the privileges and immunities accorded to diplomatic agents, and members of their families forming part of their households, under the Vienna Convention on Diplomatic Relations;

(g) such other officials of an international organization as may be designated by the Governor in Council shall, to the extent specified in the order, have the privileges and immunities set out in Section 18 of Article V of the Convention on the Privileges and Immunities of the United Nations;

(h) such experts as may be designated by the Governor in Council who perform missions for an international organization shall, to the extent specified in the order, have the privileges and immunities set out in Article VI of the Convention on the Privileges and Immunities of the United Nations;

(h.1) such other classes of persons as may be designated by the Governor in Council who, in accordance with a treaty, convention or agreement set out in Schedule IV, are entitled to privileges and immunities, and members of their families forming part of their households, shall, to the extent specified in the order, have privileges and immunities comparable to the privileges and immunities accorded to diplomatic agents, and members of their families forming part of their households, under the Vienna Convention on Diplomatic Relations; and

(i) the judges, officials and staff of the International Criminal Court, as defined in subsection 2(1) of the *Crimes Against Humanity and War Crimes Act*, and counsel, experts, witnesses and other persons required to be present at the seat of that Court shall have the privileges and immunities set out in article 48 of the Rome Statute, as defined in that subsection, and the agreement on privileges and immunities contemplated in that article.

Retroactive order

(1.1) An order made under paragraph (1)(b) or subsection 6(2) that has the effect of granting to an international organization or to an office of a political subdivision of a foreign state, as the case may be, any duty or tax relief privileges may, in relation to those privileges, if it so provides, be made retroactive.

Duty and tax relief privileges — accredited missions

(1.2) An order made under paragraph (1)(b.1) may restrict or withdraw any duty or tax relief privileges in relation to a particular accredited mission for the purpose of according to that accredited mission treatment that is comparable to the treatment accorded by the foreign state in question to a Canadian permanent mission that is accredited to an international organization in that foreign state.

Retroactive order

(1.3) An order made under paragraph (1)(b.1) that has the effect of granting to an accredited mission of the International Civil Aviation Organization any tax relief privileges in relation to Part IX of the *Excise Tax Act* may, in relation to those privileges, if it so provides, be made retroactive and have effect with respect to any period beginning on January 1, 1991 at the earliest and ending on December 31, 2000 at the latest.

Recommendation

(2) Every order under subsection (1) that has the effect of granting duty or tax relief privileges shall be made on the joint recommendation of the Minister of Foreign Affairs and the Minister of Finance.

No tax exemption to Canadians residing in Canada

(3) Nothing in any order made under subsection (1) exempts a Canadian citizen, residing or ordinarily resident in Canada, from liability for any taxes or duties imposed by any law in Canada.

Immigration restrictions

(4) In the event of an inconsistency or conflict between an order made under subsection (1) and any of sections 33 to 43 of the *Immigration and Refugee Protection Act*, the order prevails to the extent of the inconsistency or conflict.

1991, c. 41, s. 5; 1995, c. 5, s. 25; 2000, c. 24, s. 54; 2002, c. 12, ss. 3, 10.

PART III

POLITICAL SUBDIVISIONS OF FOREIGN STATES

Privileges, immunities and benefits

- 6. (1)** Subject to subsections (3) and (4), the Minister of Foreign Affairs may, by order,
- (a) grant to the office of a political subdivision of a foreign state, and to any person connected with that office, any of the privileges and immunities accorded under section 3 to consular posts, and to persons connected with those posts, other than duty and tax relief privileges;
 - (b) extend any of the privileges and immunities granted under paragraph (a) to that office, and to any person connected with it;
 - (c) grant to that office, and to any person connected with it, any of the benefits set out in the regulations;
 - (d) withdraw any of the privileges, immunities or benefits granted under this subsection or subsection (2); and
 - (e) restore any privilege, immunity or benefit withdrawn under paragraph (d).

Duty and tax relief privileges

- (2) Subject to subsections (3) and (4), on the joint recommendation of the Minister of Foreign Affairs and the Minister of Finance, the Governor in Council may, by order,
- (a) grant to the office of a political subdivision of a foreign state, and to any person connected with that office, any of the duty and tax relief privileges accorded under section 3 to consular posts and to persons connected with those posts;
 - (b) extend any of the duty and tax relief privileges provided for in the Vienna Convention on Consular Relations that have been granted to that office, and to any person connected with it; and
 - (c) grant to that office, and to any person connected with it, any duty or tax relief privilege not provided for in the Vienna Convention on Consular Relations.

Condition

(3) Before the Minister makes an order under subsection (1) or the Governor in Council makes an order under subsection (2), the Minister or the Governor in Council, as the case may be, must be of the opinion that the office of the political subdivision of the foreign state performs, in Canada, duties that are substantially the same as the duties performed in Canada by a consular post as defined in Article 1 of the Vienna Convention on Consular Relations.

Purpose of orders

- (4) An order made under subsection (1) or (2) must be for the purpose of according to the office of the political subdivision of the foreign state, and to any person connected with the office, treatment that is comparable
- (a) to the treatment accorded to the office of a Canadian political subdivision in the foreign state, and to persons connected with that office; or
 - (b) if there is no office of a Canadian political subdivision in the foreign state, to the treatment that, in the opinion of the Minister or the Governor in Council, as the case may be, would, on the basis of assurances offered by that foreign state, be accorded to an office of a Canadian political

subdivision in that foreign state, and to persons connected with that office.

Premises and archives

(5) The Minister of Foreign Affairs may, by order, grant to the office of a political subdivision of a foreign state, and to the archives of that office, any of the immunities accorded to consular premises and consular archives by the Vienna Convention on Consular Relations for the purpose of according to that office treatment that is comparable

(a) to the treatment accorded to the office of a Canadian political subdivision in the foreign state; or

(b) if there is no office of a Canadian political subdivision in the foreign state, to the treatment that, in the opinion of the Minister, would, on the basis of assurances offered by that foreign state, be accorded to an office of a Canadian political subdivision in that foreign state.

1991, c. 41, s. 6; 1995, c. 5, s. 25; 2002, c. 12, s. 4.

PART IV GENERAL OFFENCES

Premises

7. Everyone who represents any premises in Canada as a diplomatic mission or a consular post, or as an office of a political subdivision of a foreign state, where those premises do not constitute

(a) a diplomatic mission established in accordance with Article 2 of the Vienna Convention on Diplomatic Relations,

(b) a consular post established in accordance with paragraph 1 of Article 4 of the Vienna Convention on Consular Relations, or

(c) an office of a political subdivision of a foreign state,

as the case may be, commits an offence.

Punishment

8. Everyone who commits an offence under section 7

(a) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months, or to both; or

(b) is guilty of an indictable offence and is liable to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years, or to both.

Consent of Attorney General of Canada required

9. Proceedings in respect of an offence under section 7 may not be instituted without the consent of the Attorney General of Canada.

Forfeiture on conviction

10. (1) Where a person has been convicted of an offence under section 7, the court may, in addition to any other punishment imposed, order that any thing or document by means of or in relation to which the offence was committed that was seized in connection with proceedings instituted with respect to that offence be forfeited to Her Majesty in right of Canada.

Disposal of forfeited items

(2) Any thing or document forfeited under subsection (1) may be disposed of in such manner as the Minister of Foreign Affairs may direct.

1991, c. 41, s. 10; 1995, c. 5, s. 25.

SECURITY OF INTERGOVERNMENTAL CONFERENCES

Role of RCMP

10.1 (1) The Royal Canadian Mounted Police has the primary responsibility to ensure the security for the proper functioning of any intergovernmental conference in which two or more states participate, that is attended by persons granted privileges and immunities under this Act and to which an order made or continued under this Act applies.

Powers of RCMP

(2) For the purpose of carrying out its responsibility under subsection (1), the Royal Canadian Mounted Police may take appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances.

For greater certainty

(3) The powers referred to in subsection (2) are set out for greater certainty and shall not be read as affecting the powers that peace officers possess at common law or by virtue of any other federal or provincial Act or regulation.

Arrangements

(4) Subject to subsection (1), to facilitate consultation and cooperation between the Royal Canadian Mounted Police and provincial and municipal police forces, the Minister of Public Safety and Emergency Preparedness may, with the approval of the Governor in Council, enter into arrangements with the government of a province concerning the responsibilities of members of the Royal Canadian Mounted Police and members of provincial and municipal police forces with respect to ensuring the security for the proper functioning of a conference referred to in that subsection.

2002, c. 12, s. 5; 2005, c. 10, s. 34.

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 6

Ministry of Community Safety
and Correctional Services

Office of the Deputy Minister
Community Safety

25 Grosvenor Street
11th Floor
Toronto ON M7A 1Y6
Tel: 416-326-5060
Fax: 416-327-0469

Ministère de la Sécurité communautaire et
des Services correctionnels

Bureau du sous-ministre
Sécurité communautaire

25, rue Grosvenor
11^e étage
Toronto ON M7A 1Y6
Tél. : 416-326-5060
Télééc. : 416-327-0469



CU10-01973

May 7, 2010

Mr. William V. Baker
Deputy Minister
Public Safety Canada
Room 19B -1900
269 Laurier Avenue West
Ottawa ON K1A 0P8

Dear  Deputy Minister:

Re: Agreement in relation to Policing Responsibilities for the G8 and G20 Summits

As you know, the federal *Foreign Missions and International Organizations Act* (FMIOA) confers upon the Royal Canadian Mounted Police (RCMP) the primary responsibility for ensuring the security of intergovernmental conferences as set out in the act.

Subsection 10.1(4) permits the Minister of Public Safety, with the approval of the Governor in Council, to enter into arrangements with the government of a province concerning the responsibilities of members of the RCMP and members of provincial and municipal police forces.

The G8 and G20 summits taking place this June, in Huntsville and Toronto respectively, are conferences to which the FMIOA applies. The planning for security at these summits is, of course, already well underway. It is my firm view that the provision of security at these summits would be enhanced by the existence of an agreement pursuant to subsection 10.1(4).

Officials from Ontario and Canada are currently discussing the proposed scope and terms of the agreement. With June fast approaching, officials from the Ministry of Community Safety and Correctional Services are prepared to work expeditiously with their federal counterparts to prepare a suitable draft for our respective ministers to sign. I trust that you would support the proposal for such an agreement and I look forward to hearing from you about it.

Yours truly,


John S. Burke
Deputy Minister of Community Safety

c: OPP Commissioner Julian Fantino
RCMP Commissioner William J.S. Elliott

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

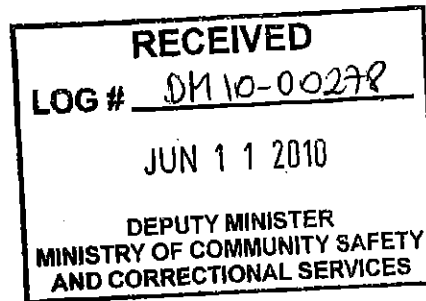
APPENDIX 7



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8



Mr. John Burke
Deputy Minister
Community Safety
25 Grosvenor Street
11th Floor
Toronto, Ontario M7A 1Y6

Dear Mr. Burke:

Thank you for your correspondence of May 7, 2010, in relation to the *Foreign Missions and International Organizations Act* (FMIOA).

Consultation and cooperation between all security partners is, of course, critical for the success of the upcoming G8 and G20 Summits. Extensive security planning has taken place over the past year and a half. As a result, security preparation efforts are well-advanced and have been tested through several formal exercises amongst the security partners. Implementation of the integrated security plan by the respective police agencies will soon take place as the Summits are unfolding shortly.

I understand that, after further assessment and extensive discussions amongst officials and security partners, it was agreed that a separate FMIOA arrangement is not required for the Summits as it would not grant further authorities to local police of jurisdiction. In addition, it was also concluded that the current suite of powers and authorities that peace officers possess at common law or by virtue of any other federal or provincial Act or regulation were sufficient for the G8 and G20 Summits. Furthermore, the premise of the FMIOA provision, upon which a separate arrangement could be based, is to facilitate consultation and cooperation between the Royal Canadian Mounted Police and provincial and municipal police forces and such consultation and cooperation is already well advanced.

.../2

To date, the support and efforts demonstrated by provincial and municipal security partners have been outstanding. The Government of Canada looks forward to continued excellent cooperation with Ontario in securing and ensuring the success of the upcoming Summits.

Sincerely,

A handwritten signature in black ink, appearing to read "William V. Baker", with a long, sweeping flourish extending to the right.

William V. Baker

c.c.: Mr. Julian Fantino
Commissioner
Ontario Provincial Police

Mr. William J.S. Elliott
Commissioner
Royal Canadian Mounted Police

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 8

Ministry of Community Safety
and Correctional Services

Ministère de la Sécurité communautaire
et des Services correctionnels

Office of the Minister

Bureau du ministre

25 Grosvenor Street
18th Floor
Toronto ON M7A 1Y6
Tel: 416-325-0408
Fax: 416-325-6067

25, rue Grosvenor
18^e étage
Toronto ON M7A 1Y6
Tél.: 416-325-0408
Télééc.: 416-325-6067



CU10-02092

JUN 15 2010

Chief William Blair
Toronto Police Service
40 College Street
Toronto ON M5G 2J3

Dear Chief Blair:

Re: *Public Works Protection Act* and the G20 Summit

Thank you for your letter of May 12, 2010, with respect to the *Public Works Protection Act* (PWPA) and the G20 Summit. I acknowledge your request that the Lieutenant Governor in Council designate the area of, or highways within, the intended security perimeter as a public work under the PWPA for the period from June 21, 2010, through the end of the Summit on June 27, 2010. You indicated in your letter that such a designation would provide additional legal support for the exercise of powers necessary to protect the Summit attendees and to provide the high level of security required for this event.

I agree that there are various sources of legal authority to support the security perimeter. I also recognize the desirability of having additional sources of legal authority to ensure clarity regarding the ability of the Toronto Police Service to take the steps that it will be taking. Accordingly, I am pleased to inform you that a regulation has been made under the PWPA in response to your request.

A copy of the regulation is attached. The regulation has been filed with the Registrar of Regulations and will come into force on June 21, 2010. The regulation will be automatically revoked on the first instant of June 28, 2010.

The unique circumstances of the Summit create many challenges. I appreciate the hard work that the Toronto Police Service is putting into ensuring appropriate security for the G20 Summit.

Sincerely,

A handwritten signature in cursive script that reads "Rick Bartolucci".

Rick Bartolucci, MPP, Sudbury
Minister

Enclosure

c: Mr. Glenn Murray, A/Assistant Deputy Minister
Policy and Strategic Planning Division

CONFIDENTIAL
Until filed with the
Registrar of Regulations

reg2010.0235.e
4-JG

ONTARIO REGULATION
made under the
PUBLIC WORKS PROTECTION ACT
DESIGNATION OF PUBLIC WORKS

Designation

1. The following are designated as public works for the purposes of the Act:

1. Everything described in clause (a) of the definition of "public work" in section 1 of the Act that is located in the area described in Schedule 1, including, without limitation and for greater certainty, every sidewalk in that area.
2. The places described in paragraphs 1, 2 and 3 of Schedule 2.

Revocation

2. This Regulation is revoked on June 28, 2010.

Commencement

3. This Regulation comes into force on the later of June 21, 2010 and the day it is filed.

SCHEDULE 1
AREA REFERRED TO IN PARAGRAPH 1 OF SECTION 1

The area in the City of Toronto lying within a line drawn as follows:

Beginning at the curb at the southeast corner of Blue Jays Way and Front Street West; then north to the centre of Front Street West; then east along the centre of Front Street West to the east curb of Windsor Street; then north along the east curb of Windsor Street to the centre of Wellington Street; then east along the centre of Wellington Street to the centre of Bay Street; then south along the centre of Bay Street to a point directly opposite the north wall of Union Station; then west along the exterior of the north wall of Union Station to the centre of York

Street; then south along the centre of York Street, continuing east of the abutments under the railway overpass, and continuing south along the centre of York Street to the centre of Bremner Boulevard; then west along the centre of Bremner Boulevard to the east curb of Lower Simcoe Street; then south along the east curb of Lower Simcoe Street to the north curb of Lake Shore Boulevard West; then west along the north curb of Lake Shore Boulevard West to the south end of the walkway that is located immediately west of the John Street Pumping Station and runs between Lake Shore Boulevard West and the bus parking lot of the Rogers Centre; then north along the west edge of that walkway to the bus parking lot of the Rogers Centre; then west along the south edge of the bus parking lot of the Rogers Centre to the west edge of the driveway running between the parking lot and Bremner Boulevard; then north along the west edge of that driveway to the north curb of Bremner Boulevard; then west along the north curb of Bremner Boulevard to the east curb of Navy Wharf Court; then north along the east curb of Navy Wharf Court to the southwest point of the building known as 73 Navy Wharf Court; then east along the exterior of the south wall of that building; then north along the exterior of the east wall of that building to the curb of Blue Jays Way; then north along the east curb of Blue Jays Way to the curb at the southeast corner of Blue Jays Way and Front Street West.

SCHEDULE 2

DESIGNATED PLACES REFERRED TO IN PARAGRAPH 2 OF SECTION 1

1. The area, within the area described in Schedule 1, that is within five metres of a line drawn as follows:

Beginning at the south end of the walkway that is located immediately west of the John Street Pumping Station and runs between Lake Shore Boulevard West and the bus parking lot of the Rogers Centre; then north along the west edge of that walkway to the bus parking lot of the Rogers Centre; then west along the south edge of the bus parking lot of the Rogers Centre to the west edge of the driveway running between the parking lot and Bremner Boulevard; then north along the west edge of that driveway and ending at Bremner Boulevard.

2. The area, within the area described in Schedule 1, that is within five metres of a line drawn as follows:

Beginning at the southwest point of the building known as 73 Navy Wharf Court; then east along the exterior of the south wall of that building; then north along the exterior of the east wall of that building and ending at the curb of Blue Jays Way.

3. The below-grade driveway located between Union Station and Front Street West and running between Bay Street and York Street in the City of Toronto.

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 9



Royal Canadian Mounted Police
Gendarmerie royale du Canada
Commanding Officer Commandant divisionnaire

130 Dufferin Avenue
P.O. Box 3240, Station "B"
London, Ontario N6A 4K3

"O" Division

June 11, 2010

TORONTO POLICE SERVICE	
OFFICE OF THE CHIEF OF POLICE	
REGISTER #	109412010
PROCESSED BY #	LP
DATE	2010.06.21

Chief William Blair
Toronto Police Service
40 College Street
Toronto, Ontario
M5G 2J3

Bill
Dear Chief Blair;

As you know, the RCMP and the TPS have been collaborating in the planning and implementation of security measures for the upcoming G-8 and G-20 Summits in Huntsville and Toronto, respectively. I am writing to you to identify the key legal authorities on which the RCMP will be relying upon in this regard.

RCMP members have general common law police powers to take all reasonable and necessary measures ancillary to their duties. In short, the RCMP is authorized to take specific measures if they fall within a duty either imposed by law or recognized at common law and are reasonably necessary, without involving an unjustifiable exercise of the powers.

There are a number of sources setting out the duties from which relevant ancillary powers flow. First and foremost, RCMP members have the duty to preserve the peace, prevent crime and protect life and property as codified at section 18 of the *Royal Canadian Mounted Police Act (RCMP Act)*. Section 9 of the *RCMP Act* confirms that members designated as a peace officer are peace officers in every part of Canada and have all the powers, authority, protection and privileges that a peace officer has by law.

More specifically, in relation to the Summits, the RCMP will be taking measures to fulfill duties related to the protection of Internationally Protected Persons (IPP's) that befall police in general and the RCMP in specific. The official visit of the head of state or high ranking dignitary of a foreign country is an event that frequently engenders a real or apprehended threat to the preservation of peace which demands the adoption of proper and reasonable security measures in and by the host country.

Canada

Furthermore, Canada is a signatory of the United Nations Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. In that regard, Canada has specifically adopted laws requiring peace officers to protect IPPs, as defined in section 2 of the *Criminal Code*, in accordance with its international obligations. The ratification of the Convention and other treaties, as well as their adoption into the *Criminal Code* affixes all peace officers collectively with the responsibility, as a matter of domestic law, to protect IPPs. From an RCMP perspective, paragraph 17(1) f) of the *RCMP Regulations*, creates an explicit duty for RCMP members to protect internationally protected persons. Also, subsection 6(1) of the *Security Offences Act* specifically assigns to RCMP officers the primary responsibility to perform the duties otherwise assigned to peace officers generally, where the actual or apprehended victim of the offence is an IPP.

Finally, I wish to mention the duties and powers referred to in the *Foreign Missions and International Organizations Act (FMIOA)*. Pursuant to section 5 of the *FMIOA*, the Governor in Council may make an Order granting privileges and immunities to individuals attending an intergovernmental conference. Upon such an Order being made, the RCMP, in co-operation and collaboration with other police forces, becomes impressed with the primary responsibility of ensuring not only the protection of the IPPs, but of also ensuring "security for the proper functioning" of the intergovernmental conference. To that end, the *FMIOA* provides that the "appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances" may be taken.

In relation to the G8-G20 Summits, these legal authorities will permit the RCMP to establish security zones, including the Controlled Access Zone and Interdiction Zone, as well as security perimeters around these zones, for purposes of fulfilling their legal duties as set out above, including protecting the IPPs and ensuring security for the proper functioning of the intergovernmental conference. The RCMP may secure the perimeter of the security zone on land with fencing and restrict access to this zone through the use of checkpoints and other measures. Legal authorities also permit the RCMP to collaborate with other police forces such as the OPP in the fulfillment of its duties, including in relation to securing the perimeter. Such collaboration is essential in light of concurrent mandates of policing partners, particularly in relation to the legal duties to preserve the peace and protect life and property.

I trust this is helpful. I would like to take this opportunity to reiterate my gratitude for the level of support and cooperation that you and your Force have demonstrated in the security preparations for the Summits.

Sincerely,

*Thank you Bill,
Mike*

Mike McDonell, Assistant Commissioner
Commanding Officer
"O" Division (Ontario)

**REPORT OF THE REVIEW
OF THE
*PUBLIC WORKS PROTECTION ACT***

APPENDIX 10

The Three Specific Areas Designated
In Schedule 2 of O. Reg. 233/10

