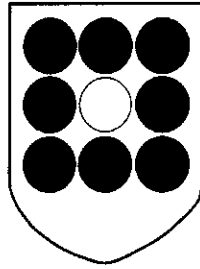


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July 12, 2010

By mail and email

André Marin
Office of the Ombudsman of Ontario
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, ON M5G 2C9

RE: **Ombudsman investigation into the adoption of Regulation 233/10 under the *Public Works Protection Act* regarding G20 security zone.**

Dear Mr. Marin,

The Canadian Civil Liberties Association's (CCLA) strongly supports the recent decision of the Office of the Ombudsman of Ontario to launch an investigation "into the origin and subsequent communication of the controversial security regulation passed by the province prior to the June 26-27 G20 summit" (i.e., Regulation 233/10).

The CCLA has expressed deep concern over (i) the lack of any public consultation or notice in the drafting of Regulation 233/10; (ii) the secrecy with which it was passed by the Lieutenant-Governor-in-Council of Ontario; and (iii) the lack of frankness from public officials in explaining its effect for ordinary Torontonians. On the latter point, the CCLA was especially alarmed at the failure of public officials, both in government and in police services, to provide the public with clear and honest clarifications on the scope of police power under Regulation 233/10 when it came to light.

Many of our concerns with Regulation 233/10, and the manner in which it was adopted, are set out in our report *A Breach of the Peace: A Preliminary Report of Observations during the 2010 G20*. A copy of that report is included with this letter.

You may find Appendix B of our report to be of particular interest. It includes our correspondence with government officials and police forces prior to and during the G20 Summit. Several letters from the CCLA inquire as to the lawful

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authority, if any, of the powers that police forces were purporting to exercise as part of summit security. In no reply from government or police officials is mention made of the *Public Works Protection Act*, despite the fact Regulation 233/10 has already come into effect at the time of the correspondence. In the absence of proactive public disclosure, the CCLA only learned of Regulation 233/10 after the first arrest had been made under the *Public Works Protection Act* on June 25, 2010.

Our report also includes recommendations for consultation and transparency requirements when regulations with the breadth and scope of Regulation 233/10 are adopted in the future.

The CCLA is at your disposal should require any further assistance or information in your investigation.

Kind regards.

A handwritten signature in black ink, appearing to read 'AN', with a long horizontal flourish extending to the right.

Anthony Navaneelan
Acting Programme Director
Fundamental Freedoms Programme

Encl. Canadian Civil Liberties Association's *A Breach of the Peace: A Preliminary Report of Observations at the 2010 G20 Summit*, June 29, 2010.