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The Watchdog e-newsletter

Law Day - held every year on April 17 - was created by the Canadian Bar Association in 1983 to commemorate the creation of the Canadian Charter of Rights and Freedoms, and educate Canadians about the role of the law.

- [Learn more about Law Day](#)
- [Read about the Canadian Bar Association](#)

While the Ontario Ombudsman deals with legal matters every day, in his 2010 report, [Caught in the Act](#), Ombudsman André Marin specifically addressed charter rights. He determined the Ontario government had quietly promoted the use of a likely illegal regulation to grant police “extravagant” powers on the eve of the G20 summit in Toronto in June 2010.



During the summit, the province enacted Regulation 233/10 under the 71-year-old Public Works Protection Act (PWPA), which the Ombudsman said “was of dubious legality and no utility” and resulted in a mass violation of civil rights.

The Ombudsman found the Ministry, which had decided not to publicize the new legal measure, was “caught short” when Toronto Police misapprehended the regulation’s reach and used the authority of the PWPA to arrest or detain people who were simply in the vicinity of the security fence. Throughout the weekend of the G20 summit, police exercised their powers under the Act well beyond the limits of the security perimeter, even after the misinterpretation had been corrected.

In his report, the Ombudsman called the legislation “likely unconstitutional”; a subsequent review by former Chief Justice Roy McMurtry reiterated this point, indicating that “the need to protect the public must be balanced with the requirement to preserve fundamental rights and freedoms.”

Almost four years since the release of the Ombudsman’s report, the replacement of the outdated Public Works Protection Act is still a work in progress. The province moved to replace it by introducing Bill 34, the Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, in February 2012, but that bill died on the order paper when the Legislature was prorogued in October 2012. It was reintroduced as Bill 51 in April 2013 and has yet to pass into law.

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“Expanding the ombudsman’s power isn’t a matter of tossing a bureaucrat a bone; it’s a matter of giving taxpayers government accountability they can sink their teeth into, something that’ll surely be needed if they’re asked to swallow more corporate approaches to whipping Ontario’s books into shape.”

– Greg Van Moorsel,
Kingston Whig-Standard,
June 22 2012

"I am hopeful the bill will be implemented soon, to better safeguard civil rights in the province," said Mr. Marin in [his most recent annual report](#).

- [Read *Caught in the Act*](#)
- [Watch the Ombudsman's press conference releasing the report](#)

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