

June 21, 2017

By Registered Mail

TO:

**Honourable Elizabeth Dowdeswell
Lieutenant Governor of Ontario
111 Wellesley St W,
Toronto, ON M7A 1A1**

**The Honourable Jody Wilson-Raybould MP
Minister of Justice and Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, ON
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**The Honourable Yasir Naqvi
Attorney General of Ontario
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9**

**Honourable Dr. Eric Hoskins
Minister of Health and Long-Term Care Ontario
Hepburn Block
10th Floor, 80 Grosvenor St
Toronto, ON M7A 2C4**

Subject: Administration of Justice: Regulated Health Professions Act (Ontario)

1. The position of your Party is that I am an officer of Canada (resident) and an incorporated inhabitant and a subject of Her Majesty. As a result of your Party's actions in designating me a class of persons without my knowledge or consent, and subsequently seeking to apply your acts, regulations and rules against me, your State Party has engaged in multiple gross violations of my fundamental human rights. Its persistent threats to interfere with my beliefs, my work, my clientele and with my reputation as a healthcare practitioner, continue through the actions of the regulatory Colleges, specifically the College of Psychologists and the College of Registered Psychotherapists of Ontario, as well as through the actions of various State Party players, such as Shenda Tanchak, formerly legal advisor to the College of

Physicians and Surgeons of Ontario and now President of pharmaceutical-front corporation Federation of Health Regulatory Colleges of Ontario (FHRCO).

2. It is my position that the State Party has failed in its **prime legal responsibility** and duty to protect, promote and implement my human rights and fundamental freedoms and instead has taken steps to create conditions that prevent me, a free human being with inalienable rights, to enjoy all those rights and freedoms in practice.
3. It is my position that the State Party's actions in unilaterally placing me into a class of persons and seeking to apply its statutory enactments against me, are a gross violation of most of my fundamental rights and freedoms as guaranteed by the State Party. The *Psychology Act* and the *Psychotherapy Act*, and particularly the *Controlled Act of Psychotherapy* were specifically framed by the State Party to deny medical autonomy and all freedoms of speech, association, choice in medical attention and treatment, self-determination and right to freely-chosen work thereby infringing on all human rights guaranteed me and my family and creating a condition of fear and want. The proposed Ontario Clinic Regulations propose to entirely deprive me of my means of subsistence.
4. It is my understanding that the State Party, CANADA, has a legal obligation pursuant to its signing of the *UDHR* (1948), *ICCPR* (1976), *ICESCR* (1976), *DRR* (1998) and *Constitution Act, 1982* to ensure that it (a) protects the rights and freedoms of everyone on its territory, (b) CREATES conditions that provide everyone with freedom from fear and want, (c) takes steps to express international legal obligations in domestic legislation, and (d) refrains from engaging in any acts aimed at the destruction of my rights and freedoms.

Universal Declaration of Human Rights (UDHR)

Preamble

Whereas recognition of the **inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice** and peace in the world,

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

International Covenant on Civil and Political Rights (ICCPR)

Preamble

Recognizing that **these rights derive from the inherent dignity of the human person,**

Recognizing that, in accordance with the *Universal Declaration of Human Rights*, the ideal of free **human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created** whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Preamble

Recognizing that these **rights derive from the inherent dignity of the human person,**

Recognizing that, **in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created** whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

Article 2

1. Each State has a **prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms**, inter alia , by adopting such steps as may be necessary **to create all conditions necessary** in the social, economic, political and other fields, as well as the legal guarantees required **to ensure that all persons** under its jurisdiction, individually and in association with others, **are able to enjoy all those rights and freedoms in practice.**

2. Each State **shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.**

Article 19

Nothing in the present Declaration **shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and** freedoms referred to in the present Declaration.

Constitution Act, 1982 and Canadian Charter of Rights and Freedoms

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

26. The **guarantee** in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights and freedoms that exist in Canada.

32. (1) This Charter **applies**

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

(b) **to the legislatures and governments of each province** in respect of all matters within the authority of the legislature of each province.

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

5. It is my understanding that your State Party has a legal obligation to ensure that it's international law obligations to promote and protect human rights and freedoms as enumerated in those laws are expressed either by constitutional means, by law or other measures. Furthermore, it is the State's legal obligation to ensure legislators are not creating laws that destroy rights and freedoms, and undermine its guarantees of protection and promotion of the enumerated rights and freedoms.

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

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

Rights and freedoms in Canada

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

Fundamental freedoms

2. **Everyone has the following fundamental freedoms:**

(a) freedom of **conscience** and religion;

- (b) **freedom of thought, belief, opinion and expression**, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of **association**.

Life, liberty and security of person

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

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

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination.....

Other rights and freedoms not affected by Charter

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

Legislative powers not extended

31. Nothing in this Charter extends the legislative powers of any body or authority.

Zingre v. The Queen et al., [1981] 2 SCR 392 (Supreme Court of Canada).

"Thus, ministers, agencies and administrative tribunals would have to be able to justify their actions by pointing to specific legislative authority in the same way that any citizen would have to be prepared to show that his or her acts were lawful. It is a recognized principle of international customary law that a state may not invoke the provisions of its internal law as justification for its failure to perform its international obligations."

Thomson Newspapers Ltd. V. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)

"While individuals as a rule have full legal capacity by the operation of law alone, the individual may stand upon his constitutional rights. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State."

- 6. It is my position that my rights are protected under Section 52 of the *Charter of Rights and Freedoms* which guarantees that without my expressed consent and without the necessary

and proven justification for designating me a legal personality and imposing such enactments on me, I am not subject to the enactments titled the *Regulated Health Professions Act* and specifically the *Psychology Act*, the *Psychotherapy Act* and the *Controlled Act of Psychotherapy*, nor subject to the arbitrary regulations of the College of Psychologists and College of Registered Psychotherapists of Ontario, or the proposed Ontario Clinic Regulations framed by Shenda Tanchak's group.

Universal Declaration of Human Rights (UDHR)

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

International Covenant on Civil and Political Rights (ICCPR)

Article 47

Nothing in the present Covenant **shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.**

Article 50 **The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.**

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Constitution Act, 1982, Part I, Canadian Charter of Rights and Freedoms

Application of Charter

32. (1) **This Charter applies**

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

(b) **to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.**

Primacy of Constitution of Canada

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

7. The forced association of healthcare practitioners with regulatory Colleges by the Minister and the forced disposal of wealth of those practitioners to satisfy the demands of it's Colleges in the form of membership fees and course tuition for courses that members neither need or want, grossly violates the International law obligations of the State Canada, placing healthcare practitioners of all stripes in servitude, and in fear of arbitrary interference in their privacy, their home, their lives and security of person.

Universal Declaration of Human Rights (UDHR)

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 20.

(2) **No one may be compelled to belong to an association.**

Constitution Act, 1982 Canadian Charter of Rights and Freedoms

Fundamental Freedoms

2. **Everyone** has the following fundamental freedoms:

((d) **freedom of association.**

BLACK'S LAW, various editions -- DEFINITION of ARBITRARY:

- Without adequate determining principle

- Not rational
 - Absolute in power
 - Not based in Common Law
 - Not found in nature of things (Common Law)
8. It is my understanding that the Attorney General of the province of Ontario has the authority and obligation to ensure the administration of justice in Ontario and the duty, as the gatekeeper of legislative activity in the province, to ensure that all legislation in the province conforms to International Law, the *Constitution Act, 1982* and the Charter.

Ministry of the Attorney General Act, 1990, Chapter M.17

Functions

5. The Attorney General,

- (a) is the Law Officer of the Executive Council;
 - (b) **shall see that the administration of public affairs is in accordance with the law;**
 - (c) **shall superintend all matters connected with the administration of justice in Ontario;**
 - (e) **shall advise the Government upon all matters of law connected with legislative enactments and upon all matters of law referred to him or her by the Government;**
 - (f) **shall advise the Government upon all matters of a legislative nature and superintend all Government measures of a legislative nature;**
 - (g) **shall advise the heads of the ministries and agencies of Government upon all matters of law connected with such ministries and agencies;**
9. It is my position that the Attorney General of Ontario has failed in his obligation to ensure that all internal legislation honours the State Party's legal obligations and my fundamental human rights. By refusing to attend to the various and multiple documents provided about the trespass on my life, liberty and security of person, and my rights to self-determination and medical autonomy, it is my position that the Attorney Generals have wilfully engaged in the violations of my fundamental rights and freedoms since July 17, 2014.

International Covenant on Civil and Political Rights (ICCPR)

Article 2.3. Each State Party to the present Covenant undertakes: (a) **To ensure** that any person whose rights or freedoms as herein recognized are violated shall have an **effective**

remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Constitution Act, 1982 Part I – Canadian Charter of Rights and Freedoms

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

10. It is my understanding that no representative of the State Party, at any level is permitted to engage in arbitrary interference with individual fundamental rights.

Universal Declaration of Human Rights (UDHR)

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

International Covenant on Civil and Political Rights (ICCPR)

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Constitution Act, 1982 Canadian Charter of Rights and Freedoms

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

11. It is my understanding that all Ministers, as members of the Executive Council of the State Party, have an obligation to justify their actions. It has been pointed out to the State Party that its representatives are repeatedly taking actions with respect to promoting and enforcing internal violations of fundamental human rights, thereby causing fear and want in the individuals living in their territory within the landmass Canada.

Zingre v. The Queen et al., [1981] 2 SCR 392 (Supreme Court of Canada).

"Thus, ministers, agencies and administrative tribunals would have to be able to justify their actions by pointing to specific legislative authority in the same way that any citizen would have to be prepared to show that his or her acts were lawful. It is a recognized principle of international customary law that a state may not invoke the provisions of its internal law as justification for its failure to perform its international obligations."

12. It is my position that the State Party CANADA failed to meet its legal obligation to ensure that all those responsible for writing and enforcing enactments are fully educated in the **supremacy** of individual rights and freedoms. It has failed to ensure that **every** representative of Her Majesty particularly when employed in the administration and implementation of the domestic laws, is trained to observe and protect the individual fundamental human rights as enumerated in International Law that binds the State Party. The State Party has failed to meet its **primary** legal obligation to teach everyone living on its territory their fundamental human rights and how to protect them.

Universal Declaration of Human Rights (UDHR)

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that **every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance**, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

International Covenant on Civil and Political Rights (ICCPR)

Article 15: State has the legal responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to **ensure that all those responsible to enforce enactments are educated**.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that **education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms**. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those

responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

13. Training in the observance and protection of individual human rights was not provided to Ministry of Health and Long-Term Care staff, regulatory College administrators or enforcers as enumerated in the *Education Administration Act, Article 3*, and as required by International Law since 1982. The same ‘officers’ of the State Party that failed to teach me my fundamental human rights and how to stand on my full legal capacity are the same ‘officers’ responsible for creating the rules and regulations applied against free human beings living in Ontario, in violation of their rights and freedoms. In fact, it is clear the singular object of the Colleges is to enforce compliance with the *RHPA* without a single mention of the superiority of the *Constitution Act, 1982* and the *Canadian Charter of Rights and Freedoms*.

Regulated Health Professions Act

Objects of College

3 (1) The College has the following objects:

1. To **regulate the practice of the profession** and to **govern the members** in accordance with the health profession Act, this Code and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.
2. To develop, **establish and maintain standards of qualification** for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to **assure the quality of the practice of the profession.**
4. To develop, **establish and maintain standards of knowledge and skill** and programs to promote continuing evaluation, competence and improvement among the members.
 - 4.1 **To develop**, in collaboration and consultation with other Colleges, **standards** of knowledge, skill and judgment **relating to the performance of controlled acts** common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.
6. To develop, establish and maintain programs to **assist individuals to exercise their rights under this Code and the Regulated Health Professions Act, 1991.**
7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and **to perform the other duties and exercise the other powers that are imposed or conferred on the College.**

11. Any other objects relating to human health care that the Council considers desirable.

Duty

(2) In carrying out its objects, the College has a duty to serve and protect the public interest.

14. In addition, administrators and enforcers of the MOHLTC regulatory colleges are educated by private foreign corporations, such as Council on Licensure, Enforcement and Regulation (CLEAR), in how to ignore fundamental rights and freedoms and to prioritize ‘regulation’ of the collective over the rights of the individual. The act of privatizing oppression of the free human being is an act directly in violation of all superior laws.
15. I understand that as a result of the State Party’s legal obligations with respect to providing timely medical care and attention to everyone when needed, the State Party must respect the patient’s right to self-determination, the right to life and security of person and the right to be free of fear of harm by medical treatment the patient does not want. To create those conditions, patients must be provided timely and unrestricted access to medical attention and medical practitioner of THEIR choice. Especially when a person is experiencing a ‘serious’ emotional, mental or spiritual situation they must have full medical autonomy and a full pallet of treatment options and practitioners that have not first been culled by self-interest groups. It appears that the Minister of Health and Long-Term care is aware of this legal obligation.

Regulated Health Professions Act (RHPA)

Administration of Act

2 The Minister is responsible for the administration of this Act.

Duty of Minister

3 It is the duty of the Minister to ensure that the health professions are regulated and co-ordinated in the public interest, that appropriate standards of practice are developed and maintained and that **individuals have access to services provided by the health professions of their choice** and that they are treated with sensitivity and respect in their dealings with health professionals, the Colleges and the Board.

16. It is my position that the rights of self-determination and medical autonomy guaranteed the patient by the *Constitution Act, 1982* and the *Health Care Consent Act*, are rendered non-existent in the realm of the MOHLTC and its regulatory Colleges, as

regards emotional, mental and spiritual care. As a result of making virtually every human-to-human interaction for the purpose of wellness and recovery a ‘controlled act’ the Minister has sought to undermine the entire *Constitution Act, 1982* and the *Canadian Charter of Rights and Freedoms*, as well as International Law. Even the Attorney General as she was at the time, claimed that a group of individuals could gather to decide the rights and freedoms that all other individuals might exercise. Legislation must be specific in purpose and definition of important terms... and not made vague for future nefarious use.

Madeline Meilleur, Attorney General of Ontario, September 9th, 2015 letter to Grace Joubarne:

*“Not proclaiming the controlled acts means **that it will remain in the public domain and anyone may perform this activity until the controlled acts are determined.**”*

The ministry will look to the professions to assist with defining what this activity will mean to their members and the public with a view to ensuring that it is clear and transparent, so that patients will understand what kinds of treatment they can expect to receive.

International Covenant on Civil and Political Rights (ICCPR)

Article 5

1. **Nothing** in the present Covenant **may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms** recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

17. It is my position that the provisions of the *Regulated Health Professions Act (RHPA)* titled Objects and Duties reveal the mechanisms used to violate the human rights of almost everyone involved in the healthcare field, including patients and clients:
- While the Colleges are to regulate their members, in fact the CRPO alone sent out 50-60 cease and desist orders to non-members within one month of proclamation of the *Psychotherapy Act*, effectively putting out of work providers who had established successful practices offering their versions of psychotherapy (talk-therapy);
 - By preventing membership, Colleges prevent freely-chosen employment;
 - Arbitrary standards are imposed for activities (psychotherapy and psychology) that are unscientific. Subsequently these arbitrary standards are forced on everyone who ‘treats’ another human being to determine if they should be permitted to offer their services;

- Arbitrary controls are established over a practice/activity that has no definition, no consensus, thereby facilitating as wide a sweep of potential intrusions and trespass as can be imagined;
- That psychotherapy is unscientific, strictly opinion-based and has never enjoyed any consensus as regards knowledge and skill required for talk-therapy, easily permits all manner of membership through grandfathering, and exemptions for ‘untrained’ social workers, nurses and other classes of healthcare professionals.
- Setting ‘standards’ for undefined, non-specific ‘controlled acts’ means that entirely undefined and undefinable acts are now established by ‘opinion’;
- There is no training of college members in fundamental human rights under the *Constitution Act* as required by law;
- College duties have expanded to include engaging in direct actions to put all non-conventional practitioners out of work, to define what is appropriate spiritual care, to regulate associations of spiritual care providers and other violations; and
- Gross intrusion on the rights of the public, including non-member practitioners, is not in the public interest and not in accordance with State Party’s legal obligations.

18. It is my position that control of the entire healthcare market and gross violations of the rights and freedoms of the 14 million people living in this Province of Ontario is carried on under the pretext of ‘protecting the public’ or ‘in the public interest’, through a mechanism of ‘regulatory colleges’. After 1982 such pretext could no longer be used as justification for violating individual rights and freedoms.

R. v. Hynes, 1999 18979

83) *Prior to the Charter's advent, **the individual really had no special means of protecting against incursions upon his or her basic fundamental rights by executive or legislative arm of the state**, beyond making representations to the executive or administrative arms of government, or petitioning and lobbying Parliament or Legislatures for changes in the law. Linked as they were to concepts of parliamentary supremacy and sovereignty, **there were no means at the disposal of individuals to muster court challenges aimed at invalidating legislative, executive or administrative acts***

(84) *Apart from these exceptions, the individual's means of challenging incursions on fundamental **rights were extra-judicial and of a precatory nature that were neither effective nor potent**. Respect for the rule of law, upon which, as W. Ivor Jennings in his text entitled *The Law and the Constitution* (University of London Press, 4th ed.) points out at p. 42, **hinges the existence of public order, mandated compliance with directives and ordinances even if they infringed upon individual fundamental rights and***

freedoms

*A primary purpose of the Charter was to **change this relationship of the individual with the state and its laws by endowing individuals with an effective means of challenging acts of the state in courts on the ground of violation of their constitutionally protected rights and freedoms.***

19. Your Party is presuming that the State Party statutory instruments titled *Regulated Health Professions Act, Psychology Act, Psychotherapy Act and Controlled Act of Psychotherapy* conform to international law and by default respect the rights and freedoms enumerated in those laws.

R vs HAPE

*Since it is a well-established principle of statutory interpretation that legislation will be **presumed to conform to international law,** in interpreting the scope of application of the Charter, a court should seek to ensure compliance with **Canada's binding obligations under international law** where the express words are capable of supporting such a construction.*

*(53) One final general principle bears on the resolution of the legal issues in this appeal. **It is a well-established principle of statutory interpretation that legislation will be presumed to conform to international law.** The presumption of conformity is based on the rule of judicial policy that, as a matter of law, courts will strive to avoid constructions of domestic law pursuant to which the state would be in violation of its international obligations.*

Citation: Nemeth v. Canada (Justice), 2010 SCC 56, [2010] 3 S.C.R. 281

*340 I also accept, of course, that, **where possible, statutes should be interpreted in a way which makes their provisions consistent with Canada's international treaty obligations and principles of international law.** As LeBel J. noted in *R. v. Hape*, 2007 SCC 26, [2007] 2 S.C.R. 292, at para. 53, **it is presumed that the legislature acts in compliance with Canada's obligations as a signatory of international treaties and as a member of the international community as well as in conformity with the values and principles of customary and conventional international law:***

20. The fact of the matter is that in truth, these statutory instruments, *the Regulated Health Professions Act* and particularly those involving the *Psychology Act, the Psychotherapy Act and the Controlled Act of Psychotherapy*, have violated several of my fundamental rights and freedoms contrary to the principal of justice. The State Party's presumption that these statutory instruments conform to international law is incorrect.

CITATION: Divito v. Canada (Public Safety and Emergency Preparedness), 2013 SCC 47, [2.0131 3 S.C.R. 157:

22 – Canada’s international obligations and relevant principles of international law are also instructive in defining the right: Slaight Communications Inc. V. Davidson, [1989] 1 S.C.R. 1038; United States v. Burns, 2001 SCC 7, [2,00] 1 S.C.R. 283; Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General), 2004 SCC 4, [2004] 1 S.C.R. 76; R. v. Hape, 2007 SCC 26, [2007] 2 S.C.R. 292. In Reference re Public Service Employee Relations Act (Alta.), [1987] 1 S.C.R. 313, Dickson C.J., dissenting, described the template for considering the international legal context as follows: **The content of Canada's international human rights is, in my view an important indicia of the meaning of “the full benefit of the Charter 's protection” I believe that the Charter should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents** which Canada has ratified. [p. 349]

21. The State Party’s statutory instruments have limited and abridged my inalienable rights contrary to the principles of justice and have caused me increasing levels of fear, financial distress, and made absent any conditions where I can pursue and enjoy my full human potential, life and liberty and security of person and inherent rights and freedoms to medical autonomy, association, speech, employment and vocational training.

22. The State Party has a legal obligation to take measures to ensure the recognition and protection of all freedoms and rights enumerated in the International Covenants to which Canada became a signee in 1976. Instead, the State Party established a series of unnecessary regulatory healthcare Colleges and ‘controlled acts’ as mechanisms for arbitrary interference with my fundamental rights and inalienable freedoms.

International Covenant on Civil and Political Rights (ICCPR)

Article 2.2. Where not already provided for by existing legislative or other measures, **each State Party** to the present Covenant **undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.**

Article 5

1. Nothing in the present Covenant **may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.**

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom **on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.**

23. It is also my position that while marketed as ‘associations of self-regulating professionals, the regulatory Colleges are not groups of self-regulating professionals, but rather, self-regulating, unaccountable corporations typically administered by bureaucrats with little to no practical frontline healthcare skills and experience. These bureaucrats regulate for college and industry profiteering purposes under the influence and direction of the Federation of Health Regulatory Colleges of Ontario (FHRCO). The FHRCO is a pharmaceutical-front private corporation that has insinuated itself into the Ontario healthcare system to the grave detriment of healthcare practitioners and healthcare users, including myself.
24. It is my position that the State Party is arbitrarily defining my association with others for healthcare and wellness purposes as ‘treatment’ and that because I engage in ‘treatment’ of others at their request, I owe the State Party a contribution toward the installation of a regulatory body (College) and servitude to that regulatory body, and further, servitude to the FHRCO through the funnelling of College membership fees to that private corporation. Any enactment forcing me to concede to servitude in order to exercise my right to earn my living as a healthcare practitioner and teacher is directly against my international legal rights.

International Covenant on Civil and Political Rights (ICCPR)

Article 8

2. **No one shall be held in servitude.**
3. (a) **No one shall be required to perform forced or compulsory labour;**

Canadian Charter of Rights and Freedoms

Fundamental Freedoms

2. **Everyone has** the following fundamental freedoms: (d) **freedom of association.**
25. It is my understanding that I have an inalienable right to (a) be free of designation as a class of persons and (b) refuse to play or assume the role of a juridical personality, in this case healthcare professional, regulated professional, unregulated professional and the many other designations that the State Party has forced on me indirectly through the use of arbitrary

terms including ‘treatment’ and ‘providing verbal and non-verbal treatment’ as well as ‘serious’.

Universal Declaration of Human Rights (DRR)

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

International Covenant on Civil and Political Rights (ICCPR)

Article 9 1. Everyone has the right to life, liberty and security of person.

Article 16 Everyone shall have the right to recognition everywhere as a person before the law.

Court Judgment Supreme Court of Canada

Thomson Newspapers Ltd v. Canada at pg. 1004:

*‘...**everyone has the right to life, liberty and security of person**’ serves to underline the human element involved; **only human beings can enjoy these rights**. ‘Everyone’ then, must be read in light of the rest of the section and defined to exclude corporations and other artificial entities incapable of enjoying life, liberty or security of the person and **include only human beings.**’*

26. While everyone has a right to be designated as a legal personality, they also have a right to be free of such designation. No one can be forced into a legal designation and then further forced into association with an organization operating exclusively to assert control over their lives and the healthcare industry.

Canadian Charter of Rights and Freedoms

Fundamental Freedoms

2. **Everyone has** the following fundamental freedoms: (d) **freedom of association.**

27. Despite the advisements to the Minister and the Premier that many individuals, including myself, are at the mercy of the actions of regulatory Colleges to deprive me of my means of subsistence and to destroy my chosen form of healthcare, there has been no effective remedy forthcoming from the State. Accessibility to preferred healthcare has not been protected. Those acting to destroy my rights and freedoms have been protected and encouraged by the Minister. These actions and inactions serve as direct violations of a number of the State Party’s legal obligations.

Universal Declaration of Human Rights (UDHR)

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

International Covenant on Civil and Political Rights (ICCPR)

Article 2.3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an **effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;**

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

28. It is my position that the State Party has failed, and continues to fail, in meeting its legal obligations to create the conditions necessary for those who exercise their right not to associate with or believe in unproven mental illness diagnoses to obtain the technical and vocational guidance and training **they prefer** and which are essential to realize their right to work in a freely-chosen field. Instead the State Party openly engages in actions aimed at the destruction of the rights of myself and my colleagues who work in the field of natural (holistic) healthcare.

Universal Declaration of Human Rights (UDHR)

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if

necessary, by other means of social protection.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 6

1. The States Parties to the present Covenant recognize **the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.**
 2. The **steps to be taken by a State Party** to the present Covenant to achieve the full realization of this right **shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.**
29. It is my position, supported by extensive documentation, that the State Party engages in persistent and excessive deference to the medical/pharmaceutical lobby in all matters healthcare, to the point of openly excluding professionals from the healthcare system that the public pays-out-of-pocket to access of their own free will. This is observed in the form of discriminatory provincial healthcare insurance plans, income tax medical expense deductions, establishment of human rights-violating regulatory Colleges, and the absence of employment opportunities in hospitals, prisons and schools. This discrimination against natural (holistic) treatment and practitioners is a gross violation of the State Party's legal obligations to **create conditions for everyone** on its territory where they can enjoy life and security of person, pursue happiness, as well as fulfillment of their human potential, without discrimination of any kind.
30. The State Party has commercialized the healthcare system at the expense of myself, my family and my Ontario neighbors. It has arbitrarily placed the control of my, my family's and colleague's lives, liberty and security of person into the hands of those seeking domination of an entire field of healthcare for profit. This has resulted in violations of individual rights and freedoms to work without forced association, persistent threats of interference in one's livelihood by State Party players, gross abridgment of the right to self-determination, and the extortion of thousands of dollars from healthcare professionals' wealth under the guise of 'membership fees'.
31. While this document is my understanding and my position, it is clear that the State Party's actions have placed tens of thousands of Ontarians in servitude and made natural options to wellness and healthcare inaccessible thereby violating the medical autonomy of everyone. The State Party has failed in it's legal obligations to provide timely medical care and attention **in the form that meets the individual's right to free choice in treatment and practitioner approach.**

32. It is my understanding that the *Constitution Act, 1982*, the *Canadian Charter of Rights and Freedoms* and International Law **guarantee my right to offer my holistic healthcare services**, including my skills, knowledge, wisdom and experience to those who freely choose to associate with me and/or utilize my services, **without attacks and arbitrary interference by the State Party and without the forced disposal of my wealth and resources.**

Universal Declaration of Human Rights (UDHR)

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, **without distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth **or other status**.

Article 19.

Everyone has the right to freedom of opinion and expression; this right **includes freedom to hold opinions without interference and to seek, receive and impart information and ideas** through any media and **regardless of frontiers**.

International Covenant on Civil and Political Rights

Article 2 1.

Each State Party to the present Covenant **undertakes to respect and to ensure to all individuals** within its territory and subject to its jurisdiction **the rights recognized in the present Covenant, without distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, **the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such** as race, colour, sex, language, **religion, political or other opinion**, national or social origin, property, birth or **other status**.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession.

Article 12

2. **The State shall take all necessary measures to ensure the protection** by the competent authorities **of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights** referred to in the present Declaration.

33. It is my understanding that the State Party is to ensure that I am not threatened or coerced into disposing of my wealth and resources by regulatory Colleges demanding payment of arbitrary fees and forced membership for any reason and particularly to be granted a right to offer my healthcare treatments that have been shown to pose no danger to the public.

International Covenant on Civil and Political Rights (ICCPR)

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 1

1. **All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.**

2. **All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice** to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. **In no case may a people be deprived of its own means of subsistence.**

34. It is also my understanding that I may freely choose my work, my associations, my religious beliefs, and offer my ideas, skills, wisdom and experience to any individual requesting them from me and that when I do so, the State Party is to protect these rights regardless that I hold the freely chosen status of holistic healthcare practitioner.

International Covenant on Civil and Political Rights (ICCPR)

Article 1.1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and **freely pursue their economic, social and cultural development.**

Article 2.1. Each State Party to the present Covenant **undertakes to respect and to ensure to all individuals within its territory** and subject to its jurisdiction the rights recognized in the present Covenant, **without distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or **other status**. I also understand that I have the freedom to share my skills knowledge, wisdom and experience freely and without arbitrary interference and threats from the State Party.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 6

1. The States Parties to the present Covenant **recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.**

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant **recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:**

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

35. It is my understanding that the law guarantees me the inalienable right to freedom of thought and conscience in healthcare and to have or to adopt a belief of my choice, individually or in community with others in the holistic healthcare community.

International Covenant on Civil and Political Rights

Article 18

1. Everyone shall have the **right to freedom of thought, conscience** and religion. This right shall include freedom to have or to adopt a religion **or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in** worship, **observance, practice and teaching.**
2. **No one shall be subject to coercion which would impair his freedom to have or to adopt a** religion or **belief of his choice.**

Canadian Charter of Rights and Freedoms

Guarantee of Rights and Freedoms

1. **The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms** set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Fundamental Freedoms
 2. **Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.**
36. There is no operation of law that permits the State Party to ostracize holistic, spiritual, energy and traditional healthcare professionals from the public healthcare system, or to force their association with oppressive conventional regulatory healthcare colleges, on the pretext that the limitations and abridgements of rights and freedoms to associate freely and offer services to others are ‘in the public interest’.

International Covenant on Civil and Political Rights (ICCPR)

Article 22

1. **Everyone shall have the right to freedom of association with others,** including the right to form and join trade unions for the protection of his interests.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (DRR)

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia , by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

37. It is my understanding that International law and the *Constitution Act, 1982* guarantee that I can share, discuss and offer my holistic healthcare services to the public without arbitrary interference of the State Party either directly or by proxy, such as through pharmaceutical corporations posing as ‘advocates for healthcare regulation’, or regulatory Colleges on the pretext of regulating for the ‘public interest’, or working groups established to make illegal all health and wellness service locations owned by non-members.

International Civil and Political Rights and Freedoms (ICCPR)

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

38. There is no operation of law that allows the Minister to engage and encourage a self-interest group of healthcare practitioners in the process of expanding their ‘turf’ to use words such as ‘serious’ to pre-qualify or abridge the freedoms and rights of the public to exercise their choice to practitioner no matter what the condition or how serious it may be...particularly when that self-serving group has no scientific evidence that their approach to any mental, emotional or spiritual healthcare treatment is effective, valued by the general public or safe.

Multani v. Commission scolaire Marguerite-Bourgeoys, 2006 SCC 6, [2006] 1 SCR 256

*The majority decision, penned by Justice Charron, held that all decisions by a school board are subject to the Charter because the board is created through statute and its powers are limited to those provided by statute: **“Since the legislature cannot pass a statute that***

infringes the Canadian Charter, it cannot, through enabling legislation, do the same thing by delegating a power to act to an administrative decision maker.” Further, the majority felt that the protection of rights enshrined in the Charter would be diluted if left to the devices of administrative law.

39. It is my position that the spirit and intent of the *Regulated Health Professions Act, 1991 (RHPA)* when originally framed by legislators, prioritized conformity with the *Constitution Act, 1982* and State Party Canada’s legal obligations to everyone. This is well-documented in MOHLTC files. The framers of the legislation called for the protection of the purity and integrity of all non-drug, non-medical model healthcare through the encouragement and support of associations of **voluntary membership** of healthcare professionals. **‘Controlled acts’ were to be used sparingly and only when a SPECIFIC technique could be PROVEN to be of INHERENT risk to the public.**
40. In addition, the *RHPA* stressed the importance of **free market choice and wide accessibility in both practitioner and treatment/approach**. It is my position that internal State Party documentation shows clearly that from 2004, the State Party’s representatives facilitated the framing of enactments specifically to benefit the professions of psychology and psychiatry that were seeking to eliminate individual choice and to prioritize unscientific opinion. This was in direct violation of the State Party obligation to create conditions for everyone to realize the enjoyment of all rights and freedoms, including medical autonomy, self-determination, life and security of person, participation in freely chosen associations, work and employment.
41. It is my position that the Minister of Health has engaged in direct actions to destroy the spirit and intent of the *RHPA*, which recognized the need and legal obligation of the State Party to protect and enforce rights and freedoms of holistic, non-drug, non-conventional practitioners and the public without discrimination or favoritism of one healthcare approach over another.
42. It is also my position that the Minister of Health has taken actions aimed at the full destruction of the rights and freedoms my and my colleagues in the holistic healthcare field by changing the purpose of controlled healthcare acts--which was to specifically and sparingly restrict the use of **fully-identifiable, proven inherently risky techniques**--to that of an overtly abusive, enslaving, fear-based control and elimination mechanism to be used on an entire industry that the conventional medical/pharmaceutical cartel regards as ‘competition’.
43. It is my understanding from the MOHLTC / HPRAC reports that the State Party was well aware as far back as 2005 that a profession was being manufactured by separating ‘talk therapy’ from the ‘profession’ of psychology to create a new profession that could then define itself as broadly and vaguely as necessary to interfere with the rights and freedoms of

non-conventional practitioners. This was permitted to take effect **despite both the theory and the profession of psychology being deemed by the Courts to be unscientific**. The State Party players have also appropriated common language to create ‘protected’ titles, which in turn restrict ‘speech’.

SERAFINE v. BRANAMAN No. 14-51151. Citing Case 810 F.3d 354 (2016) United States Court of Appeals, Fifth Circuit. January 12, 2016.

Dr. Mary Louise SERAFINE, Plaintiff-Appellant, v. Tim F. BRANAMAN, Chairman, Texas State Board of Examiners of Psychologists, in His Official Capacity; Darrel D. Spinks, Executive Director, Texas State Board of Examiners of Psychologists, in His Official Capacity, Defendants-Appellees.

Jerry E. Smith, Circuit Judge: “Any interest the government can claim in protecting clients from manipulation or exploitation by a psychotherapist fails when the psychotherapist is no longer speaking to the client in her capacity as such.⁶ In other words, the professional speech doctrine is properly limited to the actual practice of the profession. “[T]he state may prohibit the pursuit of medicine as an occupation without its license, but I do not think it could make it a crime publicly or privately to speak urging persons to follow or reject any school of medical thought.”⁷ Outside the fiduciary relationship between client and therapist, speech is granted ordinary First Amendment protection. Indeed, “the principle that the government may restrict entry into professions and vocations through licensing schemes has never been extended to encompass the licensing of speech per se.”⁸

⁶. The statute in question was Kentucky Revised Statutes Section 319.010, which defined the “practice of psychology” as rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, **and psychotherapy**; and psychological testing in constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation. The application of said principles in testing, evaluation, treatment, **use of psychotherapeutic techniques**, and other methods includes, but is not limited to: diagnosis, prevention, and amelioration of adjustment problems and emotional, mental, nervous, and addictive disorders and mental health conditions of individuals and groups; educational and vocational counseling; the evaluation and planning for effective work and learning situations; and the resolution of interpersonal and social conflicts.

Under the First Amendment, “a law may be invalidated as overbroad if `a substantial number of its applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep.’”²⁵ Indeed, “[t]he constitutional defect of an overbroad restraint on speech lies in the risk that the wide sweep of the restraint may chill protected expression.”²⁶ Even though the state may have the power to regulate the professional speech of psychologists

incidental to a valid licensing scheme, if that scheme affects the speech of people beyond the purview of the state's interests or power, it is overbroad.”

“Under (b)(2), “[a] person is engaged in the practice of psychology” if she “provides or offers to provide psychological services to individuals, groups, organizations, or the public.” Serafine contends that the statute must be construed by looking to Section 501.003(a), which defines “psychological services” as “acts or behaviors that are included within the purview of the practice of psychology.” (Emphasis added.) In turn, Section 501.003(a) must be construed by reference to Section 501.003(c) (“subsection (c)”), according to which “[t]he practice of psychology”

(1) includes providing or offering to provide services to an individual or group, including providing computerized procedures, that include the application of established principles, methods, and procedures of describing, explaining, and ameliorating behavior;(2) addresses normal behavior and involves evaluating, preventing, and remediating psychological, emotional, mental, interpersonal, learning, and behavioral disorders of individuals or groups, as well as the psychological disorders that accompany medical problems, organizational structures, stress, and health;(3) **includes**:(A) using projective techniques, neuropsychological testing, counseling, career counseling, **psychotherapy**, hypnosis for health care purposes, hypnotherapy, and biofeedback; and(B) evaluating and treating mental or emotional disorders and disabilities by psychological techniques and procedures; and(4) is based on:(A) a systematic body of knowledge and principles acquired in an organized program of graduate study; and(B) the standards of ethics established by the profession.

TEX. OCC.CODE ANN. § 501.003(c) (West 2015). Serafine urges that subsection (c) is overbroad because it covers a significant amount of advice that is given outside the traditional context of the psychotherapist. Thus, by implication, (b)(2) is also overbroad”

“Like the airport officials in Jews for Jesus, who “alone [had] the power to decide [810 F.3d 369] in the first instance whether a given activity [wa]s airport related,”³² here the Board would get to decide in the first instance what advice constitutes the “practice of psychology,” then enforce the law as it sees fit. Such unfettered discretion is untenable.

The ability to provide guidance about the common problems of life—marriage, children, alcohol, health—is a foundation of human interaction and society, whether this advice be found in an almanac, at the feet of grandparents, or in a circle of friends. There is no doubt that such speech is protected by the First Amendment.³⁵ By limiting the ability of [810 F.3d 370] individuals to dispense personal advice about mental or emotional problems based on knowledge gleaned in a graduate class in practically any context, subsection (c) chills and prohibits protected speech. But that is precisely what the overbreadth doctrine is meant to prevent. See Free Speech Coal., 535 U.S. at 255, 122 S.Ct. 1389. Section 501.003(c), and

by implication, Section 501.003(b)(2), are overbroad and contravene the First Amendment.”

44. It is a matter of documentation and evidence that the Minister of Health was aware from the initial framing of the offending psychology/psychotherapy-related enactments, that its own advisors (HPRAC), noted how psychotherapy practice had no consensus, common core, educational requirement, or skill set, and that there was no evidence that any psychotherapy legislation was required. HPRAC specifically noted that a controlled act of psychotherapy would be incoherent and unworkable.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

45. It is a matter of record that psychotherapy had and has commonly been referred to as ‘talk therapy’ and was always regarded as a ‘psychological’ intervention in Ontario prior to 2007. The State Party engaged in an action to separate a poorly-regarded ‘psychological approach’ fully lacking any scientific support or evidence of efficacy, from the unscientific practice of psychology to create a new ‘profession’ which would define itself and its terms as needed to control the mental healthcare market. Only then did the psychology profession start to redefine psychotherapy in 2005-6 as not simply a psychological talk-therapy intervention, but so broadly as to encompass all human-to-human interactions, both verbal and non-verbal, as ‘psychotherapy’.
46. Because psychotherapy is a constituent of psychology, it can be seen that not only was the psychotherapy legislation entirely unnecessary, but a *controlled act of psychotherapy* could only be the result of nefarious intents towards the population. Psychotherapists, of which there were very few at the time, indicated that regulation was not necessary whatever. It is a direct violation of the rights of all Ontarians to force everyone to accept the unscientific views of self-serving interest groups and then force healthcare professionals into regulation (servitude) under the penalty of massive fines and incarceration.
47. The Minister of Health and Long-Term Care’s habit of appropriating common terms in the English language in order to create restrictions against all manner of human-to-human

interactions and then creating conditions of fear and want in the population **must be subject to a public inquiry, particularly since the courts in fact are now declaring that mental, emotional and spiritual care, treatment and interaction must stay unrestricted in the public domain:**

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

Article 9

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

48. It is my position that the State Party is forcing on healthcare providers and users of healthcare services, therapies and treatment approaches that have no scientific support, which are based on opinions of various individuals acting in self-serving capacities, and which seek to arbitrarily place various healthcare providers into classes of persons through creative and unlawful, unjustifiable wording and appropriations of the English language. In addition, the regulatory Colleges, and particularly the College of Psychologists and Registered Psychotherapists get to decide what interactions between humans constitute ‘the practice of psychology or the practice of psychotherapy’ and define terms such as ‘psychotherapeutic techniques’ as they see fit. Such unconstrained discretion is indefensible in a free and democratic society.

Regulated Health Professions Act, 1991

S.O. 1991, CHAPTER 18

“College” means the College of a health profession or group of health professions established or continued under a health profession Act; (“ordre”)

“Council” means the Council of a College; (“conseil”)

“health profession” means a health profession set out in Schedule 1; (“profession de la santé”)

“health profession Act” means an Act named in Schedule 1; (“loi sur une profession de la santé”)

“member” means a member of a College; (“membre”)

“Minister” means the Minister of Health and Long-Term Care; (“ministre”)

Administration of Act

2 The Minister is responsible for the administration of this Act.

49. The State Party’s enactments (*RHPA, Psychotherapy Act, Psychology Act, Controlled Act of Psychotherapy and the proposed Ontario Clinic Regulations*) in combination, seek to assign a legal personality/juridical personality to all healthcare providers and place all healthcare service providers under the control of, and in servitude to the State in direct violation of the right of all healthcare professionals to dissociate from internal regulation, to self-determination, to the pursuit of freely-chosen work and career, to freedom from servitude and to work without being forced to dispose of their income as a condition of employment. Such manufacture of a ‘strawman’ to be controlled by ‘strawman enactments’ is a violation of all International law because the aim is to destroy fundamental human rights and freedoms.

Regulated Health Professions Act, 1991

Duty of Minister

3 It is the duty of the **Minister to ensure** that the health professions are regulated and coordinated in the public interest, that appropriate standards of practice are developed and maintained and that **individuals have access to services provided by the health professions of their choice** and that they are treated with sensitivity and respect in their dealings with health professionals, the Colleges and the Board. 1991, c. 18, s. 3.

50. It is my position that by means of arbitrarily designating mental, emotional and spiritual healthcare procedures, approaches and treatments as a ‘controlled act’, the State Party has sought to establish control over all human activity, including association, speech, employment, healthcare choices, healthcare treatments to the point where all human-to-human interactions for the purpose of health and wellness that are **inherently and inalienably the individuals free choice become fully controlled by those with no scientific evidence supporting their claims** that (a) their approach is the correct or only approach to mental, emotional and spiritual wellness and recovery and (b) all other approaches are unsafe and ineffective despite studies and research results showing the exact opposite. Counselling of others is controlled fully through these enactments due to the provision that counselling is exempted unless it is a treatment that a regulated health profession can make.

Regulated Health Professions Act (RHPA)

Prohibitions

Controlled acts restricted

27 (1) **No person shall perform a controlled act** set out in subsection (2) in the course of providing health care services to an individual **unless**,

(a) **the person is a member authorized** by a health profession Act to perform the controlled act; or

Controlled acts

(2) **A “controlled act” is any one of** the following done with respect to an individual:

1. **Communicating to the individual** or his or her personal representative **a diagnosis identifying a disease or disorder as the cause of symptoms of the individual** in circumstances in which it is reasonably foreseeable **that the individual** or his or her personal representative **will rely on** the diagnosis.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is amended by the Statutes of Ontario, 2007, chapter 10, Schedule R, subsection 19 (1) by adding the following paragraph:

14. **Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual’s serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual’s judgement, insight, behaviour, communication or social functioning.**

Exceptions

29 (1) **An act by a person is not a contravention** of subsection 27 (1) if it is done in the course of,

(a) rendering first aid or temporary assistance in an emergency;

(b) fulfilling the requirements to become a member of a health profession and the act is within the scope of practice of the profession and is done under the supervision or direction of a member of the profession;

(c) treating a person by prayer or spiritual means **in accordance with the tenets of the religion of the person giving the treatment;**

Counselling

(2) Subsection 27 (1) does not apply with respect to a communication made in the course of counselling about emotional, social, educational or spiritual matters **as long as it is not a communication that a health profession Act authorizes members to make.**

Treatment, etc., where risk of harm

30 (1) No person, other than a member treating or advising within the scope of practice of his or her profession, **shall treat or advise a person with respect to his or her health** in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them.

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section:

Psychotherapist title

33.1 (1) Despite section 8 of the *Psychotherapy Act, 2007*, a person who holds a certificate of registration **authorizing him or her to perform the controlled act of psychotherapy and is a member of one of the following Colleges may use the title “psychotherapist” if he or she complies with the conditions** in subsections (2), (3) and (4):

1. The College of **Nurses** of Ontario.
2. The College of **Occupational Therapists** of Ontario.
3. The College of **Physicians and Surgeons** of Ontario.
4. The College of **Psychologists** of Ontario

51. It is my understanding that not only is freedom of association protected, but freedom of religion and spiritual belief is equally **guaranteed** by the State Party. The *RHPA* abridges these rights directly by dictating that spiritual care treatments can only be provided by certain professionals.

Regulated Health Professions Act

Exceptions

33 (5) Subsection (1) **does not apply** with respect to anything done by a person **in the course of,**

(c) **treating a person by prayer or spiritual means in accordance with the tenets of the religion of the person giving the treatment;**

52. According to International law expressed in our *Constitution Act, 1982*, everyone has a right to privacy, whether they be a healthcare user or provider. Yet, a gross violation of this right is installed in the State Party’s statutory enactment and CRPO regulations. No internal measures can deny anyone their right to privacy and certainly not as a condition for employment or receiving healthcare.

Regulated Health Professions Act, 1991

Collection of personal information by College

36.1 (1) At the request of the Minister, a College **shall collect information directly from members** of the College as is reasonably necessary **for the purpose of health human resources planning or research.**

Unique identifiers

(2) **A unique identifier shall be assigned** by the Minister or a person designated by the Minister **for each member of a College from whom information is collected** under subsection (1).

Members to provide information

(3) **A member of a College who receives a request for information for the purpose of subsection (1) shall provide the information to the College** within the time period and in the form and manner specified by the College.

Definitions

(9) In this section,

“health human resources planning” means **ensuring the sufficiency and appropriate distribution of health providers**; (“planification des ressources humaines en santé”)

“information” includes **personal information about members**, but does not include personal health information; (“renseignements”)

“Ministry” means the Ministry of Health and Long-Term Care; (“ministère”)

“research” means the study of data and **information in respect of health human resources planning**. (“recherche”)

Electronic health record

36.2 (1) The Minister may make regulations,

(a) **requiring one or more Colleges to collect from their members information relating to their members** that is specified in those regulations and that is, in the Minister’s opinion, necessary for the purpose of developing or maintaining the electronic health record under

Members to provide information

(2) Where the Minister has made a regulation under subsection (1), and a College has requested information from a member in compliance with the regulation, **the member shall comply with the College’s request.**

53. It is my position that the State Party is using circular language and linguistic acrobatics to absolve itself of its obligations to provide effective remedies to incursions on human rights. The CRPO is now referring to spiritual care as ‘spiritual psychotherapy’ with dictates that only those who are members of the CRPO and who adhere to their specific protocol and views on spiritual care are permitted to offer spiritual care to the public without fear of prosecution...and this is happening even before the *controlled act of psychotherapy* is proclaimed.
54. In addition, the CRPO is now most improperly categorizing ‘psychological harm’ as ‘bodily harm, when physical harm is supported by science--psychiatry, psychology, psychotherapy and mental illness diagnoses are not. Combined with regulations on privacy and confidentiality, this action shows how the State Party is failing to protect the people from misleading and harmful information and how at the whim of a psychotherapist, their private information would be shared without their knowledge or consent.

CRPO, June 2016 Minutes of Council Meetings, page 36:

Limits to confidentiality

*Normally, a Member may only disclose personal health information with the consent of the client or his/her authorized representative. However, in law, there are a limited number of circumstances where disclosure of personal health information is required without consent. Notable limits to confidentiality include: 1. where the Member believes on reasonable grounds that disclosure is necessary to eliminate or reduce significant, imminent risk of **serious bodily harm (includes physical or psychological harm)** to the client or anyone else, e.g. suicide, homicide; Note : If the Member believes a significant, imminent risk of **serious bodily harm** exists (**this includes physical or psychological harm**), there may be a professional and legal duty to warn the intended victim.*

Zingre v. The Queen et al., [1981] 2 SCR 392 (Supreme Court of Canada).

"... It is a recognized principle of international customary law that a state may not invoke the provisions of its internal law as justification for its failure to perform its international obligations."

SCHEDULE 2

HEALTH PROFESSIONS PROCEDURAL CODE

Note: This Code is deemed by section 4 of the *Regulated Health Professions Act, 1991* to be part of each health profession Act.

2 (1) The College is a body corporate without share capital with all the powers of a natural person. 1991, c. 18, Sched. 2, s. 2 (1).

2.1 It is the duty of the College to work in consultation with the Minister **to ensure, as a matter of public interest**, that the people of Ontario **have access to adequate numbers** of qualified, skilled and competent **regulated health professionals**.

55. It is my understanding that everyone is entitled to medical care and attention when ill and to preventative **treatment of their choice** and that there is no operation of law that permits any State Party to eliminate, by internal regulation or other measure, any form of healthcare or approach or treatment for disease or illness that anyone may choose freely to offer and choose freely to accept. Especially since prevention is not part of conventional treatment, it is a violation of the rights of everyone that non-conventional treatments and prevention education are interfered with based on the opinion of a self-interest groups devoted to protecting its ‘turf’.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

56. It is my position that the State Party has taken extraordinary measures to discriminate in favor of medical/drug model lobbies, to put the lives and security of myself and my family in grave danger. Ever-increasing dilution and elimination of safe, time-proven, effective non-drug therapies and wellness approaches through legislative acts and coercive behavior, together with overt discrimination in public insurance coverage (OHIP) have reduced the healthcare treatment options from which myself and my family can choose, down to one. That ‘one’ option comes with massive danger to life and limb as evidenced by the statistics from government authorities.

57. By forcing only one medical approach on the population, it is impossible that conditions are created that would assure to ALL their free choice in medical service.

58. The conventional model of healthcare treatment preferred and protected by actions of the State Party is now the 3rd leading cause of death and disability of Canadians and responsible for the overwhelming opioid and psychiatric drug addictions experienced across Canada. The prime responsibility of the State Party to ensure that my right to self-determination, to life and security of my person are protected through **appropriate domestic legislation that protects holistic practitioners, such as myself, and their treatments from trespass by medical-model advocates is urgently required.**
59. The lack of any justification for the offending State Party enactments discussed in this document is highlighted throughout internal MOHLTC documents, as well as the two Fraser Institute reports that the Minister has not acknowledged:
- (a) there is and was to 2005/2006, **no evidence of any harm or risk to the public of any mental, emotional, spiritual or traditional treatments or approaches** except that of psychiatry;
- (b) the requirement that ‘controlled acts ‘be **specifically identified with proven inherent risks of harm** BEFORE the State Party trespasses on the fundamental rights and freedoms of healthcare practitioners was completely ignored, since no specific inherently risky ‘psychotherapeutic’ technique could be identified;
- (c) some 8 years after being passed into law in 2007, **anyone may perform this undefined activity called the *controlled act of psychotherapy* until the controlled act is defined by a handful of State Party representatives and the term ‘psychotherapeutic techniques’ is left to the discretion of the CRPO to explain as they see fit;**
- (d) there was **no evidence of any complaints from the public about non-drug approaches** to mental, emotional and spiritual wellness; there was demonstrable rapid increase in use by the public since 2000; **holistic approaches in any form were deemed safe, cost effective and valued by the public** and **paid for out-of-pocket by the user;**
- (e) HPRAC received only **30 public comments about the *controlled act of psychotherapy*** during the ‘public consultation’ period. Almost all were individually-signed form letters, **absent of any evidence of risk or complaint,** but replete with innuendoes that ‘psychotherapy’ may be risky if not regulated. **All signees were psychologists, former psychologists or involved in the psychology treatment industry.**
- (f) the **offending enactments were passed strictly to afford self-interest groups (psychologists, psychiatrist, pharmaceutical drug companies) the mechanism to eliminate their competition at a future date.** The language of the framers of the legislation changed over time to confuse the public and healthcare practitioners, and to define psychotherapy as broadly as possible to control as much human-to-human interaction as possible; and
- (g) **nearly 10 years after being passed into law, the Minister has now decided that the definition of *controlled act of psychotherapy* is the enactment itself and that it centers on the ‘seriousness’ of a patient’s condition, irrespective of the fact that the patient’s**

serious situation may be the result of conventional treatment that is no longer wanted by the patient.

(h) the Regulatory Colleges were positioned by the legislative framers to stand in for the individual rights and freedoms of the public and providers.

60. I wrote to the Attorney General of Ontario, the Premier of Ontario and to the Minister of Health and Long-Term Care (Ontario) multiple times since July 17, 2014, both personally and by way of letter from my legal representatives at the time. I received no response to my notifications to them of these violations, other than a suggestion the Minister intended to continue to abridge and deny my fundamental freedoms because such violations are ‘in the public interest’.

International Covenant on Civil and Political Rights (ICCPR)

Article 2

(a) **To ensure** that any person whose rights or freedoms as herein recognized are violated shall have **an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;**

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, **everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.**

2. To this end, **everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due,** where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, **everyone has the right,** individually and in association with others, inter alia :

(a) **To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means,** to competent domestic judicial, administrative or legislative

authorities or any other competent authority provided for by the legal system of the State, **which should render their decision on the complaint without undue delay;**

61. I provided the Ministry staff (various Policy Analysts involved in the implementation of the offending psychotherapy-related legislation) with details and evidence of improper conduct and failure to honour fundamental human rights. Further to these steps that received not one response, I provided the Competition Bureau of Canada with 2 volumes of evidence highlighting the root cause of the violations and the main players in the trespass against my rights and freedoms. This resulted in a statement from the Competition Bureau that such provincial activities are outside its jurisdiction and known as ‘regulatory capture’.

62. It is also my position that as a result of College of Psychology and the College of Registered Psychotherapist of Ontario (CRPO), as well as Ontario Clinic Regulations Working Group activities, serious violations of my fundamental rights continue through efforts to eliminate employment opportunities for those who do not wish to be associated with either College or any conventional medical approaches, causing distress and fear. These interferences include, but are not limited to

(i) the production of publicly disseminated literature deprecating those who freely choose not to associate with the regulatory Colleges and/or be arbitrarily forced into a class of persons such as ‘psychotherapists’ or providers of ‘psychotherapeutic techniques’,

(ii) threats of publication of the names of non-members to ‘warn’ the public, the intent of which is to defame;

(iii) dictates to departments and agencies of the State Party requiring them to deny employment to those who exercise their right not to associate with the regulatory Colleges,

(iv) the establishment of a working group called the Ontario Clinic Regulations Working Group, led by Shenda Tanchak whose publicly professed ‘pet project’ is to eliminate all locations of health and wellness facilities in Ontario where the provider was not a member of one of the Colleges and who does not meet their ‘moral’ standards.

The Ontario Clinic Regulations project is force-funded via the fees extorted from the members of 13 colleges, who incidentally are operating outside their stated mandate when engaged in such projects. Despite a resounding backlash from the public during their disgraceful ‘public consultations’, their Report to the Minister promoted these violations of Constitutional rights and freedoms that include mandatory assessment of ‘moral character of members and prospective College members.

It should be of great concern to any State Party that claims its intent to protect human rights in its territories was genuine when it signed the International Covenants in 1976, that its representatives are actually employed to violate those very agreements.

International Covenant on Civil and Political Rights (ICCPR)

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

Article 8.2.

No one shall be held in servitude. 3. (a) No one shall be required to perform forced or compulsory labour;

Regulated Health Professions Act

Responsibility of employment agencies

41 Every person who procures employment for an individual and who knows that the individual cannot perform the duties of the position without contravening subsection 27 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence, and not more than \$50,000 for a second or subsequent offence.

Responsibility of employers

42 (1) The employer of a person who contravenes subsection 27 (1) while acting within the scope of his or her employment is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence, and not more than \$50,000 for a second or subsequent offence.

Responsibility of directors of corporate employers

(2) In addition, if the employer described in subsection (1) is a corporation, every director of the corporation who approved of, permitted or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence, and not more than \$50,000 for a second or subsequent offence.

63. It is my understanding that the State Party is to ensure employment opportunities and not deprive people of their means of subsistence. However, there are glaring human rights abuses of a systemic nature as regards the Ministry of Health and Long-Term Care in Ontario.

- (a) The public dismissal of energy treatment education as ‘likely incoherent’ by the CRPO administrator is hardly providing for choice, much less for the opportunity for energy treatment professionals to exercise their rights to freely choose their employment and means of gaining a living without interference;
- (b) The College’s insistence that it’s, and no other, spiritual care approach is acceptable in Ontario is hardly providing for choice and protecting inalienable freedoms, especially when prospective members are refused membership and employment opportunities unless they disavow their spiritual beliefs and dissociate from specifically-named lawful Christian organizations;
- (c) The concentrated efforts of State Party players such as Shenda Tanchak of the Ontario Clinic Regulations Working Group to eliminate thousands of healthcare providers freely chosen by the public;
- (d) The insistence of regulatory Colleges that they have the right to force members to share their personal information for ‘research’ and human resources management purposes as a condition of being a member and in turn gaining employment opportunities;
- (e) The extortion of monies (membership fees and forced ‘upgrading’) as a condition of membership and opportunity to work; and
- (f) The insistence that College administrators have the right to subject members and prospective members to mandatory ‘moral character’ testing, with full discretion to decline membership and therefore employment opportunities as they see fit.

International Covenant on Civil and Political Rights (ICCPR)

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. **In no case may a people be deprived of its own means of subsistence.**

Regulated Health Professions Act (RHPA)

Administration of Act

2 The Minister is responsible for the administration of this Act. 1991, c. 18, s. 2.

Duty of Minister

3 It is the duty of the Minister to ensure that the health professions are regulated and co-ordinated in the public interest, that appropriate standards of practice are developed and maintained and that individuals have access to services provided by **the health professions of their choice** and that they are treated with sensitivity and respect in their dealings with

health professionals, the Colleges and the Board.

64. At no time and in no document obtained through Freedom of Information requests to MOHLTC and HPRAC is there any discussion about human rights and freedoms and constitutional rights of the public and of holistic, spiritual, traditional and energy treatment providers. It is therefore clear that the Minister's own advisors failed to promote and protect fundamental human rights.

Regulated Health Professions Act

Advisory Council

7 (1) **The Advisory Council is established under the name Health Professions Regulatory Advisory Council** in English and Conseil consultatif de réglementation des professions de la santé in French.

Duties of the Advisory Council

11 (1) **The Advisory Council's duties are to advise the Minister** and no other person on any issue from the matters described in clauses (2) (a) to (f), but only if the Minister decides to refer the issue to the Advisory Council in writing, seeking its advice, and in no other circumstances. 2009, c. 26, s. 24 (4).

Matters that may be referred

(2) The matters that the Minister may refer to the Advisory Council are,

- (a) whether unregulated professions should be regulated;
- (b) whether regulated professions should no longer be regulated;
- (c) suggested amendments to this Act, a health profession Act or a regulation under any of those Acts and suggested regulations under any of those Acts;

65. It is clear from the wording of the offending enactments and the actions of the CRPO that all human-to-human interactions for the purpose of health and wellness are now intended to be the purview of psychiatrists, psychologists and psychotherapists exclusively. Even counselling is the sole purview of 'licensed' professionals because counselling can only be provided by a non-member as long as it is not a service already provided by a member of any College. Further, it is clear from CRPO behavior and the Minister's inaction to provide effective remedy for the many violations and abridgments of fundamental human rights, that State players are not waiting on the *controlled act of psychotherapy* to be proclaimed before enforcing their dictates. The Minister and the CRPO are now claiming that 'serious' conditions are the sole purview of licensed professionals to treat, whether or not they are

trained in psychotherapy. Worse, ‘serious’ is being defined by those protecting and consolidating their ‘turf’.

Regulated Health Professions Act

Counselling

(2) Subsection 27 (1) does not apply with respect to a communication made in the course of counselling about emotional, social, educational or spiritual matters **as long as it is not a communication that a health profession Act authorizes members to make.**

Treatment, etc., where risk of harm

30 (1) No person, other than a member treating or advising within the scope of practice of his or her profession, shall treat or advise a person with respect to his or her health in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them.

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section:

Psychotherapist title

33.1 (1) Despite section 8 of the *Psychotherapy Act, 2007*, a person who holds a certificate of registration authorizing him or her to perform the controlled act of psychotherapy and is a member of one of the following Colleges may use the title “psychotherapist” if he or she complies with the conditions in subsections (2), (3) and (4):

1. The College of **Nurses** of Ontario.
2. The College of **Occupational Therapists** of Ontario.
3. The College of **Physicians and Surgeons** of Ontario.
4. The College of **Psychologists** of Ontario.

Oral identification

(2) A person mentioned in subsection (1) **shall not describe himself or herself orally as a “psychotherapist” to any person unless the member also mentions the full name of the College where he or she is a member and identifies himself or herself as a member of that College or identifies himself or herself using the title restricted to those who are members of the health profession to which the member belongs.**

66. It is my position that the Minister has caused massive shortages in numbers of mental, emotional and spiritual healthcare practitioners PREFERRED by the public, including myself and my family, and which are paid for out-of-pocket,. The **demonstrable reasons** for this

state of affairs and the failure of the State to provide timely medical attention in the form **PREFERRED by the public**, including myself and my family, without discrimination, include:

- The State Party's unjustifiable position and unsupportable propaganda that only psychotherapists and psychologists trained as dictated by a select group of College trainers can provide effective and safe emotional, spiritual and mental healthcare, when statistics show the exact opposite;
- The direct elimination from the marketplace, of all those professionals who had been providing talk-therapy for years with no complaints and a satisfied customer base because they could not meet the arbitrary academic qualifications needed for College membership, would not disavow their spiritual beliefs and/or dissociate from Christian organizations, or who refused to be coerced into an association with a regulatory body;
- The manufacturing of a brand-new profession from a failed psychological talk therapy intervention called 'psychotherapy' and then years later redefining this new profession over and over until it appropriated as 'psychotherapy' most, if not all, natural non-drug approaches used by holistic, spiritual, energy, traditional and other professionals, including counsellors;
- The handing to self-interest groups the unconstrained discretion to decide who can apply theory, on whom and when, as well as the latitude to decide a person's moral character, the minimum number of hours they can work, and which spiritual organizations are acceptable to associate with;
- The making of the activity of one human being providing verbal or non-verbal treatment to another human being who freely requests such treatment, a punishable offence. This instilled fear in every Ontarian that the College may at any time act on its threats to prosecute such interaction and 'let the courts' decide;
- The threatening of financial ruin and emotional devastation through the use of 'test court cases' against anyone who does not become a member of at least one College, has prevented myself and my colleagues from investing further in our careers and training;
- The demand that every person treated in Ontario receive an unscientific mental illness diagnosis, even for spiritual issues, when studies have proven that not only are mental illness diagnoses unscientific, but damaging to the patient and their recovery;
- The persistent threats of prosecution and court action of anyone who continues to 'treat' the public with undefined 'psychotherapeutic' techniques, by verbal or non-verbal means, unless that person is a member of the College;

- The unjustified use by the State, of written and verbal propaganda that only one approach (psychiatric, psychological, psychotherapeutic and spiritual psychotherapy as approved by the Colleges) can adequately and effectively serve the mental, emotional and spiritual healthcare needs of the public, despite the dismal failure of such conventional treatments to do so;
- The deliberate destruction of the rights and freedoms of holistic practitioners to pursue their economic, social and political aspirations through training and freely-chosen associations and by threatening for years that prosecutions for engaging in ‘treatment’ of others is imminent;
- The effects of the combination of defamation of holistic practitioners, State Party actors promoting their pet healthcare approaches as ‘superior’ and threats of having one’s name on a public list of non-members of the Colleges, serve to not only force membership, but to force practitioners to leave the province or close their businesses rather than face public humiliation. Placing my name on a public list attempts to send a clear message to the public that I, a non-member, is a practitioner of ‘lesser quality and skill’ and is being unlawful for practicing as a non-member;
- Despite the statement from the Attorney General at the time, Madeline Meillieur, September 2015: “*This time-limited option recognizes the individuals who have been practicing psychotherapy in Ontario and is intended to address concerns about potential service disruptions.*”, documentation in fact shows that NO steps whatever were taken to prevent the massive service disruptions that have ensued in the mental healthcare field;
- Many practitioners have been denied employment or lost employment with agencies wholly or partly funded by the provincial State Party because they are not members of the CRPO; and
- Many holistic, spiritual and traditional healthcare practitioners have left the province. **Others were forced into financial distress when coerced into following expensive ‘approved’ courses in unproven, unscientific psychological theories such as Gestalt, at their own expense, despite the fact that the State also has a legal responsibility to everyone to provide vocational and technical training FREE.** This state of affairs occurs in other non-drug professions regulated by the State Party, such as acupuncture.

I continue to refuse to be coerced and enslaved by the CRPO, but live in fear of being harassed, trespassed, prosecuted and financially destroyed.

Those who can offer holistic treatments (such as the hypnotherapy approach that I personally offer) and that have proven to the public to be more effective than that promoted and protected to the exclusion of all others by the State Party in violation of its legal obligation to prevent discrimination on any basis, are forced to live in conditions of fear of prosecution.

67. I understand that the rule of law requires the creation and maintenance of **positive** laws and when Ministers and bureaucrats place themselves above the law, as is the case with the trespass on guaranteed rights and freedoms created by the *Regulated Health Professions Act* and specifically the *Psychology Act*, the *Psychotherapy Act* and the *Controlled Act of Psychotherapy*, and soon the *Ontario Clinic Regulations*, the courts are prepared to act to repeal such legislation, take steps to end violations by its representatives and provide compensation and remedy.

How Canadians Govern Themselves, 6th Edition - The Rule of Law and the Courts 1

What does the rule of law mean?

It means that **everyone is subject to the law**; that **no one, no matter how important or powerful, is above the law — not the government; not the Prime Minister, or any other Minister**; not the Queen or the Governor General or any Lieutenant-Governor; **not the most powerful bureaucrat**; not the armed forces; not Parliament itself, **or any provincial legislature**. None of these has any powers except those given to it by law: by the *Constitution Act, 1867*, or its amendments; by a law passed by Parliament or a provincial legislature; or by the common law of England, which we inherited, and which, though enormously modified by our own Parliament or provincial legislatures, remains the basis of our constitutional law and our criminal law, and the civil law (property and civil rights) of the whole country except Quebec (which has its own civil code).

If anyone were above the law, none of our liberties would be safe.

What keeps the various authorities from getting above the law, doing things the law forbids, exercising powers the law has not given them?

The courts. If they try anything of the sort, they will be brought up short by the courts.

68. It is clear the Minister has taken no actions to promote and protect the fundamental rights and freedoms of professionals who do not wish to be classified as ‘psychotherapists’ or who practice some form of psychotherapy but do not wish to associate with the Colleges or be forced to dispose of their earnings for the right to work. **Now that the Minister has refused and failed to take the necessary actions despite 3.5 years of requests for remedy of the abridgements of rights and freedoms of Ontarians, it is time for the Lieutenant Governor to do so without delay.**

Regulated Health Professions Act

Regulations

(3) If the Minister requires a Council to make, amend or revoke a regulation under clause (1) (c) and the Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

69. REMEDY SOUGHT

- (a) An immediate repeal of the *Controlled Act of Psychotherapy*.
- (b) An immediate repeal of the *Psychotherapy Act* and a return of psychotherapy to the public domain without restriction or conditions.
- (c) An end to the use of protected titles for psychotherapy and psychology, given that neither 'profession' is based on scientific fact or evidence, and a return of presently protected psychology and psychotherapy terms to the public domain.
- (d) A return of psychology and psychotherapy to **self-regulation of providers by associations of VOLUNTARY membership**, with clearly stated mechanisms installed to protect those individuals who do not wish to become members.
- (e) A public announcement to all those who have been pushed from their careers by the CRPO that they can again resume their careers, regardless they call their services psychotherapy, psychotherapeutic, psychological, psychology, counselling or any other form of spiritual, mental, emotional, traditional, and energy healthcare service.
- (f) A clear public announcement that the proposed legislation promoted by Shenda Tanchak called 'Ontario Clinic Regulation', will not be implemented in any way, at any time, and that professionals and non-members of colleges will not be subjected to any further threats (in any form) by her working group.
- (g) **The sum of \$161,700, payable to me directly**, which represents the amount of lost wages, lost teaching and training opportunities, legal fees and other expenses I incurred in since July, 2014, broken down as follows:

Lost wages, training, teaching opportunities: 156 wks @ 20/hrs per wk x \$40/hr: \$124,800.

Legal fees: \$32,000.

Expenses: printing, mailing, website, mass marketing, printer ink, misc: \$4,900.

I was forced to pursue my rights and freedoms and remedy for the violations of my fundamental rights and freedoms, lost opportunities to build personal wealth and realize my potential, such as through the completion of my book for professional hypnotherapists. I incurred various expenditures. I was unable to enjoy my life due to the State Party's actions and inactions. I have been subjected to persistent fear and want.

70. Should the Minister and/or Lieutenant Governor fail to provide the remedies enumerated above within 60 days, I will exercise my right to turn to a Court of inherent jurisdiction to seek the Administration of Justice.

I am prepared to bring on a Notice of Constitutional Question seeking a declaratory order that offending enactments noted above be declared of no force or effect against me since the moment they were enacted.

Since the offending enactments prevent my colleagues from exercising their fundamental rights and freedoms, by extension I am prevented from obtaining their services as I need them, thus I will pursue a declaratory order that the offending legislation would be of no force or effect against anyone from whom I choose to seek treatment.

I need to be made whole for the violations of my rights, including the restoration of my natural wealth and resources expended in pursuing my rights and freedoms and pursuing meaningful remedy from the State Party to the date of this document.

As these actions of the State Party against me since July 2014 are a tort, tort damages of 50% of the aggregate awarded will also be sought.

Please govern yourselves accordingly.

June 21, 2017



**Grace Joubarne
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