

Supreme Court of Nova Scotia

Between:

Citizens Alliance of Nova Scotia

Applicant

and

Robert Strang acting as Chief Medical Officer of Health of Nova Scotia and Michelle Thompson acting as Minister of Health and Wellness of Nova Scotia and the Attorney General of Nova Scotia representing His Majesty the King in Right of the Province of Nova Scotia

Respondents

THE APPLICANT, CITIZENS ALLIANCE OF NOVA SCOTIA MOTION
FOR OBSERVANCE OF PUBLIC INTEREST STANDING

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Introduction

These are submissions on behalf of the Applicant, Citizens Alliance of Nova Scotia (“CANS”), in support of its assertion of Public Interest Standing.

Part I. Facts

01. The Applicant notes the following Pandemics have occurred in Nova Scotia since confederation, and their known fatality. This is not purported to be an exhaustive list.
 - a. Spanish Flu 1918-1919; 40-50 million
 - b. Asian Flu 1957-1958; 1 Million
 - c. Hong Kong Flu 1968-1970; 1.1 Million
 - d. Sars-Cov 1 2002-2003; 770
02. The Applicant notes that Sars-Cov 2 is not the first major pandemic in history therefore was not a novel event;
03. The Applicant notes that at no time during any of the repeated events in Fact 01 did the Crown or its administrators conduct generalized “Lockdowns”. Nor did they implement any forced vaccination Mandates. Nor did they restrict the freedom of people not infected with a disease at any other time before CMOH Robert Strang instituted these actions starting in 2020. The Applicant asserts that as a matter of fact it is CMOH Robert Strang et al’s Ultra Vires and Bad Faith actions that constitute the only novel event related to the Sars-Cov2 Pandemic;
04. On Sept 08, 2021 CANS delivered a Position Letter to the Respondents satisfying the mandamus needs for the Review;
05. CMOH Robert Strang, in his iteration of the October 01, 2021 Public Health Order and attached protocol, created a coercive mandate to force the Injection of those Under 16 Years of age with experimental mRNA products.
06. In furtherance to CMOH Robert Strang’s Ultra Vires Vaccination Mandates he caused direction to be given that those under 16 had the legal capacity to make informed medical consent decisions thus allowing the Mandate to be levied directly on those under 16 years of age.
07. On October 27 2021 the Citizens Alliance of Nova Scotia through its agent filed an Application for Judicial Review in Yarmouth County alleging Bad Faith and Ultra Vires action on the part of Robert Strang in his creation of a coercive Mandate to force the Injection of mRNA products in minor children.
08. On March 24 2022 The minor co Applicant JM through his litigation guardian KM joined in the Application for review. The Minor JM’s basic rights under **S. 7**. Of the Charter and

s. 1(a) of the Canadian Bill of Rights were directly violated by Robert Strang's Orders and JM suffered direct measurable harm as a result.

09. The Applicant takes note that every indicator of public opinion¹ clearly and very decisively informs us that the trust of citizens in the structures and character of every aspect of their Government is at lows never before measured. That much of this is collateral effects of the actions under Review by My Lord is believed to be a reasonable position held by the Applicant.

10. The Applicant takes note that many indicators² show public trust in the Judicial system is under serious threat.

Part II. Issue

The Motion for Public Interest Standing raises the following issue:

Does the Applicant's Motion for Public Interest Standing meet the legal test for leave to grant?

Part III. Argument

Public Interest Standing:

11. The Public Interest test in Canada is outlined clearly in **Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society, 2012 SCC 45 (CanLII), [2012] 2 SCR 524**, and recently strengthened by **British Columbia (Attorney General) v Council of Canadians with Disabilities, 2022 SCC 27**

The three tests comprising it are:

- *Whether the case raises a serious justiciable issue;*
- *Whether the party bringing the action has a genuine interest in the matter; and*
- *Whether the proposed action is a reasonable and effective means of bringing the case to court.*

1

<https://proofagency.wpenginepowered.com/wp-content/uploads/2023/02/CanTrust-Special-Report-The-Crisis-of-Trust-in-Government-and-Democracy.pdf>

2
<https://proofagency.wpenginepowered.com/wp-content/uploads/2023/02/CanTrust-Special-Report-The-Crisis-of-Trust-in-Government-and-Democracy.pdf>

12. The Justices of Nova Scotia have recently further endorsed this definition in **Ecology Action Centre v. Nova Scotia (Environment and Climate Change), 2023 NSCA 12**, and found,

“Public interest standing will be granted when three factors, weighed cumulatively and analyzed purposively, justify standing. The factors are: (1) there is a “serious justiciable issue”, (2) the applicant has a “real stake or genuine interest” in the issue, and (3) the proposed litigation “is a reasonable and effective way to bring the issue before the courts”. Here, the second and third factors favored standing, as the motions judge acknowledged. On the first factor, the motions judge erred in principle in her analysis and ruling that there was no “serious issue”. Under the criteria for whether there is a “serious issue”: the Appellants’ proposed contentions were “far from frivolous” and not “marginal”, their failure was not a “foregone conclusion”, and their substance was sufficiently “important” to justify a merits hearing”

13. The Applicant asserts that the issues before the Justice in this Review are the most **Serious Justiciable issues** that could be brought by any citizens toward the state as they involve the interference with our Children's safety. They involve the ability of the state to revert to dictatorial mandates far beyond its legal powers at will. This involves both the Legal concept and the actual reality of an egregious and unlawful *Habeas Corpus* violation by the state against the citizen.
14. The Applicant asserts that the Citizens Alliance of Nova Scotia, its Board of Directors, and its members have the most direct and **genuine interest** in the matter of the safety of our children and passing to them intact the structures and norms of a free and democratic society as is outlined in our corporate governance documents. It is this protection of rights and freedoms, that they should continue in their tradition and norms as they have always done, and not be extinguished by actions of public servants are among the most fundamental and serious of issues, which was identified by the collective members of CANS and fundamental to its formation and deserves to be heard in a forum without bias and with fairness which is appropriately the Judicial Review, as as all other means of recourse were unanswered.
15. The Applicant proposes Review as the most **reasonable and effective** means of bringing these matters before the Court. The Applicant asserts Prima Facie evidence that Robert Strang et al acted Ultra Vires to the HPA as written at S. 32 and 53(2) (a) in the creation of anything but a strictly “*voluntary immunization program*”. And that the information Robert Strang **knew or should have known** made the Decision under Review an action in Bad Faith.

Citizens Alliance of Nova Scotia argument for Standing:

16. The Citizens Alliance Of Nova Scotia was formed in response to the most egregious and serious violations of the Rights of Nova Scotia's citizens in the history of the Province in the form of the Covid-19 restrictions. Citizens Alliance of Nova Scotia and its Board of

Directors and members humbly plead that My Lord uphold the ancient right of **Habeas Corpus** owed by the Crown to its citizens. That rights are equal, with one right as important as the other, no right of any person can be abridged by the state, no natural liberty taken, without **due process of Law**. We humbly beg My Lords leave to diligently, thoughtfully and competently exercise this right on behalf of the Public Interest of all the citizens of Nova Scotia so that they may be secure that they are ruled by Law and not by fiat.

17. The Applicant notes that the ancient right of **Habeas Corpus** was enacted **specifically** to prevent the imposition of tyrannical mandates of any kind against the citizen depriving them of liberty or property without a fair, transparent, and accessible recourse in Law. This forms the Basis of the Rule of Law in our society and is under dire threat by the actions of the Respondent.
18. The Applicant takes note of Section 2 of the HPA
Restrictions on private rights and freedoms limited
2 Restrictions on private rights and freedoms arising as a result of the exercise of any power under this Act shall be no greater than are reasonably required, considering all of the circumstances, to respond to a health hazard, notifiable disease or condition, communicable disease or public health emergency. 2004, c. 4, s. 2.
19. The Applicant takes note that the imperative to “Public Interest” embedded in administrative Law was articulated by Lord Atkins in **R. v. Electricity Commissioners, Ex parte London Electricity Joint Committee Company, 1924 J 1 K.B. 171 at 205**
"Wherever any body of persons having legal authority to determine questions affecting the rights of subjects, and having the duty to act judicially, act in excess of their legal authority they are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs. ..There has been an unfortunate tendency to treat 'rights' in the narrow sense of rights to which correlative legal duties attach. In this sense, 'rights' are frequently contrasted with 'privileges', in the mistaken belief that only the former can ground judicial review of the decision-maker's actions. ..When concerned with individual cases and aggrieved persons, there is a tendency to forget that one is dealing with public law remedies, which, when granted by the courts, not only set a right individual injustice, but also ensure that public bodies exercising powers affecting citizens heed jurisdiction granted them. Certiorari stems from the assumption by the courts of supervisory powers over certain tribunals in order to assure the proper functioning of the machinery of government. To give a narrow or technical interpretation to 'rights' in an individual sense is to misconceive the broader purpose of judicial review of administrative action. One should, I suggest, begin with the premise that any public body exercising power over subjects may be amenable to judicial supervision, the individual interest involved being but one factor to be considered in resolving the broad policy question of the nature of review appropriate for the particular administrative body. The application of a duty of fairness with procedural content does not depend upon proof of judicial or quasi-judicial function....the function is analytically administrative, courts may intervene in a suitable case ... In my opinion, certiorari avails as a remedy wherever a public body has power to decide any matter affecting the rights, interest, property, privileges or liberties of any

person..supervisory powers over certain tribunals in order to assure the proper functioning of the machinery of government.”

20. The Applicant believes the recent decision of the Nova Scotia Court in **Ecology Action Centre v. Nova Scotia (Environment and Climate Change), 2023 NSCA 12** speaks clearly and succinctly to the obvious Public Interest in the matters before my Lord. In the cited Case the Honorable Justices found that the realigning of a road meant to facilitate the building and operation of a separate facility to store LNG was of sufficient interest to the Public at large to Grant Public Interest standing to a group formed to advocate environmental issues.

”The Ecology Action Centre acts as watchdog, convener, mobilizer and incubator. We engage community to create systemic change in the face of urgent, complex environmental issues.”

Mission Statement of the Ecology action center

“A just and vibrant world of respect, belonging and ecological resilience.”

Vision Statement of the Ecology action center

21. In its Corporate Mission Statement Citizens Alliance of Nova Scotia strongly and clearly indicates its founding principle as being a commitment to upholding the legal and Constitutional rights of Nova Scotians through legal action.

“To enable and support human and constitutional rights and freedoms through fund-raising, community engagement and smart activism.

To nurture a safe, healthy and economically thriving environment for our future generations through education and awareness-training”

22. The Vision Statement of CANS describes as its purpose

“A society where governments and their agents are held accountable by an engaged citizenry and where transparency in government actions and decisions is the default. An aware collective with a strong focus on actions that nurture and protect our future generations, are informed by our collective history and which support our love of home, family and faith in the supremacy of God, the Great Creator, with committed real time action to achieve such a future for Nova Scotians to come.”

23. The Applicant humbly submits the issues now before My Lord and the court touches directly on the most fundamental rights of human freedoms as outlined in **S. 7**. Of the Charter and s. 1(a) of the Canadian Bill of Rights 1960. The basic right to **security of the person**. The matters the Applicant brings forward for Review pose the most basic questions about the proper function and exercise of government power in a democratic

society. The Applicant takes note of the wording contained in the May 30th finding of the Military Grievances External Review Committee (MGERC) in a May 30 2023 decision.

"I conclude that the limitation of the grievors' right to liberty and security of the person by the CAF vaccination policy is not in accordance with the principles of fundamental justice because the policy, in some aspects, is arbitrary, overly broad and disproportionate," Commissioner Nina Frid

24. The Applicant humbly asks My Lord to take note that the Applicant's Cause of Action asserts specifically that the **Ultra Vires** and **Bad Faith** Actions of Robert Strang were *directed against minor Children*, as stated in the CMOH's Oct 01 Order and the Protocol of October 04. Robert Strang interfered with the most basic and sacred of duty, that of Mother and Father to Child. Robert Strang et al interfered with the oldest of human duties, one that is recognised globally in law of Parent to Child. This is a tort of public misfeasance toward KM litigation guardian of JM and every parent in Nova Scotia. The health and integrity of the Family unit being of vital Public Interest is why this matter should be heard.

25. The Applicant takes note of the **Children and Family Services Act. 1990**, in its preamble:

WHEREAS the family exists as the basic unit of society, and its well-being is inseparable from the common well-being;

AND WHEREAS children are entitled to protection from abuse and neglect;

AND WHEREAS the rights of children are enjoyed either personally or with their family;

AND WHEREAS children have basic rights and fundamental freedoms no less than those of adults and a right to special safeguards and assistance in the preservation of those rights and freedoms;

AND WHEREAS children are entitled, to the extent they are capable of understanding, to be informed of their rights and freedoms, to be heard in the course of and to participate in the processes that lead to decisions that affect them;

AND WHEREAS the basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom that is compatible with their own interests and of society's interest in protecting children from abuse and neglect

AND WHEREAS parents or guardians have responsibility for the care and supervision of their children and children should only be removed from that supervision, either partly or entirely, when all other measures are inappropriate;

26. The Applicant takes note that Children are given special protections by both domestic law and international treaty. The above quoted preamble to the Children and Family Services Act of Nova Scotia confirms this and these principles are enshrined in the **The United Nations Convention on the Rights of the Child** which states in its preamble, *Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community, Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,*

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

And at **Article 14 (2)**

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

27. **The Legal Maxim *Auegans contraria non est audiendus* - One making contradictory statements is not to be heard.** It is a principle of good faith that public officers cannot be allowed to make statements in contravention of each other. A minor cannot be made competent to make life altering decisions at the request of the state in one circumstance and then be considered a weaker party and in need of protection in another government proceeding. This is misinformation when clarity is needed and injury can result. Once the contradiction is stated publicly, it prevents any further argument in support of the contradiction.

28. The Applicant asserts that Robert Strang et al by issuing administrative directives causing **minor children** to be given sole Legal decision-making power in the irreversible injection of experimental mRNA products under duress and coercive conditions thus created a class of citizen to whom legal responsibilities are given without any legal Right of recourse because the courts do not confer the ability of their sole Legal decision-making on **minor children** to seek redress through the courts. The courts and the House of Assembly in Nova Scotia acknowledges that children cannot make life altering decisions which is reflected in legislation. This is a grievous affront to **Procedural fairness** and **Natural Law** and the Citizens Alliance speaks for them directly in its submission and motions and we beg my lords leave to continue to do so as

nothing

could be more specifically a matter of public interest to any society than the absolute protection of the rights and physical security of its children .

Part IV. Relief Sought

29. The Applicant believes My Lord should grant us our plea for Public Interest Standing to be permitted in bringing these most fundamental of matters before the Courts so that *Public Confidence* in their basic security and the Rule of Law in the province of Nova Scotia be appeased. It is notably the courts function as denoted by Lord Afton to “**assure the proper functioning of the machinery of government.**” For us and our children to whom we *must* leave an open and democratic society.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'William Ray', is written over a horizontal line.

William Ray
Agent of the Board

Citizens Alliance of Nova Scotia and J.M. by his litigation guardian K.M.

CANS/

c. Daniel Boyle, Counsel for the Respondents (via mail)

Co-applicant (via email)