



September 28th, 2013

Via email michael@law-democracy.org

Michael Karanicolas

Legal Officer

Centre for Law and Democracy

Dear Mr. Karanicolas,

Thank you very much for the opportunity to strongly endorse your recommendations. We have experienced nothing but frustration with the way the current government has found new ways to delay answering simple questions that could be answered by one person in a few minutes. The same holds true for more complex matters.

We have had many discussions with those within the system who are themselves sorely frustrated.

- 1) Yes – absolutely, and more. The current process holds the Review Officer captive within the Department of Justice, who are sometimes the target of the information request. She has no real power and no real independence. If she had the power to make binding orders, we believe delays would be reduced and that greater efficiency would flow. Some parties will hedge on their commitment fearing a proliferation of “nuisance” requests (“nuisance” to them) but we do not agree. If the Review Officer is given independence and true authority, she can cut to the chase. If we want to truly change directions in this province, we need to fix outdated ways of doing things, and this is one example.
- 2) Yes, with sharply-limited exceptions for voluminous requests. If we set up the system to require quick answers, the systemic apparatus of delay will melt. Please beware of non-commitments on these answers. A promise to review means “no.” A review is already underway, initiated by the CIO herself. A party that has developed experience with the system should know it needs an overhaul and should stand for something and be able to give you a specific answer to all of these questions. We do. A party that thinks it is ready to govern will turn a “review” without strong, specific commitments into a graveyard for good ideas once elected.



- 3) Yes. Solicitor-client privilege should be claimed narrowly and when legitimate, and not generally. We can cite examples where what the lawyer did or said is an integral part of proving the case or finding ways to make better public policy choices and really isn't a matter of confidential advice. In one horrible example, an accused pedophile was known to have access to day care kids without warning the day care. The government sat on the problem, and it was only when one of the government solicitors raised an alarm that the matter came to light, but NOT because of anything the government did! Knowing that and all the details of how it happened are critical to understanding how senior department officials and the NDP Minister could make such poor judgments, which is a public policy concern that far exceeds any claim of privilege.

Thank you again,

Rob McCleave

PC Campaign