

LEGAL LITE

QUESTION

The House of Assembly has recently passed a *Right to Information Act*. Is it mere window dressing? If not, how do I use it?

ANSWER

The *Right to Information Act* was passed at the Spring session of the Legislature, but though it has received Royal Assent, it has not been proclaimed as law. Once that proclamation takes place the Act has at least the potential of being a very useful tool in the citizen's struggle to keep the provincial government in check.

The Act boldly establishes a general right to receive information relating to the public business of New Brunswick from any Department, any Crown agency, or any other body or office "the operation of which is effected through money appropriated for the purpose and paid out of the Consolidated Fund".

The scope of the Act is, therefore, extremely wide, extending from Departments of government to school boards, and, arguably, to municipal councils. Furthermore, in any dispute as to the extent of the public's right to information the onus is not on the citizen to show why he *should* have certain information; it is upon the government to show why he *should not*.

The general procedure for obtaining a piece of information from the provincial government is as follows:

- 1) direct a detailed request to the minister of the department where the information is likely to be kept.
- 2) within 30 days the minister must grant or deny the request; or, if he cannot find the information he must ask you for further particulars; or, he must pass your request on to the Department where the information is likely to be kept. If your request is granted there may be a charge for finding and reproducing the document.
- 3) If the minister refuses to release the information requested for one of the reasons outlined below, he must supply you with the forms for appealing his decision. You may direct your appeal to either the ombudsman or a judge of the Supreme Court. Whichever of these functionaries you choose, he must within 30 days inspect the document(s) you have requested and determine how much information, if any, you may have.

If you go first to the judge, his decision is final. If you go first to the ombudsman his decision may be appealed to the judge. In either case the final decision as to whether your request will be filled is in the hands of an ostensibly neutral party.

There are two major stumbling blocks to the rights conferred by our freedom of information act. One is that the request for information must be sufficiently particular that the government can reasonably be expected to find what you want. The other is that there are several seemingly broad exceptions to the general rule that we have a right to information regarding the public business. No information, for example, need be released which would reveal confidential intelligence relating to an individual, nor any information which would cause financial loss or gain to a department, nor any information which would disclose opinions or recommendations by public servants to a minister or the cabinet. This last exception would seem to shelter a large and important range of internal departmental reports from public scrutiny.

Against the effect of these and the other exceptions one must remember that the burden is always on the government to show why the information you want qualifies within one of the exceptional categories. Moreover, you can always, and without significant effort, appeal the government's decision to an impartial third party. It may also be of some comfort to know that New Brunswick's *Right to Information Act* is much stronger than is that of Nova Scotia for example.

Finally, it should be noted that an ordinary person should be able to apply for information and take his or her appeal to the ombudsman, and possibly to the Supreme Court Judge, without relying on the services of a lawyer.

Credit: David Bell

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Hats off to Foresters

Well folks, another Forestry Week at UNB has drawn to a close, and, as usual, it turned out to be highly successful. The UNB "A" team retained possession of the overall championship in the 13th Annual Woodsmen's Competition with the "B" team finishing a respectable 8th. The Women's Team finished 4th among their class, by a mere 10 points. They put on a very strong showing. The faculty of Forestry takes its hat off to all competitors. A special thanks is hereby given to Hans Lussenberg, chairman of the competition, and to all members of both students and staff who donated their time and energy to this event. It never could have come off without you.

This year's Hammerfest was, as usual, superlative. The beer was cold and the fire and women hot, a winning combination. The fire was most challenging for any who sought to try their hand at walking it. Thank's for this one go to the boys from the Canterbury Castle and friends.

The next day, a huge spaghetti feast was enjoyed by a respectable number of people. The sauce was a real triumph because of the efforts of Ray Morin and "Veets". Also, honourable mention must be given to the official tasters from the Kent Manor who unflinchingly put their lives on the line in the name of Forestry (and a wicked case of the munchies).

This was followed up by a superb performance of the White River Blue Grass Band. The College Hill Folk Collective (Mark Lulham and friends) sponsored this and many foresters supported it. Thank you to everyone.

The Queens' Social on Monday night was a good time for those who attended. Some surprise candidates joined Marcia Phelps, Laurie Carroll, Kim Saunders and Fiona Middleton in the competition, which provided a few laughs, to say the least. Thanks here go to Paul (line) Meyer and all others who assisted.

The Great Debate had a somewhat meagre turnout, unfortunately, as some rather interesting points were brought up for discussion. Many thanks to the panel and to Judy Loo who arranged this one.

Following the debate, we were subjected to a real treat? in the form of Good Times Nite put on by the Newf's of UNB. M.C. "Elton" George Burns kept the audience retching with his snappy one liners. The performers were classics, every one of them. Never has the likes of the previously unheard of (except across the water) "G.B. and the Iceberg Band" been unleashed on us poor unsuspecting mainlanders. There is quite a future in store for this talented (octet)?, I'm sure. Another standout, (although he could barely stand up) was the famous songster Dick Nolan. He was flown in especially for this occasion, along with key members of his family, from Newfoundland. Thanks go out to Chips and the boys for this fine effort.

Wildlife night was taken by most foresters as a night off, which is unfortunate because those people who did attend found the event interesting and reward-

ing. A slide-tape show entitled "Deer and Timber: compatible partners in Management?" was viewed along with a presentation by Gary Moore of New Brunswick Fish and Wildlife. A wildlife display was also put on. Thanks here to Brian Davies for arranging this event.

Faculty Nite was another successful event with a very good turnout despite the poor weather.

The "Bull of the Woods", best overall points, went to Pierre Bertrand of N.B. Bull "ette" went to Judy Loo of PEI. The provincial winners were as follows: Steve Edwards, Nfld.; Judy Loo, PEI; Pierre Bertrand, N.B.; Steve Conn, N.S.; Pete Hamilton, Que.; Norm

Stevenson, Ont.; Marilyn Cherry, rest of Canada; Paul Meyer, U.S.A. Thank's to our barman and Viv Pirie for this event.

The Bushman's Ball was a fairly well attended event with a strong performance from the RCR Band in evidence. Prizes for forestry week were awarded. Robin Ballance gets the credit for this one. Thank-you to all who attended.

The week was culminated by the Nurses Social, a costume ball. The attendance was simply smashing and I can safely say that everyone in attendance had a wine time. The costumes that were displayed were quite good. Prizes were awarded for the 2 best costumes, which went to "Gunk the Viking," and "Count Pierre". Thanks to the boys from Kent Manor for this one and all the lovely nurses who came out and supported us.

Everyone who helped out in any way this week is hereby thanked and praised. The award for behind the scenes man of the week goes to Jim Nason who was our sound man and liaison with CHSR. Runner-up goes to Lloyd Havens for the use of his truck and time all week, in particular during the Woodsmen's Competition. The whole week was arranged and put on by the Forestry Association and its members. The author feels that they did one hell of a job and hopes that Forestry Week will continue to be the highlight of the year (so to speak) for Foresters in years to come.

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