

Subject: [Fwd: Re: November Election-request for information]
From: Brian Platts <bplatts@shaw.ca>
Date: Tue, 09 May 2006 22:28:15 -0700
To: Corrie@kost.ca

Subject: RE: November Election-request for information
From: Agnes Hilsen <Agnes_Hilsen@dnv.org>
Date: Tue, 09 May 2006 15:19:13 -0700
To: Cathy Adams <CathyAdams@Canada.com>
CC: fonvca@fonvca.org

Hi Cathy:

We have received this question before (usually from the media) as it does come up after every election, but we are obligated to ask people to come in to the office to inspect the statements.

Section 95(3) of the Charter does indicate that if a person can inspect a document, then they are also entitled to a copy of the document. However, Section 2 of the Interpretation Act provides that it applies to the interpretation of other statutes - unless a contrary intention appears in that statute.

In this case, the Local Government Act does contain a contrary intention. If a person was entitled to have a photocopy of a campaign financing form, that person could give the form to another person - or give further photocopies of it to many other persons - but those other persons would not have signed the statement required by section 93(2) of the Local Government Act, confirming that they will not use the information except for the purposes of the Local Government Act.

Also, the Interpretation Act is a very general statute that applies to hundreds of provincial statutes. The Local Government Act contains a very specific scheme that applies to local government elections. Where a person is entitled to a copy of a document, that is specifically stated (eg. candidates are entitled to a copy of the list of electors - section 62(8)). In this case, section 93(1) merely gives the public the right of inspection. This specific limited right of inspection in the LGA would override any general right to have copies under the Interpretation Act.

Lastly, section 93(1) of the LGA requires the forms to be kept for 7 years, after which presumably they must be destroyed. If photocopies could be given out, there would be no assurance that the forms will be destroyed.

Regards, Agnes

Agnes Hilsen
Municipal Clerk,
District of North Vancouver, 355 West Queens Road,
North Vancouver, B.C., V7N 4N5
604-990-2207, FAX: 604-984-9637, ahilsen@dnv.org

-----Original Message-----

From: Cathy Adams [<mailto:CathyAdams@Canada.com>]

Sent: Tuesday, May 09, 2006 2:26 PM
To: Agnes Hilsen
Cc: fonvca@fonvca.org
Subject: RE: November Election-request for information

Hi Agnes
Thank you for your response.

The Community Charter deals with the issue of copies being available. I refer to Section 95 (3), which states that a person may have a copy of any municipal record which is available for public inspection. Section 194 (3) says that fees may not be imposed for items in relation to Parts 3 or 4 of the Local Government Act, the portions of the LGA dealing with elections.

Would you please take a look at these sections specifically? As I have done in the past, I could come in and try to make notes from the records. A concern when doing that is the possibility of transcription errors, so copies would always be preferable.

Thanks very much
Cathy Adams

At 03:22 PM 5/4/2006, Agnes Hilsen wrote:
Hi Cathy:

We're not able to make make copies of the disclosure statements (Local Government Act rules), but they are available for inspection in the Clerk's Office.

Agnes

Original Message-----
From: Cathy Adams [<mailto:CathyAdams@Canada.com>]
Sent: Thu 5/4/2006 1:25 PM
To: Agnes Hilsen
Cc: fonvca@fonvca.org
Subject: November Election-request for information

Hello Agnes

Please refer this request to whoever in your department should receive it.

I would like to obtain a copy of the candidates' Disclosure Statements and Supplementary Reports for last November's election. Please advise regarding this.

Thank you.
Cathy Adams

Re: November Election-request for information Content-Type: message/rfc822

Content-Encoding: 7bit