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Fax Cover Sheet

To: Valerie Price
MARL
for "Democracy in the New Millenium"

Fax Number: 946-0403

Date: September 8, 1999

Sender: Paul Vogt
Director of Research

Phone: 982-8080

of Pages
(incl. Cover): 7

Message:

On behalf of Gary Doer, I am pleased to submit the NDP's response to the "Democracy in the New Millenium" election questionnaire submitted by MARL, PCWM and CTF-Manitoba. Thank you for giving us the opportunity to comment on these important issues.

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3. *If your party forms the Government of Manitoba would you narrow the exemptions for cabinet confidences and advice to a public body in the current Act with a view to allowing citizens to judge all the supporting substantive documentation for public policy decisions?*

Yes. Other provinces function quite well with a narrower Cabinet exception. In particular, we will consider how to change the definition of "background information" that is subject to release.

4. *If your party forms the Government of Manitoba would you lower the 30-year ban on cabinet records? If yes, how many years would you stipulate?*

Thirty years does seem unusually and unnecessarily long. We would work with interested groups to define a more reasonable period.

5. *If your party forms the Government of Manitoba would you amend the FIPPA to lower the current 90 days requirement for the Ombudsman to report on complaints? If so, what time period would you stipulate?*

No. The 90-day period is reasonable, recognizing that the Ombudsman can report in a shorter time if able. The real issue is the resources allocated to the Ombudsman's Office, not the length of the reporting period.

6. *If your party forms the Government of Manitoba would you amend the FIPPA to allow the Ombudsman [or Commissioner] to order the release of information from a department, board, commission, association or other entity to which the Act applies, as is the case under Alberta, British Columbia, Quebec and Ontario legislation? Please explain.*

Yes. The main tool in enforcing FOI legislation is the prospect of embarrassing the government. Where a government seems impervious to

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embarrassment (as has been the case with the Filmon government), a practical and relatively inexpensive enforcement mechanism is the only alternative.

7a. If your party forms the Government of Manitoba would you continue to charge the search and preparation fee of \$30 per hour under the Access and Privacy Regulation [64/98]? Please explain.

There have been a number of concerns raised that the fees imposed for searches have been used as a deterrent to access. The single best way for a government to improve its FOI response is to have a well-trained, openness-oriented civil service. A proper response to FOI requests does impose a cost on government, and we agree that those making FOI requests must in most cases be prepared to recognize that cost through the payment of fees. There must, of course, be adequate provision for waiver of fees (see our answer to Question 7b).

7b. If your party forms the Government of Manitoba would you introduce a wider public-interest fee waiver such as that in the Alberta legislation? Please explain.

In our view, the current fee waiver provision is too narrow. The public-interest fee waiver should be extended to all subject matters, not just to public health, safety or the environment. However, we recognize that adjudication of an open-ended waiver provision will in some cases pose a difficult burden on the Ombudsman.

8. If your party forms the Government of Manitoba and conducts polls, surveys, questionnaires, focus group sessions, would your Government routinely and promptly release the results including all of the methodology, questions, results, etc. (i.e. table in the House when in session and/or release to the media when the House is not in session). Please explain.

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If so, what will be the time frame for routine, full public disclosure (immediately, monthly, bi-monthly, other)? If "other", please explain.

We agree that all taxpayer-paid polling results should be released to the public. The NDP has pushed for this policy for several years. Filmon government has now agreed to release polling, but only after a request is made. Obviously, the circumstances will change from case to case, but we would expect that release would be the norm. We also believe that the taxpayer should not foot the bill for polling (or advertising) that has a partisan purpose.

9a. If your party forms the Government of Manitoba would you allow direct, free access to public/private partnership final (signed) agreements? Please explain.

The most frustrating recent example of the Filmon government's refusal to release information of this nature is the secrecy surrounding the frozen food deal. The Minister of Health agreed in principle that the information should be released, but has yet to make it public.

Private-sector partners doing business with the Government of Manitoba under an NDP government would have to understand that where there is public expenditure there must also be public accountability. That includes public disclosure of contracts, subject to normal and reasonable commercial clauses designed to protect trade secrets and intellectual property.

9b. If your party forms the Government of Manitoba and puts confidentiality clauses into public/private partnership agreements please explain how you would ensure public accountability for the expenditure of public funds.

See our answer to Question 9a. An NDP government will not agree to confidentiality clauses, except for normal and reasonable commercial clauses designed to protect trade secrets and intellectual property.

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10. If your party forms the Government of Manitoba would you revert to the Manitoba Municipal Board's previous policy of making all of the background files (including all policy advisors' professional and technical advice) freely available to the public on request, both before, during and after cases have gone to public hearing? Please explain.

Yes. A small copying fee might be imposed for paper copies, but otherwise the kind of documents listed should be available to the public.

11. Do you believe that electronic records should be treated differently from paper records? Please explain your answer.

No. There is no difference in principle between electronic and paper records. In fact with digital technology (and document scanning) the difference between the two is vanishing.

12. If your party forms the Government of Manitoba would you redesign the Government of Manitoba web-site to allow citizens full and free access to all government laws, regulations, bills, estimates (including detailed supplementary information), public accounts and audits? Please explain.

In principle, all public laws (statutes and regulations) and documents tabled in the legislature (including bills, estimates, public accounts and audits) should be available to the public on the Website.

13. If your party forms the Government of Manitoba, what will be the dividing line between government intranet (open to civil servants only) and the government web-site (open to the public)?

The dividing line between Intranet and Internet is an issue which we will have to consider when we're in a position to know the full range of public

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information that is now available or could be available on government intranets.

14. What is your view of the current level of public access to government information in Manitoba (poor, adequate, good)? How else would you enhance it?

Under the Filmon government the level of public access has been poor. The Filmon government has exhibited a culture of secrecy that is anathema to the spirit of the FIPPA.

15. If your party forms the Government of Manitoba, and you believe that the FIPPA needs to be amended how and when would you amend the Act?

An NDP government will consult with interested stakeholders and the Ombudsman's Office and will work with them to create effective legislation.

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August 23, 1999

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Dear Party Leaders,

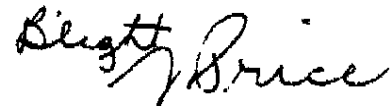
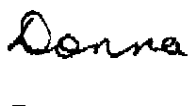
Re: **Democracy in the New Millennium**
Questionnaire re Access to Information

In the interests of transparency, public participation and the accountability of government in Manitoba, there is keen public interest in the response that you and your party make to the following questions re public access to information. We would therefore appreciate it if you would complete the following questionnaire and return it by fax by Wednesday, September 8 to Manitoba Association of Rights and Liberties on behalf of your party. Please contact Valerie Price at MARL if you have any questions.

We will share all responses with our respective members and the media to inform the voting public of your intentions.

Thank you for your participation.

Yours truly,



Donna Blight
President,
PCWM

Valerie Price
Executive Director,
MARL



Victor Vrsnik
Provincial Director,
CTF - Manitoba