

# Members First

The official newsletter of The Mounted Police Members' Legal Fund

Fall 2006



It is important to remember that all lessons learned and all benefits derived from actions supported by the Mounted Police Members' Legal Fund (MPMLF) accrue to all regular and civilian members of the Royal Canadian Mounted Police (RCMP).

Are you a member of the MPMLF? If not you should be! Read below and see why.

To become a member, please submit an application form, a fax or an email to your Staff Relations Representative (SRR) or Sub-Representative with your regimental number, name, current posting and your permission to deduct the biweekly payment of \$2.00 from your regular pay. Or contact the Secretary/Treasurer: A. Gordon Clarke, at 1344 de Papillon Place, Orleans (Ontario) K4A 1Y9. Telephone: 613-834-1681; Fax: 613-834-2811; Email: [agclarke@istar.ca](mailto:agclarke@istar.ca).

## Supreme Court of Canada refuses to grant Michael Ferguson leave to appeal

In our Fall 2005 Newsletter, we informed the Membership that the Alberta firm of O'Brien Devlin Markey and MacLeod had been retained to appeal the conviction of Michael Ferguson for manslaughter to the Alberta Court of Appeal. We further advised that results would be posted on the MPMLF website and they were. For those of you who have not accessed that site however, the appeal was heard on October 12, 2005 and was subsequently dismissed, with the reasons being filed (15 pages) on February 22, 2006.

On March 2, 2006, Mr. Noel C. O'Brien, main counsel for Michael, presented the Legal Fund National Executive Committee with an analysis of the Alberta Court of Appeal decision and recommended steps be taken to facilitate an appeal to the Supreme Court of Canada. It is important to note that a defendant does not have an automatic right of appeal to the

Supreme Court. It is necessary to first make an "Application for Leave to Appeal". This application, and all of the material in support of it, had to be filed with the Registrar of the Supreme Court of Canada within 60 days after the date of the Judgment in the Alberta Court of Appeal. Documents similar to the "Factum" were filed in the Alberta Court of Appeal, as well as a full Memorandum of Argument of the Appellant setting out the issues and the legal arguments, which we would be requesting the Supreme Court of Canada to hear. This Memorandum of Argument will include all Statements of Facts, Questions in Issue and Argument, along with any Authorities to be relied upon.

Section 40 of the Supreme Court Act provides that the Supreme Court of Canada may grant Leave to Appeal where the court is of the

opinion that any question involved therein is, "(...) by reason of its public importance, of any issue of law or any issue of mixed law and fact involved in that question, one that ought to be decided by the Supreme Court, or is, for any other reason, of such a nature or significance as to warrant decision by it." In essence, this means that the Supreme Court of Canada will only grant leave on issues of national importance. This may involve matters of law upon which different appellant Courts in various Provinces disagree. It may involve issues of new law on matters yet undecided by the Supreme Court of Canada. It also means that the Supreme Court will only hear cases it wants to hear.

A big and costly gamble, but one the Legal Fund National Executive was willing to take in

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# Information

The MPMLF is a private not for profit corporation under the direction of the majority of the Royal Canadian Mounted Police (RCMP) Staff Relations Representatives (SRRs). The views expressed in any material published in this Newsletter are those of the authors and do not reflect those of the RCMP.

Suggestions and contributions from members of the MPMLF are welcomed and encouraged. Please send your correspondence to:

A. Gordon Clarke, Secretary/Treasurer  
MPMLF, 1344 de Papillon Place,  
Orleans (Ontario)  
K4A 1Y9.

## MPMLF National Executive Committee:

- S/Sgt. Roy Hill –  
“B” Division – Chairperson
- S/Sgt. Jim Kay –  
“K” Division – Vice Chairperson
- S/Sgt. Murray Brown –  
“H” Division – Member
- Sgt. Gord Dalziel –  
“E” Division – Member
- S/Sgt. Bob Meredith –  
“K” Division – Member

**When we take on an issue,  
we are convinced that justice  
will triumph.**

**We are not afraid of the cost,  
hiring the best lawyers  
available to work in  
your interest.**

**We cannot however predict  
how the court will rule.**

# Highway Patrol Member Appreciates the Value of an Onboard Camera and the Help of the MPMLF



On August 1<sup>st</sup>, 2001, Cst. Armand Liboiron was part of a three-man highway patrol team stationed at Mayerthrope, Alberta. On that date he had occasion to stop one Rev. Walter J. Majola, B.A., M.A, TRES, Dip. in Ed. and Ed. M.A., a self-described Anglican minister and a Yukon College professor, for travelling 132 kilometres per hour in a 100-kilometre speed zone and issued a voluntary payment ticket in the amount of \$128.00. Approximately one month later, Rev. Majola, when paying his violation ticket, enclosed a three-page letter to the clerk of the Provincial Court, in which he was highly critical of Cst. Liboiron's conduct during the issuing of the ticket. In the letter, among other statements, the defendant stated, "He scolded me like a dog and his hand was on his pistol ready to shoot if I did not carry out his order."

The letter was subsequently forwarded to Cst. Liboiron's supervisor, who had access to a video recording that had been running during the traffic stop, unbeknown to Rev. Majola. After viewing the tape, he suggested the complaint should be summarily dismissed. However, Cst. Liboiron felt that the nature of the allegations and the notoriety within

the court and local police circles impugned his credibility. He insisted on a formal investigation under the RCMP *Code of Conduct* regulations. The RCMP subsequently cleared Cst. Liboiron of any wrongdoing. On being so informed, he stated he wished the RCMP Public Complaints Commission review the matter. That body also cleared him of any wrongdoing.

In 2005, with the assistance of the MPMLF, Cst. Liboiron initiated court action against Rev. Majola. During the trial, Rev. Majola and his wife, who had previously been unaware of the video, questioned its authenticity and continued to espouse previous assertions of inappropriate behaviour by Cst. Liboiron. In making his decision, the judge stated: "A review of the video clearly shows an uninterrupted record which begins with the police vehicle pursuing the defendant's vehicle and which ends with the police car leaving the scene, while the defendant's vehicle remains parked on the side of the highway. There is no hint that this video is anything other than an accurate record of Constable Liboiron's dealings with the defendant and his wife. The video speaks volumes as to the credibility of

Constable Liboiron. It also speaks volumes as to the uncomfortable relationship the defendant has with the truth. The video supports and confirms the evidence of Constable Liboiron and it completely refutes the evidence of the defendant and his wife. The allegations of the defendant, and the attack on the only independent record of the encounter between the parties, can only be described as fantasy. However, the import of the allegations is not a fantasy. It is nothing less than a malicious attempt to damage the reputation of a police officer whose only sin was to stop the defendant and issue a speeding ticket.”

In summing up, the judge said: “I have already dealt with the adequacy of the videotape. I am satisfied as to its authenticity. I am equally satisfied that the defendant has been untruthful in his testimony and has falsely embellished his story to account for the irrefutable evidence provided by the videotape. The result is a further attempt to assail the character of the plaintiff. Of equal significance is the impact on the justice system. The defendant, by his actions, after taking an oath, has also assailed our system of justice. He and others of a like mind need to be deterred.”

The judge fixed compensatory damages in the amount of \$5,000 and punitive damages in the amount of \$5,000. Rev. Majola has entered an appeal to the Alberta Court of Appeal on technical grounds. The matter will be proceeding later in the fall.

### **DID YOU KNOW?**

**In our last newsletter, we reported A, C, N, O and S Divisions with an average of 37% of regular and civilian members belonging to the MPMLF. That average has increased to 39.8% this year. In the last Newsletter, we reported that the rest of the Divisions came up with an average of 88% of regular and civilian members belonging to the MPMLF. This year, that average has increased to 91%.**

# Royal Canadian Mounted Police Promotion Process

Each year we receive a number of requests from members asking for assistance in setting up a Judicial Review by the Federal Court on decisions made in various Divisions during the promotion process. You should be aware that there are some criteria that must be met before such action can be contemplated. Following is an example:

Our member applied for a promotion to a position as a Major/Serious Crimes Supervisor/Investigator. As part of the process, he attended a Structured Interview Board (SIB). The Chairperson of the SIB is required to provide introductory comments to all candidates competing for the position. In addition to providing general information about the SIB process, the introductory comments inform the candidate that the Board’s decision may be influenced by the recency of his examples and the rank at which they were performed. According to our member, the chairperson failed to provide these introductory comments and as a result, our member claims his responses were less recent, detailed and informative as they may have been, had he been suitably informed.

A Request for Intervention under the RCMP Commissioner’s Standing Orders - Dispute Resolution Process for Promotions (DRPP) was submitted, following which the Staffing and Personnel Representative acknowledged that an error had been made and partially granted our member’s suggested corrective actions. A rebuttal was presented in which our member requested that the entire promotional process be redone before a new Board. The Grievance Adjudicator did not agree and found only that the member should be re-interviewed for the position. He did not address the issues raised in the rebuttal.

Not satisfied with the Adjudicator’s ruling, our member requested the decision be held in abeyance until someone with more experience could review the matter. The Human Resources Office was not willing to respond to the member’s request for a review, therefore the member turned to the Mounted Police Members’ Legal Fund for assistance in proceeding with a Judicial Review before the Federal Court.

In this particular case, two legal issues had to be addressed:

1. **The timeliness of a Judicial Review Application.** According to the Federal Court Act, an application must be brought within 30 days of the decision that is subject to review. Our member received the Adjudicator’s decision on May 27, ....., and therefore should have commenced a judicial review application on or before June 25, ....., Since this was not done, in order to proceed with this judicial review application, we must address whether the Federal Court is likely to exercise its discretion to extend the limitation period.
2. **The merits of proceeding before the Federal Court.** The Federal Court will only quash the Adjudicator’s decision if there are grounds for review, and if our member has not already received an adequate remedy.

In the opinion of our lawyer (11 pages), while a strong legal case existed in favour of quashing the Adjudicator’s decision, there were practical concerns that might have limited the redress available in Federal Court – and the member would have to prove that a new structured interview board was necessary to achieve fairness in the process. It was decided no further action would be taken.

# Defamation of our Members' Character will not be Tolerated by the MPMLF

## The Facts

This defamation arose from an incident on February 28, 2001. At that time the defendant, Mr. Troy Letcher, was pulled over by Cst. [name withheld at member's request] and Cpl. Jennifer Bonzer, as a result of his traveling well under the posted speed limit on the Trans-Canada Highway. Mr. Letcher had an extensive criminal record and, upon questioning, admitted to having marijuana in his possession. His vehicle was searched and the marijuana was found along with approximately \$12,000 in cash. Mr. Letcher was ultimately convicted of being in possession of the proceeds of crime and in possession of marijuana.

Before the commencement of his criminal trial, and specifically on October 7, 2002, Mr. Letcher wrote a letter to the Provincial Ombudsman in which he made serious malicious and unfounded allegations against Cpl. Bonzer and Cst. .... Mr. Letcher alleged that the police officers had told him that if he gave them the \$12,000, they would allow him to drive away and that if he insisted on being given a receipt for the money, they would "shred his life and that of his family and friends". He further stated that he was "harassed, insulted, threatened, coerced and extorted to give the police (his) money." He further claimed that the police had put the threat to "shred his life" into action, by undertaking searches of his financial and bank records even though those records contained "no transaction, even among the correct ones, that supports the Crown's wild theories." Finally, Mr. Letcher stated: "I personally think that J.J. Bonzer and Cst. ... are abusing their power on an ongoing basis. I guess there would be no records of how many people just handed over their money and left. Perhaps the only evidence of this would be if there were any other formal complaints against these two. It might be interesting to see if their assets and lifestyle match their income. I see their behaviour as "policing for profit".

Bonzer and ... looked to the MPMLF for advice and assistance in dealing with Mr. Letcher's defamatory remarks. Their request was approved and Mr. D. Robb Beeman, from the firm Heenan Blaikie, was retained to act as their counsel in a defamation action against Mr. Letcher.

## The Trial

The matter proceeded to trial before the Honourable Mr. Justice McIntyre in the Court of Queen's Bench on January 16, 2006. Remarkably, the defendant, who had vigorously maintained that the statements were true, ultimately failed to appear for his trial. As the pre-trial conference judge had ordered the trial to proceed, the Learned Trial judge proceeded in Mr. Letcher's absence.

Heenan Blaikie had prepared a series of "Notices to Admit Facts" outlining the defamatory statements that had been made by Mr. Letcher, and the fact that those statements had been widely disseminated and published – not only to the office of the Ombudsman, but to the Department of Justice in Calgary and to offices of the Royal Canadian Mounted Police. After reviewing these notices, and the testimony of Cpl. Bonzer and Cst. ... articulating just how they felt their reputations have been unjustly tarnished by the malicious allegations of Mr. Letcher, Justice McIntyre concluded that the plaintiffs had established that they had been seriously defamed.

## The Judgement

The Court provided oral reasons for judgment in concluding that both Cpl. Bonzer and Cst. ... were entitled to \$25,000 each in compensatory damages. He ruled that he was convinced that the defendant had lied in making the allegations against the police officers. He also indicated that he was outraged by the conduct of the defendant and noted the insidious nature of defamation. He also awarded the plaintiffs costs of bringing the action.

## DO YOUR JOB WITH DUE DILIGENCE

The following is reprinted from a local Ottawa newspaper.

### ONTARIO

#### Court upholds right to sue police

People wrongly accused of crimes can sue for shoddy police work, Ontario's top court has affirmed, but the judges divided 3-2 to deny compensation to an aboriginal man who spent 20 months in jail for a robbery he did not commit. A majority of a special five-judge panel of the Ontario Court of Appeal dismissed Jason George Hill's \$3 million damages suit against the Hamilton-Wentworth police services board. But that conclusion prompted a strong dissent from Justice Harry LaForme, the country's only aboriginal appellate judge. **Although the Court of Appeal dismissed Mr. Hill's request, the five judges upheld a suspect's ability to sue police for negligent investigation.**

## Conclusion

It is the writer's opinion that this case once again is a significant precedent, not only for members of the Legal Fund, but for all members of the RCMP who face similar situations on a daily basis in the performance of their duties. It further serves as a substantial deterrent to individuals who might choose to make unfounded allegations against members of the RCMP.

## DID YOU KNOW?

**There are many issues supported by the MPMLF that cannot be published due to privacy concerns and publication bans.**

# Mounties at Risk says Judge

MPMLF Executive Committee Chairperson, S/Sgt. Roy Hill, forwarded the following news item, which he gleaned from the July 20, 2006 issue of the Edmonton Sun. Roy's comment, "A problem is beyond chronic when stories like this are being run in public newspapers. While this refers directly to Detachments in Manitoba, this is a common case in all provinces and of grave concern to the MPMLF as well as all members and employees of the RCMP."

**WINNIPEG** - RCMP officers in remote northern Manitoba communities are putting their lives on the line because their detachments are chronically understaffed, says an inquest report released yesterday. Judge Brent Stewart's report says RCMP officers risk their "personal safety and ultimately life" because they are overburdened and sometimes required to act alone in dangerous situations. Stewart headed the inquest into the January 2005 death of Dennis St. Paul, a man from Norway House, who was shot by RCMP Cst. Darcy Muth during a scuffle. The inquest was told Muth tried to arrest St. Paul on an outstanding parole warrant, and did not handcuff him. The officer was working alone that day because another constable was transporting

a prisoner to Thompson. The report says St. Paul fought the officer, got on top of him and beat him with his own baton before Muth fired two fatal shots.

Muth was cleared of any wrongdoing in the fall of 2005. A review conducted by the Regina City Police service found the officer "had reasonable apprehension or reasonable grounds to believe using his firearm was necessary for his self-preservation." The report also points out the Norway House detachment had about half of the 19 officers it needed at the time - a situation Stewart suggested exists in many other remote northern communities. "This inquest recommends that the RCMP (...) meet with the province of Manitoba and, thereafter, the Government of Canada, to immediately fund an increase in resources," he writes. Stewart's report also recommends officers handcuff any suspect who is potentially violent, and not try to arrest them without backup.

Federal Auditor General Sheila Fraser has also pointed out staffing shortages at the RCMP. In a 2005 report, Fraser found that when the RCMP lacks officers to meet its provincial and community police duties, it routinely pulls members from national police work - including drug and organized crime investigations -

to fill the gap. Fraser also warned the Mounties were not training enough recruits to fill jobs that are expected to become vacant in the coming years due to retirements and other factors.

Manitoba Justice Minister Gord Mackintosh said he is ready to fund more Mounties under an existing 70-30 split with the federal government, but called on Ottawa to boost training. "What we need is a different approach, a strong approach from Ottawa to ensure that Canadians are getting the RCMP cadets out of training to fill those positions."

St. Paul's death prompted anger among some residents of Norway House, an aboriginal community of 4,300 about 450 km north of Winnipeg. The chief at the time, Ron Evans, said tensions on the reserve were running high because people felt the shooting was not justified. Stewart's report chastises "some leaders in the aboriginal community (who) took it upon themselves to make this shooting a political issue by prejudging this case." The reserve's new chief, Marcel Balfour, called the report well-considered but added "there is always going to be some distrust with respect to the RCMP."

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## RCMP Pay Council and Cabinet Confidence

For years, the question: "How did Treasury Board determine the appropriate total Compensation package for members of the RCMP?", has been asked by many members. No more so than in early 2005, when the 2004 total compensation package was released. Not only was this package released late, but it saw compensation falling out of place with the average of the top three in our recognized police universe which is used as a comparison set to guide the Pay Council in its submissions to Treasury Board. What had happened? This question was asked, however, not answered to

the satisfaction of Sgt. Greg Barrett of "H" Division CCS. Sgt. Barrett's enquiries were stifled, when he sought to learn the detail of exchanges between the RCMP Pay Council and Treasury Board. Sgt. Barrett learned that as a result of protection provided by "Cabinet Confidence", these detailed exchanges were not available to him, nor to other rank and file members of the Force.

Not deterred, Sgt. Barrett made an ATIP request for all documents that went into the development of the 2004 total compensation

package. Congruent with his ATIP request, Sgt. Barrett made an application to the MP Members' Legal Fund to financially support his request, to pay for the associated administrative and research fees. The MP Members' Legal Fund supported Sgt. Barrett's request, knowing that the information recovered would have the potential to benefit, or at least properly inform all members.

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# Updates

1. Remember John Hudak, the former “K” Division member who was cleared of rape charges, and who subsequently launched a civil action. Well it is still going on with a mediation hearing tentatively scheduled for November 23<sup>rd</sup> and 24<sup>th</sup> before Mr. Roger Kerans, a former justice of the Court of Appeal of Alberta. Justice Kerans is one of the most respected mediators in Canada and we have every expectation that the matter will resolve itself at that time.

2. How about Robert Read who gave up fighting to keep his job after blowing the whistle on alleged corruption at the Canadian Mission in Hong Kong in the early 1990’s. His case had been before the Federal Court of Appeal since May 2006 and their decision was received the last week of August with his lawyer, David Yazbeck, commenting as follows: “Unfortunately, you will see that the Court of Appeal has dismissed the appeal. We are very disappointed with the analysis that has been employed by the Court. The bottom line is that the Court appears to have very little tolerance for any form of public comment, regardless of whether the employee is a member of the RCMP or otherwise. Of particular concern is the Court’s limited use of evidence from the record. For example, the decision of the ERC in this case was extremely positive and, in our view, represented the most appropriate approach to the legal issues raised. The Court has failed to address all of the positive findings made by the ERC and has, instead, chosen the few negative comments in order to support its judgment (54 pages).

Furthermore, a number of other arguments we advanced regarding the protections that

should be given to members in these circumstances have not been addressed. Nor has the Court squarely addressed the fact that serious wrongdoings occurred, which are worthy of public discussion. Finally, the Court does not address the fact that Corporal Read took numerous steps to raise his concerns internally. All in all, we are disappointed with this result and will be discussing with Corporal Read his options in the near future.”

A further report was submitted by Read’s lawyer on September 19<sup>th</sup>, 2006, recommending that the Legal Fund National Executive consider leave to appeal and an appeal to the Supreme Court of Canada because of the arguments that had not been addressed by the Federal Court of Appeal. The National Executive Committee unanimously approved this further request, indicating it was prepared to take the matter to the limit.

Robert and his wife Jean took the time to address the following to the Secretary/ Treasurer of the Legal Fund:

“Dear Gordon.

We are writing to thank you for your financial and moral support through the years. The fund has defrayed most of the cost for lawyers to defend me (Robert) at the RCMP tribunal, in the Federal Court, and at the Federal Court of Appeal. Without your help we don’t know what we would have done.

Emotionally, these years have been very hard, very difficult for us. What might have been an unbearable load has been lightened by you.

The fact that the fund assessed the case and found it worthy of support is also important. To date the courts have

managed to ignore the fact that the hierarchy of the RCMP is required to act lawfully. The fund has understood that a member’s obedience is based upon a belief that his/her superiors’ actions are lawful. Knowing that the leadership of the fund realised why the case must be pursued has been a source of strength.”

Robert A Read  
Jean A Read

3. And then there is the ongoing support for the FLI/FIT Civilian Member Employees in their quest for pay equity. In May 2006, E. Beth Eva of the Winnipeg firm of Fillmore Riley, filed the Appeal Books and the Appellant’s Memorandum of Fact and Law in the Federal Court of Appeal. The Respondent (Attorney General of Canada) had until July 7, 2006 to file its Memorandum of Fact and Law, following a date which was to be set for the hearing of the appeal. We are still waiting for a date to be set; we however anticipate it will be in late November.

## ***DID YOU KNOW?***

**We are certainly busy. Currently, we have 33 requests for assistance that have been approved by the Division Board, the Applications Review Committee and the National Executive Committee, at various levels in the justice system.**

## Michael Ferguson

cont'd from page 1

the interest of justice for one of its members. Unfortunately on Wednesday, August 23, 2006 the Supreme Court made a decision not to grant the Application for Leave to Appeal. In keeping with its usual practice, the Court gave no reasons for the decision. It was a huge disappointment to all of us who have the potential to face similar situations. Remember the jury accepted Michael's first shot. His conviction was based on the fact that they considered the second shot *just beyond reflex*.

While this part of the process has been exhausted, Michael still faces an appeal by the Alberta Crown against the conditional sentence imposed by the trial judge. Watch our website for future developments: [www.mpmlf.com](http://www.mpmlf.com).

### BREAKING NEWS:

#### *Ottawa Citizen* September 26, 2006

"Ex-Mountie should go to prison: court  
The Alberta Court of Appeal ruled yesterday that former RCMP constable Mike Ferguson should indeed serve the mandatory minimum four-year prison sentence for shooting Darren Varley twice during a fight in a Pincer Creek, Alta., cell in October 1999. The ruling overturned a lower court decision in 2004 that granted Mr. Ferguson a constitutional exemption and allowed the ex-Mountie to serve a conditional sentence of two years less a day in the community."

There was one dissenting Justice. As a result, Ferguson will get an automatic appeal to the Supreme Court of Canada. On the advice of his lawyer, Mike turned himself in at the Kamloops Detachment of the RCMP. The Legal Fund is in touch with his lawyer to ascertain what options may be available for further assistance.

## Another letter of Thanks (S/Sgt. Steve Walker is an SRR from "D" Division)

S/Sgt. Walker;

This past year I found myself in legal difficulties and a difficult position with our Force and relied on yourself and S/Sgt. Boisjoli for assistance during that time. Through the SSR and members' legal representative Sgt. Gerry Annetts, a lengthy submission was made to the Mounted Police Members' Legal Fund for support in obtaining a legal opinion on my circumstances and explore the options available.

The Fund supported the request and incurred the cost for that opinion. That opinion and the efforts of the SSR strengthened our position in resolving the issues to my benefit. The value of that legal opinion was enormous as it allowed the issues to be put into proper perspective from an outside member of the legal community.

The Mounted Police Members' Legal Fund went further to advise that if the issues could not be resolved satisfactorily, that it would provide financial assistance to further the matter through other avenues. Thankfully, that was not required.

The value of the \$ 2.00 bi-weekly contribution to the Fund yielded great benefits to me (and hopefully for others that find themselves in the same predicament) and the knowledge of that support should be comforting to all members.

I would encourage all members to participate in the Mounted Police Members' Legal Fund. It does work...and the benefits to one can be reaped by others in the future. Please pass this on to the MPMLF, with my thanks, for their use as they see fit.

Regards,

Cpl. Robert W. Holland  
"D" Division

### DID YOU KNOW?

While we gain approximately 100 new members of the MPMLF each month, we lose 25-30 old members due to pension or resignation from the Force.

## Some Interesting Matters to Look for on our Website or in Future Issues of the Members First Newsletter

1. Civil case where a member, upon making an arrest, was pushed into a large bonfire and sustained serious burn injuries
2. Denial of benefits – H.E.A.P. Challenge
3. Loss of basic requirement – Obligation to accommodate.
4. Hearing before the Veterans Review and Appeal Board (VRAB) on benefit decision.

# RCMP Pay Council and Cabinet Confidence

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In July, 2006, Sgt. Barrett, who has since retired from the Force, received disclosure of 177 pages of information from the Treasury Board Secretariat (TBS). Unfortunately, TBS had edited many of the documents to the point where they contained no factual information. Additionally, the TBS refused to provide any information which they considered were "confidences of the Queen's Privy Council for Canada". Sgt. Barrett has filed a complaint with the Information Commissioner over the TBS's refusal to provide access to all the requested information and is currently waiting to hear back from the Information Commissioner's Office. Further updates on this issue will be reported to members of the MP Members' Legal Fund as they occur.

## DID YOU KNOW?

Requests for assistance from the MPMLF have been approved for issues such as: Assault and Battery; Classification Procedures; Conduct of Appropriate Officer Representative; Defamation; Denial of Natural Justice; Fund Liability for Legal Costs; Harassment; Human Rights – Disability; Injunction - Mandamus; Malicious Prosecution; Overtime Pay; Pension – Disability; Pension VAC; Personal Injury; Procedural Fairness; Promotion (DRPP); RCMP Housing; Relocation Directive; Suspension Without Pay, and Transfers and Workforce Adjustment Compensation, to name a few.



THE MOUNTED POLICE MEMBERS' LEGAL FUND  
FONDS DE RECOURS JURIDIQUE DES MEMBRES DE LA GENDARMERIE

## APPLICATION FOR MEMBERSHIP TO THE MOUNTED POLICE MEMBERS' LEGAL FUND

THE MOUNTED POLICE MEMBERS' LEGAL FUND IS ADMINISTERED BY THE NATIONAL SRR CAUCUS

### THE LEGAL FUND

As members of a diverse, internationally recognized organization, there are many issues that concern us. It is imperative we establish a way to aggressively pursue these issues. The protection of a LEGAL FUND, solely supported by the membership of the RCMP, will fulfill that need.

Your Division Representatives and Committee of Sub/Representatives, will have the ability to challenge many of the problems facing us in the performance of our duties.

MEMBER Complete and mail to your Staff Relations Representative (SRR).

Name (Print)

(Detachment, section, unit, squad, etc.)

Division \_\_\_\_\_ Regimental# \_\_\_\_\_  
Collator Code \_\_\_\_\_ Hermis# \_\_\_\_\_

I hereby authorize a payroll deduction from my pay in the amount of \$2.00 bi-weekly and authorize transfer of those funds to the Mounted Police Members' Legal Fund.

Signature \_\_\_\_\_

Date \_\_\_\_\_