

**ONTARIO COURT (GENERAL DIVISION)
DIVISIONAL COURT**

O'Leary, Carnwath and West JJ.

THE ATTORNEY GENERAL OF ONTARIO

- and -

HOLLY BIG CANOE, Inquiry Officer et al.

ENDORSEMENT

In our view any obligation that counsel for the Crown had to the Law Society did not obligate him to report anything that would entail a breach of solicitor-client privilege. Accordingly by reporting or sending to the Law Society what was privileged, the Crown voluntarily waived privilege and that information is no longer shielded from disclosure under the *Freedom of Information and Protection of Privacy Act*.

Section 42(g) of the *Act* which permitted the Crown to disclose to the Law Society information relating to John Doe does not in our view require the disclosure of privileged information or protect the disclosure of such information from waiver of privilege.

Neither any obligation to the Law Society nor section 42(g) of the *Act*, then, can be used to prevent disclosure of information sought by John Doe. The application is therefore dismissed.

Since we have not had to call on the respondents we leave to another day the question of the extent to which Inquiry Officers should be permitted to argue the issues raised in such an application.

No order as to costs. The order is stayed for 15 days pending a decision on appealing by the applicant.

September 8, 1997

“D.F. O’Leary J.”