

Federal Court



Cour fédérale

Date: 20130711

Docket: T-482-13

Citation: 2013 FC 779

Ottawa, Ontario, July 11, 2013

PRESENT: The Honourable Mr. Justice Annis

BETWEEN:

RACHEL EXETER

Applicant

and

**ATTORNEY GENERAL OF CANADA
(DEPUTY HEAD, STATISTICS CANADA)**

Respondent

REASONS FOR ORDER AND ORDER

[1] The Applicant brings this motion for the production of the file of the Canadian Human Rights Commission concerning certain complaints filed by her. She is particularly interested in the disclosure of the Respondent's submissions including a 47 page document provided to the Commission by her former employer during the Commission's analysis of her complaint under section 41 of the *Canadian Human Rights Act*.

[2] The Respondent's position was summarized in the Section 40/41 Report which was used in the decision making of the Commission. The Respondent's submissions were not before the decision-maker.

[3] I agree with the submissions of the Commission as supported by those of the Attorney General that the Applicant is engaged in a "fishing expedition" contrary to the purpose of Rule 317 of the *Federal Courts Rules*, SOR/2004-283 s. 2; see *The Access Information Agency Inc. v. Attorney General of Canada*, 2007 FCA 224 at paragraph 17.

[4] The general rule is that only those documents which were actually before the decision-maker are to be the subject of the Rule 317 disclosure; see *Deer Lake Regional Airport Authority Inc. v. Attorney General of Canada*, 2008 FC 1 1281 at paragraph 29.

[5] There is no indication as to what relevance the respondent's submissions would have in light of the investigative report being before the Commission, which has been disclosed to the Applicant.

[6] This decision includes consideration of the Applicant's amended Reply which has been accepted for filing.

[7] Accordingly, the motion is dismissed with costs to the AGC fixed at \$300 payable forthwith.

ORDER

THIS COURT ORDERS that the motion is dismissed with costs to the Attorney General of Canada fixed at \$300.00 payable forthwith.

“Peter Annis”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-482-13

STYLE OF CAUSE: RACHEL EXETER v.
ATTORNEY GENERAL OF CANADA (DEPUTY
HEAD, STATISTICS CANADA)

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

**REASONS FOR ORDER
AND ORDER:** ANNIS J.

DATED: July 11, 2013

WRITTEN REPRESENTATIONS BY:

Rachel Exeter FOR THE APPLICANT ON
HER OWN BEHALF

Paul Battin FOR THE RESPONDENT

SOLICITORS OF RECORD:

FOR THE APPLICANT ON
HER OWN BEHALF

William F. Pentney
Deputy Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENT