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Dealing with Government III

Delay - Patrick Brown

Let's put it behind us, and move on.' How often have we heard political leaders express that apparently upbeat and progressive sentiment, when dogged by awkward questions about what is being done, or what happened, or how did we get in this mess?

We can safely assume that they mean the further behind us the better. The assumption is that the media, and the public, have short memories; in the absence of daily resuscitation, issues will fade from public attention very quickly. In political terms, an issue that is not the object of public concern today does not exist; in reality, of course, it hasn't gone away, it's just hiding, and may well surface again later.

We're all familiar with the term 'Justice delayed is justice denied.' To paraphrase it: 'Government delayed is government denied.' Here are a number of techniques used by government to delay, and consequently deny, decisions and action.

Procedural Delays

It's difficult to believe, sometimes, why simple government procedures take so long, particularly when the citizen or landowner seeks a license or permission. Government clearly has the responsibility to mediate between the individual's right and the community's interest in cases where they may conflict, and this may involve analysis of different aspects of the proposal, public process, negotiation, preparation of legal documents, etc. Parkinson's Law (work expands to fill the time available) notwithstanding, the time elapsed may seem unreasonable.

The explanation lies in the serial nature of bureaucratic work; procedure A must be completed before procedure B can be started. Here also lies the opportunity for delay, since the individual responsible

for procedure A may be extremely busy, sick, or on vacation, even though procedure B could be completed immediately. This delay might be described as more endemic than malevolent, although complex procedures offer fertile ground for deliberate delay or extended indecision.

If a procedure is completed promptly, the danger exists that the public will expect the same promptness the next time. To avoid this hazard, bureaucracy can always resort to Extraordinary Procedure 1A (temporary loss of file) or 1B (permanent loss of file). These have their limits, though (see previous issue under 'Plausible Deniability').

Access to Information

Some government decisions are taken after extensive study and careful consideration of many alternatives, all aspects of the situation, and all possible results and side effects of the chosen action. Other government decisions are strictly WAG (wild-assed guesses) taken on the basis of information which might charitably be called incomplete. Sometimes the results are the same anyway. In either case, government does not want decisions questioned, and so will be reluctant to make background information available, either the relevant facts or details of the decision-making process (particularly WAG).

Without information, of course, we can't tell what, how, or which. So the release of information is delayed, in the expectation that by the time it gets out there, everybody has lost interest.

In an ideal world, information should be available to the citizen through a simple telephone call (and some governments actually run that way, but they are the exception rather than the rule). The introduction of Access to Information regulations bureaucratizes this access, setting rules for delay, providing for information

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to be withheld, and establishing lengthy appeal procedures which, needless to say, delay access further. While the objective may appear to be to establish the citizen's right to information, the legislation also protects the bureaucracy, permitting them to be legalistic rather than helpful and informative.

Hold an Enquiry

One of the slowest ways of solving a problem is to hold some sort of an enquiry; this can range from a simple investigation by, say, an independent auditor, to an elaborate multi-year circus involving years of useful work by tribes of lawyers, sometimes all paid for by the government. Enquiries also tend to take years of citizen time, completely unpaid. Starvation or bankruptcy of the complainants is one of the few ways of bringing an enquiry to an end.

The ostensible purpose of an enquiry is to unveil all the relevant information and have someone come up with a recommendation as to what should be done. Sometimes other purposes can be served, such as to delay any resolution of the problem until after the next election, to assign blame to individuals who have retired or died, to justify a decision already taken, or merely to provide a mass cathartic experience. Usually, an enquiry results in a lengthy report which can be ignored because it's too long to read and we all knew that anyway.

Refer it to the Courts

If the government is unwilling to pay for an enquiry, the citizen is free to pursue his cause in the courts. This is what the Federal Court of Canada is for, though other courts can be used. This approach allows all parties, including the government, to use a full range of procedures, motions, appeals, examinations, and objections to argue about how the case should be tried, and occasionally about the point at issue. Government

lawyers are paid by the government; citizen lawyers are paid for by citizens. Since the government has more money than the citizens, the advantage is to the government.

Pursuing the government in the courts takes even longer than an enquiry, because the procedure is adversarial and the judge has no particular mandate to solve the problem, only to preside over the affair until one side or the other gives in. And the judge has lots of other cases to consider at the same time, resulting in ample opportunity for further delay.

Wait Until They are Dead

This technique is the ultimate in delay, since it can be continued through many governments over tens of years. It is used in cases where groups of people claim compensation for government action or inaction. In some cases, (hepatitis C for example) the complainant group dies off fairly soon, and therefore a simple enquiry will serve to buy enough time so that compensation can be delayed until it doesn't cost too much (the enquiry should not cost more than the estimated total compensation). In other cases (merchant seamen's pensions, or Japanese-Canadian internment) the complainant group turns out to be unusually long-lived, and sufficient delay must be generated, using all the devices listed above, until they are nearly all deceased.

The timing of the end of this delay is critical; there must be a small number of the complainant group remaining to participate in a photo opportunity in which they express their gratitude for compensation on behalf of themselves and those who have already passed on. Failure to time this precisely can result in either angry mass wheelchair demonstrations or ceremonies to award posthumous honours, neither of which are effective politically. ✍