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DISCLOSURE & PRODUCTION IN CRIMINAL CASES **Murray D. Segal** **Release No. 1, February 2024**

What's New in This Update

- **Exceptions to Disclosure – Privilege –** The court held Parliamentary privilege not to have the effect of precluding an application of the *Labour Relations Code* to the union's application to be certified as the bargaining agent for Special Constables employed by the Office of the Sergeant-at-Arms: *British Columbia (Legislative Assembly) v. Illi*, 2023 BCSC 1671, 2023 CarswellBC 2794 (B.C. S.C.).

- **Trial – Appeal – Specific Examples –** For a criminal trial of defamatory libel, the accused applied for production of records of a complaint made to the CAS wherein the complainant had reportedly sexually abused their child. The trial judge inspected the records and denied production after balancing the salutary and deleterious effects. The Court of Appeal for Ontario found the trial judge's decision not to have been unreasonable – the judge had provided cogent explanations as to why the probative value of the records were deem to be low, vis-à-vis the opposing privacy interests: *R. v. Dent*, 2023 ONCA 460, 2023 CarswellOnt 10071 (Ont. C.A.).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable