



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR
Official Opposition Office

January 12, 2023

Ms. Ann Chafe
Commissioner for Legislative Standards (Acting)
39 Hallett Crescent
St. John's, NL A1B 4C4

Dear Commissioner:

Subsection 36(1) of the *House of Assembly Accountability, Integrity and Administration Act* states: "A member who has reasonable grounds to believe that another member is in contravention of the code of conduct adopted under subsection 35 (1) may, by application in writing setting out the grounds for the belief and the nature of the alleged contravention, request that the commissioner give an opinion respecting the compliance of the other member with the provisions of the code of conduct."

Subsection 40(1) of the *House of Assembly Act* states: "A member may, by application in writing, request that the commissioner give an opinion and make recommendations on a matter respecting the obligations of the member under this Part [Part II regarding conflict of interest] or of a code of conduct."

I write pursuant to these Acts to request that the commissioner give an opinion and/or make recommendations regarding the compliance of the member for Humber–Gros Morne (Premier Andrew Furey) with his conflict of interest and code of conflict obligations with respect to his July 2021 stay at a luxury fishing lodge – Riffin' Hitch Lodge – owned by Mr. John Risley. Mr. Risley is the chair of the company World Energy GH2, which has been seeking to establish a commercial wind energy generation project to produce energy for sale. At the time of the Premier's stay at his lodge, the provincial government had a moratorium in place prohibiting such a project.

Documents published under the province's *Access to Information and Protection of Privacy Act* indicate that, in the months after Premier Furey's stay at Mr. Risley's lodge, the Premier's government held discussions on lifting the moratorium. (<https://atipp-search.gov.nl.ca/public/atipp/requestdownload?id=19955>)

Premier Furey's government did indeed lift the moratorium several months later, on April 5, 2022, as documented by an Order in Council. (<https://www.exec-oic.gov.nl.ca/public/oic/details?order-id=20023>)

Mr. Risley's company then registered their wind energy project. (<https://www.gov.nl.ca/ecc/projects/2202-2/>)

Repeatedly in the House of Assembly (Oct. 20, 31, Nov. 1, 2, 3, 7, 8, 2022), I asked Premier Furey to table receipts for his lodge stay. Although he implied that he paid for his stay (such as when he repeatedly said: "my time, my dime"), he consistently refused to table receipts.

Regardless of whether he paid for his stay or not, the appearance of impropriety is glaring.

- The Premier's decision to spend a vacation at the retreat of someone seeking a major policy change from the Premier's government – a change that would greatly benefit that person – was unethical.
- Refusing to prove the lodge vacation was not a gift of the proponent is also highly unethical.
- Even though Premier Furey has stated that he has established an "ethical wall" for himself – without providing any details of what this is, who defined it, when it was put in place, or how it works – he has refused to state categorically that he recused himself from the initial cabinet-level decision to lift the wind energy moratorium – which is what was wanted by the lodge owner who hosted the Premier.
- In light of the Premier's behaviour, his promise to recuse himself from future decisions is all but moot. By his words and deeds, he has signaled loudly and clearly to the ministers who serve at his pleasure around the cabinet table that both Mr. Risley and another director of World Energy GH2, Mr. Brendan Paddick, are his close personal friends. In the context of his decision to vacation at Mr. Risley's luxury resort while Mr. Risley was proposing this venture and seeking the policy change that would permit it, Premier Furey's new "ethical wall" actually shouts out loudly to his cabinet colleagues that the Premier has a very personal stake in the outcome of the decision on World Energy GH2. As they face the decision, they cannot help but be fully aware of how highly invested their boss is in their choice.
- Premier Furey doubled down on this message in October 2022 when, at a Liberal fundraising dinner attended by Mr. Risley (whose World Energy GH2 company bought a table), the Premier spoke of the benefits of wind energy. He said: "This is a generational moment. And I fear that at times ... local jurisdictional issues will drag us into the weeds and we won't be able to raise our head to see the true opportunity that is before us."
(<https://twitter.com/rlegrow/status/1598340641188376582>)
- A Premier does not cease to be Premier or cease to be bound by conflict of interest laws and the members' code of conduct during a part of the clock or calendar he chooses to call "my time." A Premier is Premier 24-7, 365 days of the year, and responsible for the choices he makes at all times throughout his tenure.

Others agree that Premier Furey has crossed an ethical line. The matter has been the subject of considerable reporting and commentary in the mainstream press and other media. (just two examples: <https://www.saltwire.com/atlantic-canada/opinion/editorial-cheers-jeers-from-st-johns-nov-7-100791478/> ; <https://www.saltwire.com/atlantic-canada/opinion/editorial-cheers-jeers-from-st-johns-oct-24-100786166/>)

One such public commentator was Memorial University political science professor Amanda Bittner, who wrote: "Nor, would I argue, do his actions fall within reasonably defined ethical limits."
(<https://www.cbc.ca/news/canada/newfoundland-labrador/we-should-all-be-asking-questions-of-premier-furey-and-not-just-about-his-fishing-trip-1.6624954>)

Another was Memorial University political science associate professor Kelly Blidook, who was reported as saying the Premier does not seem to grasp that there is a problem. (<https://vocm.com/2022/10/21/seamus-oregan-defends-furey-vacation/>)

Even federal cabinet minister Hon. Seamus O'Regan was reported as saying he does not deny how it all looks, but will not "crucify" people for optics. (<https://vocm.com/2022/10/21/seamus-oregan-defends-furey-vacation/>)

But, of course, optics do matter, which is why the Members' code requires us:

- "to maintain the public trust placed in us by performing our duties with accessibility, accountability, courtesy, honesty and integrity" (Preamble);
- members "shall ensure that their conduct does not bring the integrity of their office or the House of Assembly into disrepute" (Code 1);
- members "reject political corruption and refuse to participate in unethical political practices which tend to undermine the democratic traditions of our province and its institutions" (Code 3);
- members will act "in a manner that will withstand the closest public scrutiny" and "adopt more stringent norms of conduct in order to protect the public interest and to enhance public confidence and trust" (Code 4);
- members "will not engage in personal conduct that exploits for private reasons their positions or authorities or that would tend to bring discredit to their offices" (Code 5);
- members "will base their conduct on a consideration of the public interest. They are individually responsible for preventing conflicts of interest and will endeavour to prevent them from arising. Members will take all reasonable steps to resolve any such conflict quickly and in a manner which is in the best interests of the public" (Code 7);
- members "will not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties, for personal gain or the personal gain of others" (Code 9); and
- members "should promote and support these principles by leadership and example" (Code 11).

Frankly, the Premier's behaviour and his attitude about it look terrible, and bring the government and the House of Assembly into disrepute. This is precisely the type of behaviour our laws and the members' code of conduct were intended to check. In matters of conflict of interest and compliance with the members' code of conduct, it is not for the Premier to exonerate himself. No member is above scrutiny. Such matters are subject to examination by the commissioner.

I urge you to follow through on this investigation, and look forward to your findings. I offer your office any support you may require in gathering additional documentation, further to the links I have provided above.

Yours sincerely,



BARRY PETTEN, MHA Conception Bay South
Opposition House Leader
Member of the House of Assembly Management Commission