



HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR
Official Opposition Office

May 26, 2022

Hon. Derek Bennett
Chair of the House of Assembly Management Commission

House of Assembly
Box 8700, Confederation Building
St. John's, NL A1B 4J6

Dear Chair:

As Members of the House of Assembly Management Commission, we write pursuant to Section 21 of the *House of Assembly Accountability, Integrity and Administration Act*, to request an Emergency Meeting of the Commission at the earliest opportunity to discuss a matter of urgent importance regarding the handling of a Public Interest Disclosure action that was reportedly commenced under Part VI of the Act.

Information disclosed in several recent news media reports has cast a dark cloud over the House of Assembly and its statutory offices with respect to the handling of serious allegations of harassment. Discussions in the public forum question whether justice is being done, delayed, or denied. Members of the Commission have been left largely in the dark about what is going on, as has the general public. This does not look good for the House of Assembly.

As MHAs made clear during debates on harassment around 2018, it is imperative that all of us do all that we can to restore public confidence in the policies and procedures for handling harassment allegations. We pledged to raise the bar and bring transparency and accountability to the handling of such matters. We do this best by talking about it and determining whether further reforms are needed. The air must be cleared and public confidence in the system must be restored. That responsibility rests with us, the Members of the Commission.

That is because Section 20 of the Act clearly states: "The commission is responsible ... for all matters of ... administrative policy affecting the House of Assembly, its members, offices and staff...." The key word here is "all." All of these matters fall on our shoulders.

While it has been ruled that questions about this matter cannot be put to the Ministry (the Executive Branch) during Question Period, such questions can and should be raised at meetings of the Commission. It is our obligation to ask these questions and expect them to be answered at meetings of the Commission.

In fact, Section 21 of the Act obligates us, as Members of the Commission, to “exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances”, to “act honestly and in good faith on the basis of adequate information” and to “consider and advocate policies that promote compliance with this Act and rules.” Right now, we and our Commission colleagues lack the adequate information we require because it has not been provided to us. Only through a meeting of the Commission can we seek and examine this information and fulfill our responsibility for all matters of administrative policy affecting the House of Assembly, its members, offices and staff.

Subsection 58(10) of the Act clearly states that the Commission is a body to which Public Interest Disclosure reports of the investigator (the Citizens’ Representative) can be referred. That was the intention of Mr. Justice Green when he wrote the report and legislation overhauling the House of Assembly operations in 2007.

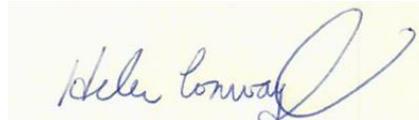
The investigator for Public Interest Disclosure investigations is the Citizens’ Representative. Subsection 45(1) of the *Citizens’ Representative Act* states: “The House of Assembly Management Commission may make rules for the guidance of the Citizens’ Representative in the exercise and performance of his or her functions and duties under this Act.” At an emergency meeting of the Commission, Members would be able to consider a motion to have a report presented to the Commission, just as it would be under Paragraph 58(10)(b) of the *House of Assembly Accountability, Integrity and Administration Act*.

Given the urgency of this matter and the damage that could be done if things remain as they are, we request that this Emergency Meeting be convened at the earliest opportunity.

Sincerely,



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



HELEN CONWAY OTTENHEIMER,
MHA Harbour Main
Official Opposition Caucus Representative,
House of Assembly Management
Commission

c.c. Commission Members:
Steve Crocker, MHA – Government House Leader
Lisa Dempster, MHA – Government caucus representative
Paul Pike, MHA – Government caucus representative
Lela Evans, MHA – Third Party caucus representative
Sandra Barnes - Clerk/Secretary to Commission