COR/2019/02321

May 22, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: TW/066/2019]

On April 23, 2019, the Department of Transportation and Works received your request for access to the following records:

   All emails sent/received re MP Nick Whalen from 2015 to present.

I am pleased to inform you that a decision has been made by the Deputy Minister for Transportation and Works to provide access to some of the requested records. In accordance with your request, the appropriate copies have been enclosed.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

   Subsection 40(1) - The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.
The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-5351 or by email at ATTW@gov.nl.ca.

Sincerely,

Angela McIntyre
ATIPP Coordinator
Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person’s health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including
(i) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the *Income and Employment Support Act* or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

     (i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

     (ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where:

     (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

     (b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

     (c) the personal information relates to employment or educational history;

     (d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

     (e) the personal information consists of an individual's bank account information or credit card information;

     (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

     (g) the personal information consists of the third party's name where

         (i) it appears with other personal information about the third party, or
(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the
date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request
under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to
grant access to a record or part of a record in response to a request may file a complaint with
the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business
days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under
this section.

(6) A person or third party who has appealed directly to the Trial Division under
subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has
been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public
body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant
Hello Mr. Whalen,

Thank you for taking the time to meet with our group. I look forward to working with you on a go forward basis.

Kind regards

Sent from my iPhone

> On Feb 19, 2016, at 2:17 PM, Nick.Whalen@parl.gc.ca wrote:

> It was great meeting you all earlier this month. I will include your views on Marine Atlantic in my report, and look forward to continuing our discussions in the future.

> Perhaps we could find a mutually agreeable time once per Quarter to all get together on issues of importance.

> Best regards,

> Nick

> Nick Whalen-MP

> Hi Nick

> It was good to have met you at our Murray’s Pond meeting recently as Wabana Council and Tourism Bell Island and our Heritage Society met with you to discuss and overview Bell Island Government related matters

> Additionally it indicated at the meeting that I would send you certain published materials, press releases and communications with our Provincial Government, Hospitality NL etc (and as well Term 32 of the Canada Newfoundland Union was briefly referenced)

> Since our meeting we have had further communication with Hospitality
Admittedly, we had too little time to discuss your perspective and position on ferry rates either at the Federal Marine Atlantic level or Intra Provincial NL Govt services level.

Our Committee is a strong proponent of ferry rates being set based on the equivalent cost for a car and driver to travel the same distance by road - which has been the NL govt policy for the past 5 years and our NL Govt has made the case over the years unsuccessfully so far for the Federal Govt to do likewise.

We detected you may not share that view on lower Federally driven ferry rates and we detected that you may feel ferry rates for the Marine Atlantic service should be determined by the amount of revenue /rates increases needed by Marine Atlantic to meet the operating budget after the application of whatever federal subsidy is allocated each year on a arbitrary basis in the Federal budget.

Thus there would be no limit of needed ferry rates increases on Newfoundland's connecting Federal ferry service if the Federal Budget subsidy was not more supportive and higher.

These high ferry rates place the Newfoundland economy, businesses, residents and the tourism industry in a precarious position (crippling opportunities for economic diversification).

It is suggested that the Federal Government has a fairness and equity responsibility to provide an affordable cost service to Newfoundland by ferry to live up if nothing else to the spirit of the Terms of Union as per clauses in section 32.

The Government of NL has adopted this rate and charging system on its 16 intra-provincial ferry services (known as ferry rates based on the equivalent cost of road travel-)

I am sure Hospitality NL and others advocating for lower rates to grow our economies need lower rates to grow and contain costs. (half of goods imported into NL and 500,000 ferry travelers are facing crippling travel costs on Marine Atlantic which at $0.88 cent per km on the Gulf, Marine Atlantic is charging, is 40% more than the Federal Government accepted and published CRA road km cost rate of $0.54 a km (the provincial rates are based on $0.65 per km traveled by ferry for a car and river)

It would be great if you and your Federal MP colleagues would pick up the gauntlet and advocate for lower fair, affordable and equitable ferry rates on the Federal service and seek an increased Marine Atlantic subsidy in Federal 2016 Budget to allow rates to be lowered.

Upon consideration we would welcome an opportunity to sit withal you as our MP and Hospitality NL and other interested and affected parties to pursue a lowering of crippling ferry rates which is stifling.
economic growth and diversification of our economy

Faithfully submitted

Consultant and Member of the Bell Island Ferry Users Committee

CC

Hospitality NL

See attachments

Communication with Hospitality NL

Press Release - Hospitality NL

Post to Govt budget dialogue site

(Grow Tourism - (Ferry rates based on equivalent cost of road travel)

Term 32 - Canada NL terms of union - on ferry services
From: gary gosine

Sent: Friday, February 19, 2016 4:42 PM

To: Nick.Whalen@parl.gc.ca

Cc: Minister, TW; Brazil, David J.; Bennett, Cathy (MHA)

Subject: RE: Ferry rates Marine Atlantic stifling economic diversification

THAT WOULD BE A GREAT IDEA NICK

-----Original Message-----
From: Nick.Whalen@parl.gc.ca [mailto:Nick.Whalen@parl.gc.ca]
Sent: Friday, February 19, 2016 2:17 PM
To: twminister@gov.nl.ca; davidbrazil@gov.nl.ca; Cathy.Bennett@gov.nl.ca
Cc: twminister@gov.nl.ca
Subject: Re: Ferry rates Marine Atlantic stifling economic diversification

It was great meeting you all earlier this month. I will include your views on Marine Atlantic in my report, and look forward to continuing our discussions in the future.

Perhaps we could find a mutually agreeable time once per Quarter to all get together on issues of importance.

Best regards,
Nick

Nick Whalen-MP

Hi Nick

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Additionally it indicated at the meeting that I would send you certain published materials, press releases and communications with our Provincial Government, Hospitality NL etc (and as well Term 32 of the Canada Newfoundland Union was briefly referenced)

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Admittedly, we had too little time to discuss your perspective and position on ferry rates either at the Federal Marine Atlantic level or Intra Provincial NL Govt services level
Our Committee is a strong proponent of ferry rates being set based on the equivalent cost for a car and driver to travel the same distance by road - which has been the NL govt policy for the past 5 years and our NL Govt has made the case over the years unsuccessfully so far for the Federal Govt to do likewise.

We detected you may not share that view on lower Federally driven ferry rates and we detected that you may feel ferry rates for the Marine Atlantic service should be determined by the amount of revenue /rates increases needed by Marine Atlantic to meet the operating budget after the application of whatever federal subsidy is allocated each year on an arbitrary basis in the Federal budget.

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The Government of NL has adopted this rate and charging system on its 16 intra-provincial ferry services (known as ferry rates based on the equivalent cost of road travel-)

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? It would be great if you and your Federal MP colleagues would pick up the gauntlet and advocate for lower fair, affordable and equitable ferry rates on the Federal service and seek an increased Marine Atlantic subsidy in Federal 2016 Budget to allow rates to be lowered.

Upon consideration we would welcome an opportunity to sit with you as our MP and Hospitality NL and other interested and affected parties to pursue a lowering of crippling ferry rates which is stifling economic growth and diversification of our economy.

Faithfully submitted

All information redacted on this page has been removed under s. 40(1)

Consultant
and Member of the Bell Island Ferry Users Committee

CC
Hospitality NL

See attachments

- Communication with Hospitality NL
- Press Release - Hospitality NL
- Post to Govt budget dialogue site
(Grow Tourism - (Ferry rates based on equivalent cost of road travel ))

- Term 32 - Canada NL terms of union - on ferry services
Good Morning,

I am writing this email on behalf of a number of our constituents on Bell Island. There has been an ongoing issue for many years regarding trailers parked along the beachside of Lance Cove during the summer months. The obvious unsightly image is not the only concern here, but environmental issues as well. It seems the dwellers of these trailers are contaminating the waters with raw sewage and litter from their extended summer stay.

I have been in close contact with [Redacted] and [Redacted], coordinators of the 75th Anniversary Commemoration Ceremony of the U-boat Attacks, occurring in September 2017. The aforementioned promises be a momentous event for the island with many dignitaries invited. They have received federal funding to exalt restoration of the area in anticipation of the ceremony. Major structural improvements to the cenotaph and close proximity will be taking place during the summer months. The planning committee is working eagerly in preparation for this reflective and somber event. They have previously pursued provincial assistance with the trailer issues on the beach for more than 5 years; requesting assistance from provincial Crown Lands to have the vehicles removed from the public beachside. After surveying in 2011 (*see attached letter from former minister, Ross Wiseman), the department stated this particular land was not crown land and was, in fact, privately owned land. This revelation has been disputed by many local residents as the trailers are parked on the beachside, they argue the land being used is crown lands.

The municipality is not assisting, as the Town of Wabana is not responsible for the Lance Cove area. It seems no one will take responsibility or assist with the concerns of residents. Previously, the Crown Lands Division have been of no assistance. In a letter from 2011, they considered all the property along the beach to be privately owned. However, local residents claim the trailers are fully placed within the 15 metre Crown Reserve that exists along the shoreline from the high-water mark. According to Rodney Bickford, “this fact alone should be reason for enforcement action to be taken.”

Our office is requesting assistance on the proper route to take in finally resolving this exhausting issue. Surely, in the year of 2017 we can do better than this? The problem cannot be ignored, especially with environmental and health implications? We cannot allow our oceans to be polluted by a group of individuals who invade a small island during the summer months with no consideration for the consequences they have on the town, residents, or the environment. As stated by a local constituent, “the washroom facilities that were constructed on the eastern end of the beach were never fully functional due to lack of an adequate water supply in the area. In fact, the washrooms have been locked and not available for use the past 2 years. The LSD who controlled the water supply in that area would not permit the washrooms to be hooked up to the community well, so they were closed.”

Both myself and MP, Nick Whalen, were surprised to hear the province is allowing someone to have adverse title to a public beach. To reiterate, “the site has become an embarrassment for the community and the province.”

I have attached all pertinent documents for your viewing. I entrust these details will convince you that a resolution is detrimental for the Lance Cove residents; especially as they are organizing such a poignant commemorative ceremony in a few months.

I am optimistic we can work together to find a solution to this dilemma. It is our request that these trailers be completely and permanently removed prior to the 75th Anniversary Commemoration.

Sincerely,
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
refused to officially recognize or support this committee and ignored their attempts to limit parking and improve the beach area.

It is clear to the residents of Lance Cove that the trailer owners are taking advantage of, and exploiting the lack of formal control and enforcement in the area to occupy the crown property along the beach. This unwanted occupation has occurred primarily because there is no fee to park trailers, there are no regulations in place for beach use, and is largely due to the fact that there is no municipal government in the community. This lack of governance results in trailer owners ignoring all efforts to enforce regulation and any measure of public order. It must be noted that the vast majority of trailers located on the beach are dilapidated older models and those of the “homemade variety”. The majority are unlicensed, likely uninsured, and owned for the most part by non-residents with a high percentage of owners either living outside Lance Cove or not on Bell Island at all. These individuals dump their trailers on the beach in early spring where they remain until late fall and are used primarily for weekend partying.

The trailers currently block a large portion of the Eastern beach making it challenging for anyone other than trailer owners to comfortably access it. Visitors, including tourists, wishing to use the beach area for picnicking or family outings have little choice than to use several small areas surrounded by trailers. Also of grave concern is the fact that there are no waste disposal services located on the beach. Given that most trailers remain continuously in location for 5 or more months, it raises the possibility that the black and grey water produced is being dumped and carried into Conception Bay. The amount of garbage scattered about on the beach and adjacent roadway, is also a concern. Despite garbage containers being provided, they are obviously not being used. Refuse is commonly burned in open fires and also tends to migrate onto the beach and private property in the area. Any attempt by residents to present their concerns to most owners is commonly met with arrogance and obnoxious attitudes. They have no regard for the sensitivities of the local residents who have had to endure the substantial noise, partying, uncontrolled bonfires, high traffic volume, open consumption of alcohol and the frequent displays of public intoxication that go on well into the night during the “trailer season”.

The presence of the trailers also raises a fire safety concern. Open and uncontrolled campfires are common and are often lit within a few feet of the trailers. Given their derelict state, the certain absence of appropriate firefighting equipment and the close proximity of the trailers to one another, it is only a matter of time before a serious incident occurs resulting in private property being damaged, destroyed, or a serious injury or death occurring.

The current situation also has the potential to detract possible buyers from purchasing and developing property in the area. There are numerous parcels of land whose sale is at risk of being negatively influenced by an impromptu trailer park being located nearby. It only takes common sense to determine that the situation is decreasing property values in the community. It also discourages tourism operators from using the area and eliminates the potential for future small business opportunities that could easily leverage the areas scenery, wildlife and nearby historical dive sites.

The beach is currently not a suitable location for tourists or families to enjoy. If something is not done soon the situation will undoubtedly degenerate further and the reputation of the area will be ruined for good. The state of affairs can accurately be compared to the problem which existed numerous years ago in Newfoundland when the population turned to free and unregulated camping in gravel pits until the Government stepped in to put a halt to the practice. Given the absence of any municipal government in Lance Cove it is incumbent upon those addressed in this
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Reginald Garland  
Director Lands Management Division  
Department of Environment and Conservation

Hassen Khan  
Director Water Resource Management Division  
Department of Environment and Conservation

Sian French  
Director Parks and Natural Areas Division  
Department of Environment and Conservation

Hon Jerome Kennedy  
Minister, Department of Health and Community Services  
Director Public Health Division  
Department of Health and Community Services

Hon Gail Shea  
Minister, Department of Fisheries and Oceans Canada  
Department of Fisheries and Oceans Canada  
Communications Branch

Division Manager  
Marine Environment and Habitat Management Division  
Department of Fisheries and Oceans Canada

Hon Jack Harris  
MP St. John's East

Hon Scott Andrews  
MP Avalon

Gary Gosine  
Mayor, Town of Wabana, Bell Island

[Redacted]  
Chairman, Lance Cove Beach Development Inc

[Redacted]  
Bell Island Heritage Society
Fwd: Lance Cove Beach Trailer Issue

As req.

Sent from my iPhone

Begin forwarded message:

From: "Grikis, Daven" <DavenGrikis@gov.nl.ca>
Date: June 14, 2017 at 11:06:42 AM NDT
To: [REDACTED]
Cc: "Williams, Sharon" <williams@gov.nl.ca>
Subject: FW: Lance Cove Beach Trailer Issue

Hi [REDACTED]

Thank you for giving me a brief synopses of what has been happening on Bell Island. This additional information will help in finding a resolution.

I will copy you on my inspection from June 12th/2017.

Thanks,
Daven

Daven Grikis, B.HSc. (PH), CPHI©
Environmental Health Officer

Service NL
GSC - 149 Smallwood Drive
Mount Pearl, NL A1B 417
All information redacted on this page has been removed under s. 40(1)

From: [redacted] <visitbellisland@gmail.com>
To: [redacted]
Date: 2017/06/26 7:20 AM
Subject: Fwd: Lance Cove Beach Trailer Issue

Sent from my iPhone

Begin forwarded message:

> From: [redacted]
> Date: June 26, 2017 at 7:17:40 AM NDT
> To: [redacted] <visitbellisland@gmail.com>
> Subject: Fwd: Lance Cove Beach Trailer Issue

> Sent from my iPhone
> Begin forwarded message:

>> From: [redacted]
>> Date: June 13, 2017 at 7:45:09 PM NDT
>> To: DavenGrikis@gov.nl.ca
>> Subject: Lance Cove Beach Trailer Issue

>> Hi Daven,

>> As discussed, attached is some background information on this entire sort of issue. As you can see by the dates on the documents, this has gone on for some time and in fact was a bone of contention with residents even before I became involved. It would seem that this situation should be a no brainer to resolve but despite many regulations and in fact laws being broken, no branch of government nor the local MHA has put in the effort needed to resolve the issue despite the numerous complaints; it just keeps getting brushed off.

>> The attached complaint letter from 2010 still reflects the situation as it exists today; almost 7 years later. Note however are that the volunteer organization alluded to therein no longer exists nor does any other controlling body; Lance Cove Beach has become a no-mans-land where outsiders have taken it upon themselves to do as they wish. Also the letter does not cover in any detail the issue of the total lack of black or grey water disposal available along the beach or the lack of a fresh water supply. This has been a major point in recent complaints as the waste being generated by the trailers has to be going somewhere. Common sense would lead one to conclude that it is being disposed of directly into Conception Bay, as has been covertly observed.

>> As I mentioned in our telecon, the washroom facilities that were constructed on the eastern end of the beach were never fully functional due to the lack of an adequate water supply in the area. In fact, the washrooms have been locked and not available for use for the past 2 years. The LSD who controlled the water supply in that area would not permit the washrooms to be hooked up to the community well so they were closed.

>> This complaint concerning occupation of the beach by trailers has also been raised with the Municipal Planning Authority for Bell Island (The Town of Wabana) but they have taken no action. As detailed in the Urban and Rural Planning Act, they are "The Authority" for all development and zoning on Bell Island, including the unincorporated area of Lance Cove which would include enforcement of development and zoning regulations. One would think that if a building permit has to be issued by the Town to build in the
Lance Cove area then they would have some form of enforcement power in this situation.

>> The Crown Land's Division has also been of no assistance. As you can see by the attached letter, they consider all property along the beach to be privately owned. They are silent however on the fact that all of the trailers are fully placed within the 15 meter Crown Reserve that exists along the shoreline from the high-water mark. This fact alone should be reason for enforcement action to be taken.

>> I hope this information helps going forward and if Service NL is unable to act then hopefully it will be of use to another arm of government that can. I will close by saying that I am also very close to opening this issue up to media scrutiny given its serious environmental and social significance as well as the inability of any level of government to offer meaningful assistance. Unregulated use of gravel pits by trailers is prohibited in NL so why is it that unregulated use of the shoreline on Bell Island by trailers is so easily disregarded?

>> I know that you are sympathetic to the issue Daven so thank you for the support you have shown. Please feel free to forward this higher and across departmental lines to whomever you think can assist.

>> Sincerely and in Frustration,

Bell Island

<2010 Trailer Complaint Letter.pdf>
<2010 Crown Land Letter.pdf>
Dear [Blank]

I am writing in response to your email dated May 4, 2011, concerning trailers at Lance Cove, Bell Island.

A review of the Lance Cove area by the Eastern Regional Lands Office has now concluded. The project involved the researching of historical land documents, a field investigation, and an assessment of aerial and terrestrial photography.

It has been determined that the land in question is privately owned based on significant historic use and occupation. Therefore, the land is not Crown land and it is a matter outside the jurisdiction of the Lands Branch of the Department of Environment and Conservation.

If you have any further questions concerning this matter, please contact Mr. Steve Barnable, Regional Lands Manager (A), Eastern Regional Lands Office, Howley Building, Higgins Line, St. John's, NL, A1B 4J6, telephone: (709) 729-2654 or email: stevebarnable@gov.nl.ca.

Sincerely,

ROSS WISEMAN, MHA
Trinity North District
Minister

cc: Honourable Terry French, Minister, Tourism, Culture and Recreation
Mr. Steve Barnable, Regional Lands Manager (A)
Dear Minister and staff,

We have a constituent who has contacted us regarding the state of the TCH between Goobies and St. John's. He lives in our riding but travels frequently across the province. He wanted to note that there are many potholes and rough conditions on that stretch of road and hopes that repairs are planned. Any information you can provide on this matter would be greatly appreciated.

Thanks,

Pierce Collier
Constituency Assistant
Office of Nick Whalen
Member of Parliament for St. John's East
Suite E130, Prince Charles Building
120 Torbay Road
St. John's, NL A1A 2G8
Tel: 709.772.7171
Fax: 709.772.7175
E: nick.whalen.C1B@parl.gc.ca

Before printing this e-mail, think about the Environment
From: Nick.Whalen.P9@parl.gc.ca
Sent: Monday, July 31, 2017 3:15 PM
To: Crocker, Steve
Subject: Congrats on your new Role!

Steve,

I see today that you’ve moved from Fisheries to Transportation and Works. We’ll miss you in Fisheries, but glad to be able to discuss Bell Island Ferry with you over beers some time!

Congrats!

Nick Whalen
MP/Député St. John’s East/Est
709-772-7171
Thanks Steve, I would appreciate that

______________________________________________

From: Crocker, Steve <SteveCrocker@gov.nl.ca>
Date: August 4, 2017 at 5:25:48 PM NDT
To: Whalen, Nick - Personal <Nick.Whalen.P9@parl.gc.ca>
Subject: Re: Legionnaire

Thanks Nick

I will follow up on my end too. In the meantime I am hoping to do a crossing on the Legionnaire very soon, you are more than welcome to join me.

Steve

Steve

Sent from my BlackBerry 10 smartphone on the Bell network.
From: Nick.Whalen.P9@parl.gc.ca
Sent: Friday, August 4, 2017 10:51 AM
To: Crocker, Steve
Cc: ISSI@parl.gc.ca
Subject: Legionnaire

Steve,

It appears that the TW Minister email account has some difficulty sending emails to nick.whalen@parl.gc.ca

In trying to find out if there was a problem in my office with the misplaced invite to the Legionnaire launch event, we receive the following. We have checked the deleted file folders on our side and have confirmed that no email was sent to our servers.

Attached is a screen shot of the email we did not receive.

Given that the email appears in quotations in the screen shot, I am concerned that 'nick.whalen@parl.gc.ca' is actually point to another location. At the very least, if the TW Minister did not receive an error message, than the email is going to someone else instead of me.

I am copying our IT department. I find it very concerning that emails from TW Minister of NL that are intended for my office, might be being diverted.

Thanks,

Nick

Nick Whalen
MP/D??put? St. John's East/Est
709-772-7171
Good Morning,

Nick is excited about taking an afternoon trip to Bell Island on the new ferry - The Legionnaire. The best departure time for him is 1:15pm; but he said to expect an hour delay. Hahaha! I hope not!

Anyway, it’s a nice start to a new partnership.

I think it would be a good idea to notify media of the new Minister’s voyage as well.

If you need any additional details, feel free to contact me.

Sincerely,

Glenda
Tracy to keep you in the loop, the Minister has asked Matthew to check with Nick Whalen to see if Monday would be good.

John
Sent from my BlackBerry 10 smartphone on the Bell network.

Good evening John,
I have just discovered that I have a conflict in my schedule on Tuesday, August 15. That date is Christmas at the Mines at the #2 Mine Tour and Museum. I would have to be present for this event which is for the full day. Is it possible that we could reschedule the visit for Monday or Wednesday of next week? Please let me know and I will arrange the necessary details.

Thank you,
John

From: Baker, John (TW) <Baker@gov.nl.ca>
Sent: August 9, 2017 3:16 PM
To: [Redacted]
Subject: Meeting

If possible we would like to arrange a meeting for Tuesday morning on Bell Island. The Minister, his EA and myself plan to cross on the 10:30 crossing and returning on the 2P M crossing and would like to meet with the committee during that time.

Please advise

Thanks John

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
From: Baker, John (TW)
Sent: Wednesday, August 16, 2017 8:18 PM
To: Worthman, Matthew; Grandy, Cory
Subject: Re: Bell Island ferry accessiblity issues

Yes I am working with Gary Gosine on this. I asked him if they did a report on it when it happened so Gary said he would check it out. This is when we were using the service elevator

John

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Worthman, Matthew
Sent: Wednesday, August 16, 2017 7:23 PM
To: Baker, John (TW); Grandy, Cory
Subject: Fw: Bell Island ferry accessibility issues

John:
Please see below.

MATTHEW WORTHMAN, B.Ed. | Executive Assistant to the Minister

Transportation and Works
5th Floor, West Block
Confederation Building
PO Box 8700, St. John’s, NL A1B 4J6

709-729-5884 | matthewworthman@gov.nl.ca

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Crocker, Steve <SteveCrocker@gov.nl.ca>
Sent: Wednesday, August 16, 2017 5:39 PM
To: Worthman, Matthew
Subject: Fwd: Bell Island ferry accessibility issues

Sent from my iPhone

Begin forwarded message:

From: <Nick.Whalen.C1B@parl.gc.ca>
Date: August 16, 2017 at 3:57:35 PM NDT
To: <tw@gov.nl.ca>
Cc: <stevecrocker@gov.nl.ca>
Subject: Bell Island ferry accessibility issues

Good afternoon Minister and staff,

We have a constituent, [REDACTED], who is in a wheelchair. He says that on the ferry, there is a 4 inch drop near the elevator, and the other day it took 4 men to lift him out, and even buckled a couple of the legs on the wheelchair.

Can you folks look into rectifying this situation so that it doesn’t happen again?
Thanks,

**Pierce Collier**  
Constituency Assistant  
Office of Nick Whalen  
Member of Parliament for St. John’s East  
Suite E130, Prince Charles Building  
120 Torbay Road  
St. John’s, NL A1A 2G8  
Tel: 709.772.7171  
Fax: 709.772.7175  
E: nick.whalen.C1B@parl.gc.ca

Before printing this e-mail, think about the Environment!
Good Afternoon

Please find enclosed a copy of response to Mr. Nick Whalen, MP as Minister Crocker was cc’d on letter.

Thanks & Have a Great Day!
Donna

Donna Pitcher
Administrative Assistant (A) to
Honourable Sherry Gamblin-Walsh
Minister of Service NL
2nd Floor West Block
T: 729-4712

This email and any attached files are intended for the sole and exclusive use of the named primary and copied addressee(s) and may contain confidential and privileged information intended for those addressee(s) only. Any distribution, use or copying by any means of this information by any other person or party is strictly prohibited. If you have received this email in error and are not an intended addressee, please delete it immediately and notify the sender.
AUG 23 2017

Mr. Nick Whalen
Member of Parliament, St. John’s East
120 Torbay Road, Suite E130
St. John’s, NL A1A 2G8

Dear Mr. Whalen:

Thank you for your July 7, 2017 letter addressed to my predecessor, in which you bring forward suggestions from retired [redacted] of Motor Registration Division, [redacted].

I wish to assure you that the delivery of effective and efficient services to the residents of Newfoundland and Labrador is a priority for my Department and we appreciate public feedback in this regard. My Department is currently conducting a review of the insurance industry and issues of compliance with drivers. I will be sure to bring [redacted] recommendations forward as these discussions continue.

As a number of [redacted] suggestions relate to the mandate of the Department of Transportation and Works, I have shared a copy of your letter with the Honourable Steve Crocker.

Sincerely,

[Signature]

SHERRY GAMBIN-WALSH, MHA
Placentia - St. Mary’s
Minister

Attachment

cc: Premier’s Office
Hon. Steve Crocker, Minister – Transportation and Works
Alan Doody, Registrar - Motor Registration Division
John O’Brien – Superintendent of Insurance
Dear Minister Trimper,

Re: Suggestions from retired Deputy Registrar of the Department of Motor Vehicles NL.

I had the good fortune today to speak with [redacted] a constituent and retired [redacted] of Motor Vehicles for the Province. Based on his experience, he offered the following ideas that he asks that I share with you and your department. I mentioned to him that your department is engaged in public consultations, but for various reasons he preferred not to attend the public meetings and asked instead that I relay his ideas to you, which you may adopt as your own if they should prove to be cost effective.

1. That the province should consider whether ferries could be acquired or modified to also act as ice breakers. Ice breaker caliber ferries would be able to operate off the coast of Labrador year round. The costing of that option should be explored more fully and compared with other options for providing service to our coastal communities year round.

2. There are substantial cost savings in acquiring low mileage vehicles returned from short term leases for use in government operations, rather than buying new. If cost effective, and if the appropriate manufacturer’s warranties remain in place, this option should be considered by the Province as part of its ongoing fleet renewal.

3. There may be cost savings to outsource routine vehicle maintenance on the Provincial vehicle fleet to garages other than the Provincial vehicle depots. Engaging in an RFP process may help determine whether or not some routine vehicle maintenance pieces could be provided on a more cost effective basis by the private sector.
4. In the past, insurers were required to notify DMV if a driver cancelled their vehicle insurance. This practice was stopped, according to [redacted] because it was too administratively time-consuming for DMV and the paperwork just built up over time. However, with computerized systems, this information could be fed directly to DMV by the insurers themselves. In this way, reports on insurance delinquencies could be managed proactively and in real-time. Licenses could be suspended and notifications sent to drivers who did not simultaneously provide replacement insurance – again, which would be registered electronically by the insurer.

I found him to be a knowledgeable person whose ideas warrant consideration as part of the government’s ongoing efforts to improve driver insurance and government procurement.

Sincerely,

[Signature]

Nick Whalen,
MP St. John’s East

Cc. [Redacted]
Re: Ice Breaker Capable Ferries and Government Vehicles

Dear Mr. Whalen:

Thank you for your correspondence detailing suggestions from [redacted] which included suggestions on how to improve the Provincial Ferry Service by building ferries that are ice breaker capable or by adding that capability to existing vessels.

Our newer vessels have the highest ice strengthened class available (1A Super) without classing the vessel as an ice breaker. The rules for building vessels classed as ice breakers are quite different than what a passenger ferry would normally require. As such consideration has to be given to associated risk in operating in very heavy ice conditions.

With regards to the purchasing of low mileage vehicles the Department is open to exploring all options as to the most cost effective way to acquire equipment.

The outsourcing of maintenance for government vehicles has been examined in the past and it was found that it was far more cost effective to continue maintaining our own vehicles with government staff and facilities.

I would like to thank [redacted] for his input.

Sincerely,

STEVE CROCKER, MHA
Carbonar-Trinity-Bay de Verde
Minister

“Safety – A small investment for a rich future”
Nick Whalen  
Member of Parliament, St. John’s East  
nick.whalen@parl.gc.ca  

Re: Ice Breaker Capable Ferries and Government Vehicles  

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Sincerely,  

STEVE CROCKER, MHA  
Carbonar-Trinity-Bay de Verde  
Minister  

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[REDACTED] I found him to be a knowledgeable person whose ideas warrant consideration as part of the government’s ongoing efforts to improve driver insurance and government procurement.

Sincerely,

[Nick Whalen,]
MP St. John's East

Cc. [REDACTED]
Good Afternoon,

We have had a barrage of calls from constituents on Bell Island lately. The issue pertains to the requirement of having passengers leave their vehicles during the voyage to the island.

I have contacted Transport Canada to check with federal regulations on this issue. I was informed that there is an international regulation that all passengers must leave their vehicles on closed deck ferries. The only exception is when, by prior arrangement and consent, a ferry staff member is able to stand with the vehicle.

It seems the biggest issue with constituents is inconsistency. I have been told some people are allowed to stay in their vehicles during the passage, while others are ordered to depart. One constituent told me that doctor's notes are honoured for exemption for some constituents, while others are not.

I understand this is an ongoing issue with enforcement. I am inquiring if the enforcement pertains to all passengers— in all circumstances— with Bell Island ferries?

Sincerely,

Glenda
COR/2017/04543

Nick Whalen
Member of Parliament for St. John’s East
nick.whalen.C1B@parl.gc.ca

Re: Condition of Trans Canada Highway Between Goobies and St. John’s

Dear Mr. Whalen:

Thank you for your correspondence to my colleague, the Honorable Al Hawkins, former Minister of Transportation and Works, in which you shared the concerns of one of your constituents regarding the condition of the Trans Canada Highway between Goobies and St. John’s.

The Department is responsible for maintaining almost 10,000 kilometres of road and highways and more than 1,300 bridges and large culverts. As you may appreciate, there is significant demand for improvements to road infrastructure throughout the province. Currently work is ongoing on two projects to address the condition of the Trans Canada Highway in this area. These projects include the milling and filling of the Trans Canada Highway between St. John’s and Whitbourne and the milling and filling of the same route between Whitbourne and Goobies. This resurfacing work should address many of the problems brought forth by your constituent.

Further details on these projects can be found in the Department’s Five-Year Provincial Roads Plan-2017 Edition, which can be viewed at: http://www.tw.gov.nl.ca/TenderingandContracts/PDF/5yearplan.pdf

Thank you for sharing these concerns. I look forward to a continued positive working relationship between the Provincial Government and our Federal counterparts.

Sincerely,

STEVE CROCKER, MHA
Carbonear-Trinity-Bay de Verde
Minister

“Safety – A small investment for a rich future”

From: Nick.Whalen.C1B@parl.gc.ca [mailto:Nick.Whalen.C1B@parl.gc.ca]
Sent: Monday, July 17, 2017 2:23 PM
To: Minister, TW
Cc: Pitcher, Margot
Subject: Repair work on the TCH

Dear Minister and staff,

We have a constituent who has contacted us regarding the state of the TCH between Goobies and St. John’s. He lives in our
riding but travels frequently across the province. He wanted to note that there are many potholes and rough conditions on that stretch of road and hopes that repairs are planned. Any information you can provide on this matter would be greatly appreciated.

Thanks,

Pierce Collier
Constituency Assistant
Office of Nick Whalen
Member of Parliament for St. John’s East
Suite E130, Prince Charles Building
120 Torbay Road
St. John’s, NL A1A 2G8
Tel: 709.772.7171
Fax: 709.772.7175
E: nick.whalen.C1B@parl.gc.ca

Before printing this e-mail, think about the Environment
Thanks Steve,

Pierce Collier
Constituency Assistant to Nick Whalen, MP St. John’s East

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Minister, TW
Sent: Thursday, October 5, 2017 12:21 PM
To: Whalen, Nick - Riding 1B
Subject: RE: Repair work on the TCH

COR/2017/04543

Nick Whalen
Member of Parliament for St. John’s East nick.whalen.C1B@parl.gc.ca

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Minister

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Thanks,

[HOC_Color_CDC_Couleur_Canada_Small_E-F]

Pierce Collier
Constituency Assistant
Office of Nick Whalen
Member of Parliament for St. John's East Suite E130, Prince Charles Building
120 Torbay Road
St. John's, NL A1A 2G8
Tel: 709.772.7171
Fax: 709.772.7175
E: nick.whalen.C1B@parl.gc.ca

P Before printing this e-mail, think about the Environment

________________________________________________________
"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Dear Federal and Provincial members of government,

Thank you again to the respected member of government who took the time to reply to my concerns in regards to the Bell Island ferry services.

As I stated in my previous letter I have valid concerns for my father, as a senior citizen, traveling to St. John's each day having to endure stress from waiting in long ferry line ups. I also expressed my concern for the students of Bell Island getting equal access to the same quality of education as there peers elsewhere in the province.

I have attached a photo that was posted on social media this evening. It is absurd to expect a person who is handicapped, or who requires mobility assistance, to maneuver such a ramp.

I commute everyday using different forms of transit. I have never seen an accessibility ramp like this.

This is not equal access by no means.

Can someone kindly look into this situation?

Thank you.

Sincerely,
On Tuesday, November 7, 2017, [redacted] wrote:

Dear Premier Ball, Senator Dolye, MP Mr. Whalen, Minister Baker and all members
of the Department of Work Services and Transportation, MHA Mr. Brazil,

I am writing to you in support of the residents of Bell Island, NF.

The MV Legionnaire should be classified as essential to the unique needs of Bell Island residents.

To my understanding the Beaumont is not suitable for the Fogo ferry service. If I am correct the Fogo ferry service is mainly for commercial vehicles such as large trucks for which the Beaumont is not suitable for.

The Flanders should be able to be sent to Fogo to service their 6, or so, ferry runs a day. The MV Legionnaire, supported by the Beaumont, is better equipped to handle the large volume of traffic that goes back and forth on the average 16 trips to and from Bell Island each day.

The years of waiting for the promised ferry to Bell Island has been stressful on residents of the island. It has always been stressful for non-residents of the island.

The condition of the ferry service over the years has brought myself and other non-residents stress. My 77 year old father travels each day to St. John's to care for my mother. The fact that a 77 year old and has had to sit in his car on many, many occasions for 3 to 4 hours at a time in all types of weather waiting for the ferry to either start running or to continue loading the tremendous amount of traffic from both Bell Island and Portugal Cove is disheartening. He feeds and cares for my mother in a seniors home in St. John's. Many of you may have a family member in a seniors home in the province and may know first hand how stretched out the nurses and PCA's are in these homes. They can not take 30 to 40 mins to sit with each resident to feed them. While my father is there feeding my mother a nurse, or a PCA, is then able to have more time to feed and care for other residents of the home. That extra time the nurse or PCA has could be for a family member of yours.

Not only would senior citizens be put through extreme stress from the decision of the MV Legionnaire being moved, people who need to get to work each day, students who need to get to MUN and other educational institutions, residents who need to get to doctors appointments and government employees such as teachers are also being put under unnecessary stress. However, for that last group I would have to say that it is the students on Bell Island who will suffer from not getting a consistent education from their regular classroom teacher who may commute from St. John's.
Students will get less of an equal opportunity to access consistent quality education if Bell Island does not have the reliable ferry service the MV Legionnaire can provide. Isn't it their right to have access to the same consistent education standards as other students in the province?

I am also sure that if you add up the amount that is spent on supply teachers due to the past ferry service and the amount that is also paid to the regular teachers who can not cross the tickle due to a broken down ferry it would be quite a sum. Would it amount to the same sum of money it will cost businesses or commercial truck owners in Fogo? Having access to a consistent quality of education is a right.

I am not sure who is getting greater consideration in this decision whether it is the education of the youth of Bell Island or the commercial businesses of Fogo.

I ask that you please consider the senior citizens and youth of Bell Island in your decision regarding the MV Legionnaire and the ferry service to Bell Island. It needs to be classified as essential to the unique needs of Bell Island residents today.

Too many of the residents have been through too much stress. To remove the MV Legionnaire for the winter months would be causing increased stress and reducing the quality of consistent education the students of Bell Island receive.

I am pleading with the Department of Works Services and Transportation and the Government of Newfoundland and Labrador to please not put commercial business, and the movement of their trucks, ahead of equal access to education and the care of our senior citizens. The MV Legionnaire should stay on to service the residents of Bell Island.

Sincerely,

[Signature]
Former Bell Island Resident
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Thanks Dale,

Thanks Steve,

Really appreciate any help you can provide in this.

From: Kirby, Dale  <DaleKirby@gov.nl.ca>
Date: November 17, 2017 at 3:33:39 PM NST
To: Crocker, Steve  <SteveCrocker@gov.nl.ca>
Cc: Connors, Kara  <KaraConnors@gov.nl.ca>, Worthman, Matthew  <MatthewWorthman@gov.nl.ca>, Whalen, Nick - Personal  <Nick.Whalen.P9@parl.gc.ca>
Subject: Meeting

MP Nick Whalen has requested a meeting to discuss the situation at Bishop Field. He has suggested next Friday.

I will ask staff to organize this with our officials and confirm a time/location.

Thanks

Dale Kirby, MHA
District of Mount Scio
Minister of Education and Early Childhood Development Government of Newfoundland and Labrador

Phone: (709) 729-5040
Email: dalekirby@gov.nl.ca<mailto:dalekirby@gov.nl.ca>

3rd Floor, West Block
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6

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Re: Concerns about the Bell Island Ferry Service

Dear [Name]

Thank you for your correspondence to Premier Ball regarding your concerns about the Bell Island ferry service. As Minister of Transportation and Works the Premier has asked that I respond on his behalf.

On November 7, 2017 the Department of Transportation and Works reached an agreement with the people of Bell Island regarding the temporary transfer of the MV Legionnaire to the Fogo service. Larger vessels such as the Veteran and Legionnaire are better able to handle the amount of commercial traffic that is seen on the Fogo service and the schedule allows for the greater turnaround time for the larger vessel. By placing the smaller Flanders and Beaumont Hamel to the Bell Island run, we are able to handle the commuter traffic present on this run as these vessels require less time for loading and offloading. The deployment of two ferries on this run also provides the redundancy required to accommodate the volume of commuter traffic on the Bell Island run.

The Department is committed to ensuring our vessels are accessible. The photo that you submitted illustrates the ramp without the final extension extended. The ramp is still in a folded position. If a person in a wheelchair required the ramp, a crew member would have fully extended the ramp to accommodate them.

Thank you for expressing your concerns.

Sincerely,

STEVE CROCKER, MHA
Carboner-Trinity-Bay de Verde
Minister

“Be alert! Accidents hurt.”

cc. Premier Dwight Ball
    Nick Whalen, MP St. John’s East
    David Brazil, MHA Conception Bay East-Bell Island
    John Baker, Assistant Deputy Minister Air and Marine Services
Dear Federal and Provincial members of government,

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As I stated in my previous letter I have valid concerns for my father, as a senior citizen, traveling to St. John's each day having to endure stress from waiting in long ferry line ups. I also expressed my concern for the students of Bell Island getting equal access to the same quality of education as there peers elsewhere in the province.

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I am not sure who is getting greater consideration in this decision whether it is the education of the youth of Bell Island or the commercial businesses of Fogo.

I ask that you please consider the senior citizens and youth of Bell Island in your decision regarding the MV Legionnaire and the ferry service to Bell Island. It needs to be classified as essential to the unique needs of Bell Island residents today.

Too many of the residents have been through too much stress. To remove the MV Legionnaire for the winter months would be causing increased stress and reducing the quality of consistent education the students of Bell Island receive.

I am pleading with the Department of Works Services and Transportation and the Government of Newfoundland and Labrador to please not put commercial business, and the movement of their trucks, ahead of equal access to education and the care of our senior citizens. The MV Legionnaire should stay on to service the residents of Bell Island.

Sincerely,

- Former Bell Island Resident
Re: Concerns about the Bell Island Ferry Service

Dear [Redacted]

Thank you for your correspondence to Premier Ball regarding your concerns about the Bell Island ferry service. As Minister of Transportation and Works the Premier has asked that I respond on his behalf.

On November 7, 2017 the Department of Transportation and Works reached an agreement with the people of Bell Island regarding the temporary transfer of the MV Legionnaire to the Fogo service. Larger vessels such as the Veteran and Legionnaire are better able to handle the amount of commercial traffic that is seen on the Fogo service and the schedule allows for the greater turnaround time for the larger vessel. By placing the smaller Flanders and Beaumont Hamel to the Bell Island run, we are able to handle the commuter traffic present on this run as these vessels require less time for loading and offloading. The deployment of two ferries on this run also provides the redundancy required to accommodate the volume of commuter traffic on the Bell Island run.

The Department is committed to ensuring our vessels are accessible. The photo that you submitted illustrates the ramp without the final extension extended. The ramp is still in a folded position. If a person in a wheelchair required the ramp, a crew member would have fully extended the ramp to accommodate them.

Thank you for expressing your concerns.

Sincerely,

STEVE CROCKER, MHA
Carbonear-Trinity-Bay de Verde
Minister

“Be alert! Accidents hurt.”
From: [Redacted]
Sent: Wednesday, February 28, 2018 11:53 AM
To: Minister, TW
Subject: Re: ICOR2018/0703 Re: Ferry Users Having to Leave Their Cars on the Bell Island Service

I shall pass it on. Thank you

Thanka

Sent from my Samsung Galaxy smartphone.

-------- Original message --------
From: "Minister, TW" <twminister@gov.nl.ca>
Date: 2018-02-28 11:47 AM (GMT-03:30)
To: [Redacted]
Cc: "justin.trudeau@parl.gc.ca" <justin.trudeau@parl.gc.ca>, "nick.whalen@parl.gc.ca" <nick.whalen@parl.gc.ca>, Premier of NL <Premier@gov.nl.ca>, "Brazil, David J." <davidbrazil@gov.nl.ca>
Subject: ICOR2018/0703 Re: Ferry Users Having to Leave Their Cars on the Bell Island Service

COR/2018/00664 ICOR2018/0703

Bell Island Ferry Committee

Re: Ferry Users Having to Leave Their Cars on the Bell Island Service

Dear [Redacted]

Thank you for your correspondence to Premier Ball regarding the issue of passengers having to vacate their vehicles while using the Bell Island ferry service. As Minister of Transportation and Works, the Premier has asked that I respond on his behalf.

Regulations do not permit us to allow passengers to remain in their vehicles on the car deck while the vessel is in transit.

The Department of Transportation and Works recently issued a request for proposals for a consultant to conduct a risk assessment specifically as it relates to the requirement of passengers vacating their vehicles while the ferry is in transit. The assessment will also review the potential health impacts of this requirement for passengers with complex medical needs. The Department will be in touch with you to discuss the risk assessment further. Please do not hesitate to contact Mr. John Baker at 729-2767 to discuss this matter further.

Thank you for sharing your concerns.

Sincerely,

STEVE CROCKER, MHA
Carbonear-Trinity-Bay de Verde
Minister

“Break the drive and arrive alive.”

cc. Prime Minister Justin Trudeau
Hon. Nick Whalen, Member of Parliament St. John’s East
Premier Dwight Ball
David Brazil, MHA Conception Bay East-Bell Island

-----Original Message-----

From: [Redacted]
Sent: Wednesday, February 14, 2018 4:53 PM
To: nick.whalen@parl.gc.ca; Openline@vocm.com; hereandnow.nl@cbca.ca <hereandnow.nl@cbca.ca>; web@ntv.ca <web@ntv.ca>; justin.trudeau@parl.gc.ca; Ball, Dwight <DwightBall@gov.nl.ca>; Brazil, David J. <davidbrazil@gov.nl.ca>; Rights, Human <humanrights@gov.nl.ca>; connect@cancer.ca; Ginette.PetitpasTaylor@parl.gc.ca
Subject: Bell Island Ferry

Good afternoon

My name is [Redacted] of the Bell Island Ferry Committee in Newfoundland.
I am hoping to find out some information with regards to the Human Rights Act.
I am concerned regarding those with disabilities that are using our ferries and the position that our current government has taken with regards to one’s Human Rights.
There is many different aspects that I can go into with regards to elevator exiting on the exterior walkways, no ramps in place to enter lounges and so on but I will only touch on one of these violations right now in hopes of finding out some information going forward.
A quick history of our island is that it is remotely located about 5km from the mainland, has an aging population, currently houses approx. 2200 residents and transportation is provided by a 2 ferry system.
Our ferries are open vessels that operate in inter provincial waters so the regulations in affect by Transport Canada does not apply to our service many times.
Under Transport Canada regulations the users have always remained in their vehicles for the 15-20 minute crossing.
In 2017 we received a new vessel (the MV. Legionnaire). On arrival, our current government has decided to implement a new policy of all passengers leaving the vehicle deck for the duration of the crossing.
I attended a meeting with the department of Marine Services as well as the Transportation and Works minister surrounding our concerns of the implementation of this policy and there was steps put in place until a full risk assessment was put in place. The temporary solutions was an agreement to provide road ambulance service to those with limitations so that undue hardship would not be forced upon them when travelling to appointments. Our government has decided to step away from this agreement as of late and I would like to enquire on the rights of those individuals that are now affected.

Before I continue I feel it important to provide some background knowledge on the setup of the 3 vessels that are in place on our ferry crossing.
1. MV Beaumont Hamel. This vessel has a side lounge separated from the main lounge but is not accessible by elevator. The vessels elevator is loadable from the vehicle deck but opens to the exterior of the passenger lounge and places individuals outside in the harshest conditions. The main lounge is then not wheelchair accessible.
2. MV Flanders. This vessel does have and interior elevator with a very small lounge area for those requiring wheelchair access. The lounge is regularly overloaded and those with walking aids are forced to remain standing during voyage which puts them at fall risk during voyage.
3. MV Legionnaire. This is our newest vessel, it has been in service for about 3 months of the last 8 due to it and its sister ship being plagued by mechanical problems. This vessel has 2 large lounges and is wheelchair accessible, with a separate disability washroom. There is no separate lounge on this vessel for those with disabilities.

Our position as a committee and the reason for asking for the risk assessment to occur was due to our fears that the enactment of the policy of vacating vehicles would put our users with disabilities at risk.
I have covered the use of mobility aids and my main concern but our government is failing to understand any concern of those undergoing chemotherapy treatments.
1. Chemotherapy patients are told to avoid crowded places. The reasoning is Neutropenia. Basically, low white blood cell count. Chemotherapy drugs kill healthy white blood cells as well as the cancer cells. White blood cells are the bodies main defence against
infection.
A documented side effect from such treatment includes vomiting and infection. This can delay treatment, put one in the hospital and could cause death.

One is told to avoid crowded places while having chemotherapy treatments. There is no way to avoid this risk when forcing one to leave their vehicle and be placed in a room of 100-2240 people.
2. Avoid sharing utensils due to the risk of infection. When being placed in a crowded location with shared hand rails, tables and bathroom facilities, the negative risks are greatly increased.
3. When undergoing treatments not only are white blood cells decreased leading to a risk of infection but also the red blood cells are decreased. Lower red blood cells results in less oxygen which leads to fatigue. Not all users of the ferry are limited to wheelchair use but they do not have the strength to walk up and down narrow stairways, especially in the winter when the stair conditions are usually wet and/or icy. The risk level for these users and others who have COPD who must carry oxygen bottles are placed in such a position that is often decided to not attend medical appointments due to their personal health and well being.
4. Chemotherapy patients must avoid germs at all costs due to their low immune system. This is not achievable when placed in such a large pen of both healthy and non healthy users. The expectation and implementation of such a policy that does not fall under Transport Canada regulations with respect to our ferries is mind boggling when one is given the choice of death or obtaining medical treatment and then put in a high risk negative situation immediately afterwards.
5. The term germ factory is used often when referring to children between the ages of 2 and 7. These factories are also in the makeup of such corals that those receiving chemotherapy are placed in.
6. Hygiene is extremely important when undergoing treatments. The users receiving treatment traveling on these vessels are placed in an area with others who may not have the same level of concerns when it comes down to personal hygiene.
7. A precaution when receiving chemotherapy is that the patient should use a separate washroom from all others and flush twice.
8. Treatment medications remain in ones system for 72 hours after the treatment. The person receiving the treatment and others are all put at risk for this time frame.

We support the feel the policy is unfair to those with medical disabilities and by retracting on what we already in place until a valid risk assessment is done is violates the Human Rights Act.
I have requested that our current Health Minister be involved with the Department of Transports Marine Services divisions decision making with regards to those affected where he is a medical doctor but any correspondence that I have tried to involve him regarding this situation has been ignored.

The old agreement involving the use of government supplied and cost coverage of road ambulance was sufficient to cover the most vulnerable of our residents but this change has put too many lives at risk and I have stressed that it is unacceptable to put the users in that position.

We feel that the Human Rights Act is being violated by our government, that every individual is not being treated with dignity and rights without regard to his or her disability.

Based on the act we have derived
It is public policy of the province to recognize the dignity and worth of every person to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the province;
AND WHEREAS it is recognized that every person, having duties to others and to the community to which he or she belongs, is responsible to strive for the promotion and observance of the rights recognized in this Act.

Section 2
(c) "disability" means one or more of the following conditions:
(i) a degree of physical disability,
(ii) a condition of mental impairment or a developmental disability,

(g) "establishment" means a place of business or the place where an undertaking or a part of an undertaking is carried on;
(j) "harass" means to engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;
(n) "person", in addition to its meaning in the Interpretation Act, includes an employment agency, a trade union and an employers' organization;

Prohibited Grounds for Discrimination
(3) Where this Act protects an individual from discrimination on the basis of disability, the protection includes the protection of an individual from discrimination on the basis that he or she
(a) has or has had a disability;
(b) is believed to have or have had a disability; or
(c) has or is believed to have a predisposition to developing a disability.
(4) Where this Act protects an individual from discrimination on the basis of a prohibited ground of discrimination, it also protects the individual from discrimination on the basis of
(a) 2 or more prohibited grounds of discrimination or the effect of a combination of prohibited grounds; and
(b) the individual’s association or relationship, whether actual or presumed, with an individual or class of individuals identified by a prohibited ground of discrimination.

Intent

10. Discrimination in contravention of this Act does not require an intention to discriminate.

I am asking for any assistance that you are possibly able to provide us as we would like to resolve this amicably without the use of legal proceedings.

Thanks

Bell Island Ferry Users Committee

Sent from Mail for Windows 10
Good Afternoon,

Thank you for the invitation to the announcement. However, MP Whalen cannot attend, as he is out of the country this week.

Thanks again and good luck with the announcement!

Sincerely,

Office of Nick Whalen
Member of Parliament
St. John’s East, NL
Suite E130, Prince Charles Building
120 Torbay Road
St. John’s, NL A1A 2G8
Tel: 709.772.7171
Fax: 709.772.7175
E: nick.whalen@parl.gc.ca

From: Minister, TW [mailto:twminister@gov.nl.ca]
Sent: April-09-18 2:38 PM
To: Minister, TW
Subject: INVITATION

INVITATION

The Honourable Dwight Ball,
Premier of Newfoundland and Labrador
and

The Honourable Steve Crocker,
Minister of Transportation and Works

invite you to attend an important announcement related to the
pre-feasibility study of a fixed transportation link between Labrador
and the island of Newfoundland.

Wednesday, April 11
Memorial University, Prince Phillip Drive
Gushue Hall, Junior Common Room
12:30 p.m.

Invited guests may park at campus Lot 17, between the
Chemistry Physics Building and the Queen Elizabeth II Library.
From: King, Tracy  
Sent: Friday, May 11, 2018 1:21 PM  
To: Nick.Whalen.C1@parl.gc.ca; Scott, Brian  
Subject: Re: Visit to Bishop Field School  

I've copied Brian here and he can advise. Thanks!

Tracy King  
Deputy Minister  
Transportation and Works  
(709)729-3676

The safe way is the only way.

On May 11, 2018, at 1:14 PM, "Nick.Whalen.C1@parl.gc.ca" <Nick.Whalen.C1@parl.gc.ca> wrote:

Hi Tracy,

I spoke with Minister Crocker yesterday and he said his communications director, Ryan Scott, would be in touch with me on Thursday about the visit to Bishop Field Elementary on Monday, May 14th at 9am.  

I do not have Ryan’s email and he has not contacted me on the visit yet.  

Can you please forward this email to him and have him contact me today?  

Sincerely,  

Glenda

<image001.jpg>  

Glenda Ellis  
Constituency Manager  
Office of Nick Whalen  
Member of Parliament for St. John’s East  
Suite E130, Prince Charles Building  
120 Torbay Road  
St. John’s, NL A1A 2G8  
Tel: 709.772.7171  
Fax: 709.772.7175  
E: nick.whalen.c1@parl.gc.ca

Before printing this e-mail, think about the Environment

From: Whalen, Nick - Riding 1  
Sent: Friday, May 11, 2018 10:04 AM  
To: twmminister@gov.nl.ca  
Subject: Visit to Bishop Field School

Good Morning,

Minister Crocker contacted MP Whalen’s office yesterday, stating there would be a visit/tour of Bishop Field Elementary on Monday, May 14th.

I am awaiting confirmation and details from the department.
Please advise of the itinerary.

Sincerely,

Glenda
Brian will call MP Whalen’s office.

Tracy King  
Deputy Minister  
Transportation and Works  
(709)729-3676

The safe way is the only way.

On May 11, 2018, at 10:23 AM, Minister, TW <twminister@gov.nl.ca> wrote:

Do we have any details to share?

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Good Morning,

Minister Crocker contacted MP Whalen’s office yesterday, stating there would be a visit/tour of Bishop Field Elementary on Monday, May 14th.

I am awaiting confirmation and details from the department.

Please advise of the itinerary.

Sincerely,

Glenda

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<image001.jpg>  
Glenda Ellis  
Constituency Manager  
Office of Nick Whalen  
Member of Parliament for St. John’s East  
Suite E130, Prince Charles Building  
120 Torbay Road  
St. John’s, NL A1A 2G8  
Tel: 709.772.7171  
Fax: 709.772.7175  
E: nick.whalen.c1@parl.gc.ca

Before printing this e-mail, think about the Environment
From: Nick.Whalen.C1@parl.gc.ca
Sent: Thursday, July 5, 2018 3:48 PM
To: Crocker, Steve
Subject: Re: Tour of Bishop Feild

Sure - 3:30pm on Tuesday, July 10th.

Sounds good.

Sincerely,

-Glenda

From: Crocker, Steve <SteveCrocker@gov.nl.ca>
Date: July 5, 2018 at 3:32:02 PM NDT
To: Whalen, Nick - Riding 1 <Nick.Whalen.C1@parl.gc.ca>
Subject: Re: Tour of Bishop Feild

Can we do 3:30

Sent from my iPhone

On Jul 5, 2018, at 3:28 PM, "Nick.Whalen.C1@parl.gc.ca<mailto:Nick.Whalen.C1@parl.gc.ca>" <Nick.Whalen.C1@parl.gc.ca<mailto:Nick.Whalen.C1@parl.gc.ca>> wrote:

How about Tuesday, July 10th at 2:30pm?

-Glenda

From: Crocker, Steve [mailto:SteveCrocker@gov.nl.ca]
Sent: Thursday, July 05, 2018 3:04 PM
To: Whalen, Nick - Riding 1
Subject: Re: Tour of Bishop Feild

Can we look at Tuesday or Wednesday of next week.

Sent from my iPhone

On Jul 5, 2018, at 1:32 PM, "Nick.Whalen.C1@parl.gc.ca<mailto:Nick.Whalen.C1@parl.gc.ca>" <Nick.Whalen.C1@parl.gc.ca<mailto:Nick.Whalen.C1@parl.gc.ca>> wrote:

Hi Steve,

Nick would like a tour of Bishop Field at your earliest convenience. He's out of the province from July 11th -13th, but any other dates would work.

Hope you're enjoying the sunshine.

Sincerely,

-Glenda

<image001.jpg>
Glenda Ellis
Constituency Manager
Office of Nick Whalen
Member of Parliament for St. John's East Suite E130, Prince Charles Building
120 Torbay Road
St. John’s, NL A1A 2G8
Tel: 709.772.7171
Fax: 709.772.7175
E: nick.whalen.c1@parl.gc.ca
P Before printing this e-mail, think about the Environment

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

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