

September 10, 2019

[REDACTED]

Dear [REDACTED]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/86/2019]

On August 12, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

“Any and all records on the Shoal Harbour Causeway since January 1st, 2016. This includes, but not limited to, briefing notes, legal opinions, etc.”

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to some of the requested information. Access to the remainder of the information/records (pages 1-105) has been refused in accordance with the following exception to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

30. (1) The head of a public body may refuse to disclose to an applicant information
- (a) that is subject to solicitor and client privilege or litigation privilege of a public body.

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 Act (a copy of this section has been enclosed for your reference). A request to the Commissioner must be made in writing not later than 15 business days of the date of this letter or a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner 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 within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

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 questions please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

A handwritten signature in black ink, reading "Sonja El-Gohary". The signature is written in a cursive style with a large initial "S".

Sonja El-Gohary
ATIPP Coordinator

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 is notified of the commissioner's refusal under subsection 45 (2).

El-Gohary, Sonja

From: Minister, TW
Sent: Monday, August 12, 2019 12:00 PM
To: 'David Harris'; Minister, TW
Cc: Parrott, Lloyd; Frost, Caroline; Pardy, Craig; 'Frazer Russell'; Stewart, Rhonda; Glynn, Valerie; Inquiries, Justice General; Dunford, Joe; Grandy, Cory; Woodrow, Denise (JPS); Button, Vanessa; Shulba, Janice; Anderson, Eilanda
Subject: RE: HPRM: Meeting Request - Shoal Harbour Causeway Bridge

Mr. Harris, it will likely be the end of September or early October. Once Nancy returns from holidays September 3rd, she will reach out to schedule a time that will work for the Minister and yourselves. In the meantime, could you please provide a list of names of who will be attending from the Town.

Thank you,

Ann Marie

From: David Harris [mailto:david.harris@clarenville.net]
Sent: Monday, August 12, 2019 11:33 AM
To: Minister, TW
Cc: Parrott, Lloyd; Frost, Caroline; Pardy, Craig; 'Frazer Russell'; Stewart, Rhonda; Glynn, Valerie; Inquiries, Justice General; Dunford, Joe; Grandy, Cory; Woodrow, Denise (JPS); Button, Vanessa; Shulba, Janice
Subject: RE: HPRM: Meeting Request - Shoal Harbour Causeway Bridge

Thanks Ann Marie!

Could you advise when the Minister's schedule will allow him to attend a meeting? The topic for discussion will require the Minister to be present. Staff do not have the authority make the necessary decisions on this issue.

Best Regards,

David Harris, PMP
 Chief Administrative Officer
 Town of Clarenville
 99 Pleasant Street
 Clarenville, NL, A5A 1V9
 Tel: (709) 466-7937
 Fax: (709) 466-2276



From: Minister, TW <twminister@gov.nl.ca>
Sent: August 12, 2019 10:40 AM
To: 'David Harris' <david.harris@clarenville.net>
Cc: Parrott, Lloyd <LloydParrott@gov.nl.ca>; Frost, Caroline <CarolineFrost@gov.nl.ca>; Pardy, Craig

<CraigPardy@gov.nl.ca>; 'Frazer Russell' <frazer@clareville.net>; Stewart, Rhonda <rhondas@gov.nl.ca>; Glynn, Valerie <VGlynn@gov.nl.ca>; Inquiries, Justice General <justice@gov.nl.ca>; Dunford, Joe <JoeDunford@gov.nl.ca>; Grandy, Cory <corygrandy@gov.nl.ca>; Woodrow, Denise (JPS) <denisewoodrow@gov.nl.ca>; Button, Vanessa <VanessaButton@gov.nl.ca>; Shulba, Janice <JaniceShulba@gov.nl.ca>
Subject: RE: HPRM: Meeting Request - Shoal Harbour Causeway Bridge

Good Morning Mr. Harris:

Unfortunately, due to the Minister's current schedule, he is not able to meet with you at the present time.

Your correspondence has been forwarded to Mr. Cory Grandy, Assistant Deputy Minister of Infrastructure. Mr. Grandy can be reached at 709-729-5672.

Sincerely,

Ann Marie Williams
 Secretary to the Minister (A)

From: David Harris [<mailto:david.harris@clareville.net>]
Sent: Monday, August 12, 2019 9:41 AM
To: Minister, TW; Stewart, Rhonda; Inquiries, Justice General; Glynn, Valerie; Burden, Nancy
Cc: Parrott, Lloyd; Frost, Caroline; Pardy, Craig; 'Frazer Russell'
Subject: HPRM: Meeting Request - Shoal Harbour Causeway Bridge

Good Morning,
 Please see the attached letter from Mayor Russell regarding the Shoal Harbour Causeway Bridge and meeting request.

Best Regards,

David Harris, PMP
 Chief Administrative Officer
 Town of Clareville
 99 Pleasant Street
 Clareville, NL, A5A 1V9
 Tel: (709) 466-7937
 Fax: (709) 466-2276

From: Minister, TW <twminister@gov.nl.ca>
Sent: May 4, 2018 12:52 PM
To: 'david.harris@clareville.net' <david.harris@clareville.net>
Cc: Holloway, Colin <ColinHolloway@gov.nl.ca>
Subject: Re: Shoal Harbour Causeway Bridge

COR/2018/01502

David Harris
 Chief Administrative Officer
 Town of Clareville
 99 Pleasant Street
 Clareville, NL A5A 1V9

Re: Shoal Harbour Causeway Bridge

Dear Mr. Harris:

I write in response to your letter of April 12, 2018 regarding Shoal Harbour Causeway Bridge.

A review of correspondence and documentation related to this matter has been completed by the Department of Transportation and Works (TW). The correspondence between TW and the Town of Clarenville demonstrate that the Shoal Harbour Causeway Bridge has been vested in the Town since the mid-1990s. Since that time, both TW and the Town have consistently proceeded in a manner that indicates that ownership of the causeway, bridge, and the connecting road was transferred to the Town. Specifically, summer maintenance, winter maintenance and rehabilitation activities have all been performed by the Town. In addition, TW removed the bridge from its list of bridge assets, stopped performing inspections, and stopped performing bridge and road maintenance, including snow clearing.

Section 163 of the *Municipalities Act, 1999* states that “*The ownership, management and control of all highways, sidewalks and bridges in the municipality, except highways vested in the Crown under section 5 of the Works, Services and Transportation Act, are vested in the council*”. Changes to the *Building near Highways Regulations* made in 1997 indicate that the Shoal Harbour causeway and bridge were no longer vested in the Crown. Schedule C of the 1997 regulations indicate the revision of the original route of the Bonavista Peninsula Highway (BPH), which ran through Shoal Harbour, including the causeway and bridge. Item 10 in the schedule indicates the new routing of Route 230 from the Trans-Canada Highway west of Clarenville to Bonavista via Southern Bay, Port Rexton and Catalina. Item 11 indicates the start of Provincial Government jurisdiction “from its intersection with Route No. 231 at Shoal Harbour to its intersection with Route No. 230 near the Clarenville airstrip.” This is essentially from the current northern boundary of the Town of Clarenville, along its former route, to the new Route 230.

In short, our review of this matter has not identified anything to support the Town’s position that the Department of Transportation and Works has responsibility for the Shoal Harbour Causeway Bridge. I hope you will find this information useful and remain available to discuss the matter further if required.

Sincerely,

HON. STEVE CROCKER, MHA
District of Carbonear-Trinity-Bay de Verde
Minister

“Have another day by being safe today!”

c. Mr. Colin Holloway, MHA Terra Nova District

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