June 28, 2019

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/45/2019]

On May 31, 2019, the Premier’s Office received your request for access to the following records/information:

“All emails sent/received re Dale Kirby from April 1st 2018 to present.”

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier’s Office to provide access to some if the information requested. Access to the remaining information/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):

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.

41. The Speaker of the House of Assembly, the officer responsible for a statutory office, or the head of a public body shall refuse to disclose to an applicant information

(a) where its non-disclosure is required for the purpose of avoiding an infringement of the privileges of the House of Assembly or a member of the House of Assembly;

Please note the following information has been fully redacted from the package:

- Pages 31-32 in accordance with subsections 40(1);
- Pages 24-25 and 37-40 in accordance with subsections 41(a).

You may appeal this decision by asking the Information and Privacy Commissioner to review this response, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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. Your appeal should identify your concerns with the response and why you are submitting the appeal.
Contact information for 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 this response, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

This response will be published as outlined on the Completed Access to Information Requests website. (http://atipp-search.gov.nl.ca/) If you have any further questions, please feel free to contact me by telephone at (709) 729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

Joy Buckle
ATIPP Coordinator
Enclosure
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).
Potential copyright material

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

From: Cannizzaro, Michelle
Sent: Wednesday, May 2, 2018 2:05 PM
To: Russell, Bobbi
Subject: Fw: Salaries

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Foote, Carla <CarlaFoote@gov.nl.ca>
Sent: Wednesday, May 2, 2018 11:30 AM
To: Cannizzaro, Michelle
Subject: RE: Salaries

This should go to the House of Assembly as a request.

BOBBI RUSSELL | Policy, Planning & Communications Analyst

Office of the Clerk
House of Assembly - Newfoundland & Labrador
P.O. Box 8700, 100 Prince Phillip Drive
St. John's NL A1B 4J6

709 729-1178 (t) | 709 729-4820 (f) |

From: Cannizzaro, Michelle
Sent: Wednesday, May 02, 2018 11:29 AM
To: Foote, Carla
Subject: FW: Salaries

Can you let me know who will handle this response 😊

From: MEGHAN MCCABE [mailto:meghan.mccabe@cbc.ca]
Sent: Wednesday, May 2, 2018 11:21 AM
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>; Luther, Adrienne <AdrienneLuther@gov.nl.ca>
Subject: Salaries

Hi Michelle and Adrienne,

Can either of you provide some insight as to what’s happening with the pay for MHA Eddie Joyce and MHA Dale Kirby?

Did the stop getting their ministerial salaries when those duties were removed?

Will Al Hawkins and Andrew Parsons get the additional ministerial salaries for taking on the extra portfolios?
Are Kirby and Joyce receiving their regular MHA pay? Obviously they haven't actually been in QP, but are they technically still working? On leave?

We're getting those questions so I'd like to be sure I have it right.

Thanks so much!!
Meghan

--
Meghan McCabe
Reporter / Producer, CBC NL
Mobile: [redacted]
@mccabemeg

Subscribe to CBC NL on YouTube
I'll send!

Sent from my BlackBerry 10 smartphone on the Bell network.

Hello Michelle,

Enclosed is the response to the media request related to ministerial salaries...would you like us to send it to Meghan or would you like to?

Dale Kirby and Eddie Joyce are no longer receiving ministerial salaries. Ministers Hawkins and Parsons will not receive any additional salary for the extra portfolios.

Sandra, can you please send us what you intend to CBC?

Thanks,
Scott

Hi Carla

We can take the MHA salary piece. Cindy Hussey should be advised of the Ministerial bits. While I can answer those questions, ministerial salaries are the purview of the Executive Branch so it would be inappropriate of me to do so.

Sandra

FYI
Hi Sandra, I understand this request from CBC will come to your office today. I am giving you a heads up as Bobbi is away until Monday.

Thanks

Carla J. Foote
Associate Secretary to Cabinet (Communications)
Government of Newfoundland and Labrador
Tel: 709-729-4781
Cell: 709-691-6673
www.gov.nl.ca

This email is PRIVILEGED and contains confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify us immediately by return email and delete the original message.

From: Cannizzaro, Michelle
Sent: Wednesday, May 02, 2018 11:29 AM
To: Foote, Carla
Subject: FW: Salaries

Can you let me know who will handle this response 😊

From: MEGHAN MCCABE [mailto:meghan.mccabe@cbc.ca]
Sent: Wednesday, May 2, 2018 11:21 AM
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>; Luther, Adrienne <AdrienneLuther@gov.nl.ca>
Subject: Salaries

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Will Al Hawkins and Andrew Parsons get the additional ministerial salaries for taking on the extra portfolios?

Are Kirby and Joyce receiving their regular MHA pay? Obviously they haven't actually been in QP, but are they technically still working? On leave?

We're getting those questions so I'd like to be sure I have it right.

Thanks so much!!
Meghan

--
Meghan McCabe
Reporter / Producer, CBC NL
Hi Scott

Mr. Joyce and Mr. Kirby continue to be elected Members of the House and as such continue to receive their salary.

Who should I send it to?

---

From: Barfoot, Scott
Sent: Wednesday, May 2, 2018 3:49 PM
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>; Foote, Carla <CarlaFoote@gov.nl.ca>; Barnes, Sandra M. <s Barnes@gov.nl.ca>
Cc: Barnes, Sandra M. <s Barnes@gov.nl.ca>
Subject: CBC Media Request/Ministerial Salaries

Hello Michelle,

Enclosed is the response to the media request related to ministerial salaries...would you like us to send it to Meghan or would you like to?

Dale Kirby and Eddie Joyce are no longer receiving ministerial salaries. Ministers Hawkins and Parsons will not receive any additional salary for the extra portfolios.

Sandra, can you please send us what you intend to CBC?

Thanks,
Scott

---

From: Barnes, Sandra M.
Sent: Wednesday, May 02, 2018 11:38 AM
To: Foote, Carla
Subject: RE: Salaries

Hi Carla

We can take the MHA salary piece. Cindy Hussey should be advised of the Ministerial bits. While I can answer those questions, ministerial salaries are the purview of the Executive Branch so it would be inappropriate of me to do so.

Sandra

---

From: Foote, Carla
Sent: Wednesday, May 2, 2018 11:35 AM
To: Barnes, Sandra M. <s Barnes@gov.nl.ca>
Subject: FW: Salaries
Hi Sandra, I understand this request from CBC will come to your office today. I am giving you a heads up as Bobbi is away until Monday.

Thanks

Carla J. Foote  
Associate Secretary to Cabinet (Communications)  
Government of Newfoundland and Labrador  
Tel: 709-729-4781  
Cell: 709-691-6673  
www.gov.nl.ca

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From: Cannizzaro, Michelle  
Sent: Wednesday, May 02, 2018 11:29 AM  
To: Foote, Carla  
Subject: FW: Salaries

Can you let me know who will handle this response ☺

From: MEGHAN MCCABE [mailto:meghan.mccabe@cbc.ca]  
Sent: Wednesday, May 2, 2018 11:21 AM  
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>; Luther, Adrienne <AdrienneLuther@gov.nl.ca>  
Subject: Salaries

Hi Michelle and Adrienne,

Can either of you provide some insight as to what’s happening with the pay for MHA Eddie Joyce and MHA Dale Kirby?

Did the stop getting their ministerial salaries when those duties were removed?

Will Al Hawkins and Andrew Parsons get the additional ministerial salaries for taking on the extra portfolios?

Are Kirby and Joyce receiving their regular MHA pay? Obviously they haven’t actually been in QP, but are they technically still working? On leave?

We’re getting those questions so I’d like to be sure I have it right.

Thanks so much!!
Meghan

--
From: Cannizzaro, Michelle  
Sent: Wednesday, May 2, 2018 4:07 PM  
To: Barfoot, Scott  
Subject: Fw: CBC Media Request/Ministerial Salaries

--

Sent from my BlackBerry 10 smartphone on the Bell network.

From: MEGHAN MCCABE <meghan.mccabe@cbc.ca>
Sent: Wednesday, May 2, 2018 4:04 PM
To: Cannizzaro, Michelle
Subject: Re: CBC Media Request/Ministerial Salaries

Thanks, Michelle, that’s perfect!

Sent from my iPhone

On May 2, 2018, at 3:57 PM, Cannizzaro, Michelle <Michelle.Cannizzaro@gov.nl.ca> wrote:

Hey Meghan!
This is what I received from the Clerk of the House of Assembly

Dale Kirby and Eddie Joyce are no longer receiving ministerial salaries. Ministers Hawkins and Parsons will not receive any additional salary for the extra portfolios. Mr. Joyce and Mr. Kirby continue to be elected Members of the House and as such continue to receive their salary.

Hope this helps!

"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."
On May 2, 2018, at 4:38 PM, Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca> wrote:

Hey you got a second? And a cell phone I could ring. Just want to give a little more clarity on something.

From: MEGHAN MCCABE <meghan.mccabe@cbc.ca>
Sent: Wednesday, May 2, 2018 4:04 PM
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>
Subject: Re: CBC Media Request/Ministerial Salaries

Thanks, Michelle, that’s perfect!

Sent from my iPhone

On May 2, 2018, at 3:57 PM, Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca> wrote:

Hey Meghan!
This is what I received from the Clerk of the House of Assembly

Dale Kirby and Eddie Joyce are no longer receiving ministerial salaries. Ministers Hawkins and Parsons will not receive any additional salary for the extra portfolios. Mr. Joyce and Mr. Kirby continue to be elected Members of the House and as such continue to receive their salary.

Hope this helps!

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“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.”
Hi Kala,

Attached is an email from [REDACTED] to Premier Ball regarding the indefinite leave of absence of two house Members.

We are requesting a response on behalf of the Premier. Please copy the Premier on the response and email a copy to premier@gov.nl.ca account within 10 business day.

Thank you,
Joanne

----- HPE Records Manager record Information >-----

Record Number: ICOR2018/2085
Title: Email from [REDACTED] to Premier Ball regarding the indefinite leave of Absence of two house Members
May 17, 2018

Kirby, Joyce Take Indefinite Leave Of Absence From House During Harassment Investigation...

Two former Ministers under investigation for harassment are being paid their MHA salaries while they take an indefinite leave of absence from the House of Assembly.

This utterly unbelievable and a slap in the face to every residents of Newfoundland and Labrador and the very people who pay their salaries...
You two must think that the People of Newfoundland and Labrador will sweep this under the rug and closed a blind eyes to this?

Do you think that the People of Newfoundland and Labrador the very same people who pay your salaries are stupid because if you do then you better wake up and smell the coffee...

Mr Premier why are these two being rewarded for doing what they are being investigated for expelled for supposedly doing wrong and now they are being what some are saying , rewarded for the very same thing?

Is this Government For Real or Brain Dead?

Since the House Speaker Perry Trimper saw fit to let them to receive their MHA salaries with no time limit attached as the investigation continues which is so utterly unbelievable and disgusting to every taxpayers of this province.

So Mr. Premier I called upon you today to show some leadership and ensure they either sit in the House of Assembly when Open or Lose all of their benefits including ,salary, pension time and all other benefits associated with being an MHA...

A Concerned Taxpayer of Newfoundland and Labrador...
Thanks for getting back. Have a good weekend.

On Fri, Aug 24, 2018 at 4:38 PM, Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca> wrote:
Hey Ariana,
I can't confirm anything. The CLS reports don't come to the Premier. Sorry not much help.

Sent from my BlackBerry 10 smartphone on the Bell network.

Hi Michelle and Lesley

Reaching out to see if you have confirmation that Eddie Joyce and Dale Kirby have been cleared of wrongdoing in relation to Colin Holloway's complaint.

BREAKING: Source tells me province's Commissioner of Legislative Standards has cleared MHAs Eddie Joyce and Dale Kirby of any wrongdoing re. harassment complainted filed by fellow MHA Colin Holloway. Watch @NTVNewsNL tonight at 6 pm for details. #nlpoli

Thanks,
Ariana

--
Ariana Kelland
CBC News - Newfoundland and Labrador
Twitter: @arianakelland
o: 709-576-5134

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Ariana Kelland
Potential copyright material

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

I've now had the opportunity to read the report of Mr. Chaulk, and the complaint by the member from Terra Nova. In my opinion, the two harassment allegations are vexatious and bordering on malicious. I support the claim of Mr. Kirby that harassment process conducted by your member for Terra Nova and Ms Parsons are being used as political weapons to discredit two fine MHA's (Joyce and Kirby) to the betterment of two back bench members.

If this report stands as is and either Eddie Joyce or Dale Kirby face further reprimand I think that would be an affront to valid claims of workplace harassment. The claims I've read sully and are a mockery to survivors. In short I believe they are simply unfounded.

Further in the spirit of upholding the serious work of the People of this province I recommend that Government reprimand the two members who made these fictional allegations to discredit and disserve Her Majesty's Government of Newfoundland and Labrador. Mr. Kirby and Mr. Joyce deserve an apology and compensation for the legal fees they've had to incur due to these preposterous and scandalous false allegations.

In Solidarity,
Hi Kala,

Are you able to review the below correspondence and direct the subject of the inquiry in the right direction? Please forward us a copy of any response.

Thank you,

Kaitlyn Lambe
Information Management Specialist
Office of the Premier
Executive Council
Government of Newfoundland & Labrador
8th Floor East Block, Confederation Complex
P.O. Box 8700, St. John's NL A1B 4J6

709-729-3570 | Kaitlyn.lambe@gov.nl.ca

---

From: [Redacted]
Sent: Thursday, February 28, 2019 10:55 AM
To: Premier of NL
Subject: Re: Question for the premier

How do I find out what the commissioner stated please?

Get Outlook for iOS

From: Premier of NL <premier@gov.nl.ca>
Sent: Thursday, February 28, 2019 10:39 AM
To: [Redacted]
Subject: RE: Question for the premier

Good Morning,

The following information is being provided in response to your recent inquiry:
Matters of discipline regarding inappropriate conduct by Members of the House of Assembly fall to the jurisdiction of the Commissioner of Legislative Standards. The Commissioner has already publicly stated his assessment of this matter.

Sincerely,

Premier's Correspondence Unit
Executive Council
Government of Newfoundland & Labrador
8th Floor East Block, Confederation Complex
P.O. Box 8700, St. John's NL A1B 4J6

(T) 709-729-3570 | (F) 709-729-5875

Newfoundland Labrador

From: [Redacted]
Sent: Wednesday, February 20, 2019 10:12 PM
To: Premier of NL
Subject: Question for the premier

How come when Pam Parsons and Dale Kirby then Minister of Education admitted to smoking weed an illegal substance they never so much as apologized and the premier never asked them to resign?

Get Outlook for iOS

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Hi Heather,

Attached, for your Minister and Deputy Minister’s information, is an email from [redacted] suggesting that Minister Kirby should be included in the investigation along with Minister Joyce- see article from CBC attached.

Thank you,

Joanne

--------< HPE Records Manager record Information >--------

Record Number: ICOR2018/1753
Title: Email from [redacted] suggesting that Minister Kirby should be included in the investigation along with Minister Joyce- see article from CBC attached

--------< HPE Records Manager record Information >--------

Record Number: ICOR2018/1753-02
Title: CBC Article- Targeting whistleblowers equals intimidation
Thank you for your email to Premier Dwight Ball.

This is confirmation that your email has been received.

Kind regards,

Premier's Correspondence Unit

Office of the Premier
Executive Council
Government of Newfoundland & Labrador
8th Floor East Block, Confederation Complex P.O. Box 8700, St. John's NL A1B 4J6

709-729-3570 | premier@gov.nl.ca

-----Original Message-----
From: [redacted]
Sent: Friday, April 27, 2018 1:57 PM
To: Ball, Dwight <DwightBall@gov.nl.ca>
Subject: Minister Kirby

Mr. Premier,
You may want to include Mr. Kirby in your investigation, as well as Mr. Joyce.

Buckle, Joy

From: [Redacted]
Sent: Monday, April 30, 2018 3:01 PM
To: Premier of NL
Subject: Thank You!

Premier Ball,

Tears of joy are streaming down my face today. Thank you for removing Dale Kirby from the Minister of Education role.

I hope this means a positive change for deaf and hard of hearing students in our province, there is so much potential going unrealized and these students may now have an opportunity to excel. It feels like a new dawn is coming.

Thank you, again and again.

Sincerely, [Redacted]
-----Original Message-----
From: [Redacted]  
Sent: Monday, April 30, 2018 6:57 PM  
To: Ball, Dwight <DwightBall@gov.nl.ca>  
Subject: Again

Dear Premier Ball,
I'm writing to you for the second time to say congratulations for refusing to accept people in caucus who don't behave as they should as members of the provincial legislature. Dale Kirby was a terrible member of the NDP caucus when Lorraine Michaels was the head of the party. He helped bring her down. Please don't let him or Mitchelmore or Eddy Joyce damage the workings of your government.

With respect,

[Redacted]
I am sharing this article with you:

In all my years as a teacher, it was the ability to move on each day anew that sustained me. Those that couldn't were always causing turmoil.
I am totally shocked and amazed that this person can be kept in government after the revelation of this past week. To think that a minister of the Crown, an Education Minister, admitted to taking part in illegal activity and is still in government. Any person elected is obviously held to a higher standard. to think that during a Liberal convention, setting government policy in some cases would be conducting himself in such a way is unbelievable.

My vote was cast for the Liberals last time and sorry to say this will not be the case going forward having such behaviour accepted by this current government.
From: Ball, Dwight  
Sent: Monday, October 22, 2018 1:45 PM  
To: Premier of NL  
Subject: FW: Another waste of taxpayer dollars

-----Original Message-----  
From: [redacted]  
Sent: Saturday, October 20, 2018 8:09 AM  
To: Ball, Dwight <DwightBall@gov.nl.ca>; Kirby, Dale <DaleKirby@gov.nl.ca>  
Subject: Another waste of taxpayer dollars

How much did it cost to prove that Dale and Pam aka Liberal Cheeks and Chong, were Pot Heads, and smoking reefers two years before weed was legal?

How many Newfoundlanders and Labradorians were prosecuted for simple pot possession during those two years, when Dale and Pam were breaking the law? Imagine Ministers who are entrusted by law, breaking the law???

Nothing like promoting pot use in high schools. "I'm the Minister, and I do inhale...."

Oh, the stores are outta pot? Got any to share Dale? Errrr I mean Chong?

Sent from my iPad
From: Ball, Dwight  
Sent: Wednesday, October 24, 2018 1:59 PM  
To: Premier of NL  
Subject: FW: Unethical behaviour

From: [Redacted]  
Sent: Wednesday, October 24, 2018 1:48 PM  
To: Kirby, Dale <DaleKirby@gov.nl.ca>  
Cc: Ball, Dwight <DwightBall@gov.nl.ca>  
Subject: Unethical behaviour

Mr. Kirby

I just finished reading Commissioner's Chaulk's report regarding his investigation into Ms. Parsons complaints against you. One area I found very disturbing is your admission that during a Liberal Convention in Gander back in 2016, you state that you and Ms. Parsons were smoking marijuana in the parking lot of the Gander Hotel.

I find this very disturbing, because at the time it was illegal to be in possession of marijuana, and of course both of you were, and still are elected members of our Provincial Legislature and responsible for making laws for our Province. It is very disappointing to see Provincial Legislators contravene Federal laws, in fact commit a criminal offense.

Mr. Kirby, as my representative in the House of Assembly I am totally disappointed in your behaviour. By your own admission you have admitted that you committed a criminal offence. In my view you are not deserving of the office you hold. I fully realize that possession of marijuana is legal now, but it was illegal at the time you were in possession of it. One would expect law makers to obey the law, whether or not they agree with it. In my view you should do what is honourable and resign your seat altogether.

Unfortunately one of your constituents
How come when Pam Parsons and Dale Kirby then Minister of Education admitted to smoking weed an illegal substance they never so much as apologized and the premier never asked them to resign?