November 20, 2019

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [IIAS 024 2019]

This is to confirm that on October 29, 2019 the Intergovernmental and Indigenous Affairs Secretariat (Indigenous Affairs) received your request for access to the following records/information:

"Any and all messaging prepared for the fall sitting of the house of assembly. This includes key messages for the Minister and binders."

I am pleased to inform you that a decision has been made by the Deputy Minister for Indigenous Affairs to provide access to some of the requested information. 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):

Disclosure harmful to intergovernmental relations or negotiations

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm the conduct by the government of the province of relations between that government and the following or their agencies:

(i) the government of Canada or a province,

(v) the Nunatsiavut Government.

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.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your

P.O. Box 8700, St. John’s, NL, Canada, A1B 4J6
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 request and why you are submitting the appeal.

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 Trial Division 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 further questions, please feel free to contact Chris Appleby, ATIPP Coordinator, by telephone at (709) 729-1773 or by email at applebyc@gov.nl.ca

Sincerely,

Christopher Appleby
Senior Analyst / ATIPP Coordinator
Enclosures
Disclosure harmful to intergovernmental relations or negotiations

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm the conduct by the government of the province of relations between that government and the following or their agencies:

(i) the government of Canada or a province,
(ii) the council of a local government body,
(iii) the government of a foreign state,
(iv) an international organization of states, or
(v) the Nunatsiavut Government; or

(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.

(2) The head of a public body shall not disclose information referred to in subsection (1) without the consent of

(a) the Attorney General, for law enforcement information; or
(b) the Lieutenant-Governor in Council, for any other type of information.

(3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 years or more unless the information is law enforcement information.

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).
ISSUE: Agreement with Innu Nation on Racism

Innu leaders from Sheshatshiu and Natuashish met with Premier Dwight Ball in Happy Valley-Goose Bay on September 16, 2019 to discuss their concerns with the disclosure of a recorded telephone message. The Innu Nation described comments made by Lake Melville MHA Perry Trimper and a woman who was not identified as racist and disrespectful. The meeting convened by the Premier concluded with the release later that day of a joint statement on next steps.

ANTICIPATED QUESTIONS:

What is the status of the Provincial Government’s commitment to establish a working group on addressing the Innu Nation’s contention there is institutional racism in the civil service?

How is the Provincial Government expediting land claims and self-government negotiations with the Innu Nation?

KEY MESSAGES:

Premier Dwight Ball and the Innu leadership are united in their view that racism in any form is unacceptable.

A working group will have a mandate to develop concrete measures to ensure elected officials and government employees have an understanding and appreciation of Innu culture, values and history.

The Provincial Government is committed to expediting land claims and self-government negotiations on matters of provincial responsibility.

SECONDARY MESSAGES:

- Discussions are under way with the Innu leadership on drafting a terms of reference and finalizing the members of a working group.

- The plan to be developed by the working group will be implemented for all government programs and services, such as health, justice and corrections.

- The Provincial Government looks forward to working collaboratively with the Innu Nation to ensure that Innu people are treated with dignity, equality and respect.
Indigenous Affairs is actively engaged with the Innu leadership on discussions concerning land claims and self-government negotiations.

BACKGROUND INFORMATION:

- The Innu Nation released on September 12 a five-minute audio file of a voicemail left by Mr. Trimper. The recorded message inadvertently included a conversation with an individual who has not been named.
- Lake Melville MHA Perry Trimper resigned as Minister of Municipal Affairs and Environment on September 13 and issued a statement acknowledging the hurt he caused, saying he would step back from his ministerial responsibilities to focus on repairing relationships.
- The Premier spoke to Grand Chief Gregory Rich and apologized, stating that Mr. Trimper’s comments did not reflect the views of Premier Ball or that of the Government of Newfoundland and Labrador. “Government values the relationship with the Innu Nation and holds the Innu Nation in the highest respect,” said a statement from the Premier’s Office.
- A group of 20 people staged a protest at the office Mr. Trimper on September 16, requesting that he resign as the representative for Lake Melville district.
- Mr. Trimper issued a second apology for his remarks on September 17, saying he meant nothing malicious by his words and pledging to make amends.
- The Innu Nation has taken the position that it cannot negotiate with the Province about public services in Labrador without the knowledge of the identity of the individual who was involved in the recorded conversation.
- Premier Ball told the media he wanted to know the identity of the individual, but pointed out he was advised the person does not have a decision-making position within government.
ISSUE: Apology for Former Students of Residential Schools
Premier Dwight Ball stated in November 2017 that he would attend Prime Minister Justin Trudeau’s apology ceremony later that month in Happy Valley-Goose Bay.

He further advised that the Provincial Government would undertake its own apology to residential school survivors, in consultation with the survivors of the former residential school system and the leaders of Indigenous Governments and Organizations.

ANTICIPATED QUESTIONS:
What is the status of the Provincial Government’s intention to deliver its own apology?
What form will the apology take?

KEY MESSAGES:
The Government of Newfoundland and Labrador is committed to the pledge it made in 2017 to undertake an apology to former students of the residential school system.

The Provincial Government is working with Indigenous Governments and Organizations to obtain their views and counsel on the best approach to undertaking an apology.

The Province remains committed to advancing reconciliation with Indigenous people in Newfoundland and Labrador.

BACKGROUND INFORMATION:
- Prime Minister Trudeau formally apologized to former students of Newfoundland and Labrador residential schools and their families during a ceremony at Happy Valley-Goose Bay on Nov. 24, 2018 as part of the Newfoundland and Labrador Settlement Agreement.
- In the March 2018 Speech from the Throne, the Provincial Government said: “As we reconcile with Indigenous people, we must learn from and atone for the mistakes of the past, so that all present and future generations in our great province can grow in the spirit of reconciliation.”
- An Alberta lawyer wrote the Premier earlier this year and issued a news release during the 2019 general election, asking when the apology would occur.
- After the election, the Deputy Minister of Indigenous Affairs wrote the lawyer on behalf of the Premier, advising Government was still committed to the apology and has been working and will continue to work with Indigenous Governments and Organizations.
CBC News reported on the apology pledge in October 2019. Todd Russell, President of the NunatuKavut Community Council, said while there had been gaps in the discussions with the Province, communication was taking place in other ways. He added that NCC is ready to start talking more intimately about what an apology might look like, noting that any perceived delay hasn’t caused him to doubt the Province’s sincerity.

The Innu Nation responded by saying any apology from the Province would have to reflect the Innu experience with day schools – government-run schools for Indigenous students that didn’t require children to stay overnight, but where the same types of physical and sexual abuse were sometimes face by students. The Innu Nation added “it would be premature to discuss an apology for residential schools when both Innu Nation and the Province are working through what actions the Province will take to address racism against Innu within government.”

The CBC News story quoted the Premier as saying: “We've had continual communication and progress has been made. Our government remains committed to advancing reconciliation with all Indigenous people in Newfoundland and Labrador. In order to promote healing in our province, we recognize the importance of taking the necessary time to ensure any apology, and indeed all interactions, are carried out with respect for and rapport with Indigenous people.”
ISSUE: Inquiry into the Treatment of Innu Children in Care

The Government and the Innu entered into a Memorandum of Understanding on July 5, 2017, outlining their mutual intent to pursue an inquiry into the treatment, experiences and outcomes of Innu in the child protection system.

ANTICIPATED QUESTIONS:

It’s been more than two years since the Province entered into a Memorandum of Understanding with the Innu Nation to pursue an Inquiry. What’s holding up the start of the Inquiry?

KEY MESSAGES:

The Government of Newfoundland and Labrador shares the Innu desire to commence the Inquiry into the Treatment of Innu Children in Care.

The Innu has been discussing the Federal Government’s role and participation in the Inquiry and has reached an agreement with Ottawa on the terms.

The Provincial Government and the Innu have an agreement on the Terms of Reference and the Province is moving forward with all parties on arranging the details required to commence the Inquiry.

SECONDARY MESSAGES:

- The province is in the process of identifying appropriate Commissioners in consultation with the Innu.
- Our province is experiencing an over-representation of Indigenous children in the child protection system and we are committed to working with our Indigenous and federal partners to reduce the number of Indigenous children in care.
- Our goal is to complete a process that helps all partners develop a better understanding of the experiences of Innu children in care so that we can achieve better outcomes in the future.
**BACKGROUND INFORMATION:**

- The Provincial Government and Innu leadership jointly completed a draft Terms of Reference and transmitted them to the Federal Government in September 2017, asking the federal government to “fully” participate in the Inquiry.
- The Innu were not been satisfied with the level of federal participation in the Inquiry, and in early 2018 advised former federal Minister Jane Philpott that the Inquiry is on hold until the Federal Government’s participation is satisfactory to the Innu.
- The Innu and Government have agreed upon Terms of Reference.

\[34(1)(a)(i)\]

- Meanwhile, an independent review of the child protection system’s response to Inuit children was released by Jackie Lake Kavanagh, Child Youth Advocate, on September 4 in Nain. The Minister of Children, Seniors and Social Development, Lisa Dempster, attended in a guest capacity as a representative of the Provincial Government.
QP Issue Note
Intergovernmental and Indigenous Affairs
October 23, 2019

ISSUE: Nunatsiavut Government’s Response to Mitigation Funding from Nalcor Energy

The Nunatsiavut Government provided official notification to the Provincial Government and Nalcor Energy of its refusal to accept a financial contribution of $10 million. In an Aug. 26, 2019 letter to the parties, President Johannes Lampe said the sum of $30 million should have been used to mitigate the impacts of methylmercury in the Muskrat Falls reservoir and the Lake Melville ecosystems.

ANTICIPATED QUESTIONS:

What is the Provincial Government's reaction to the refusal by the Nunatsiavut Government of a $10 million financial contribution to fund social programs and activities related to the health of beneficiaries?

KEY MESSAGES:

The priority of the Provincial Government is the health of local residents. We are committed to working with all Indigenous governments and organizations to address potential impacts of methylmercury on country food.

We accepted all recommendations related to monitoring levels of methylmercury and are establishing a Monitoring and Health Management Committee. This committee will include people from Indigenous governments and organizations.

We are disappointed the Nunatsiavut Government declined the offer of funding. We will continue to work with the Nunatsiavut Government.

Our financial contribution agreements with the Innu Nation and the NunatuKavut Community Council will fund programs and activities associated with food security, health measures, public education and awareness, and other community initiatives.

SECONDARY MESSAGES:

- The Provincial Government places a high value on its engagement with Indigenous leaders and has heard the concerns expressed by groups and individuals about the potential adverse effects from methylmercury on country food in the Muskrat Falls reservoir ecosystem.
• In accepting Nalcor’s human health risk assessment plan in 2016, Government directed that compensation be provided if consumption advisories were issued.
• The Provincial Government wishes to establish the Monitoring and Health Management Committee as quickly as possible.
• We are continuing to work on forming the committee. All groups have provided feedback on the Terms of Reference and we are seeking a time when representatives from all groups are available to discuss.
• Due to an unintentional oversight, wetland capping was no longer an option prior to full impoundment of the reservoir.
• The capping of wetlands would not have produced significant reductions in the production of methylmercury.
• Monitoring of approximately 1,400 water samples to date has not revealed a human health risk. Current levels of methylmercury in Lake Melville are low and many samples are below the limit that can be detected.
• We will continue with the water monitoring plan and the future results will inform public health and education about methylmercury in food and water.
• The acceptance of the financial contributions does not prevent or preclude Indigenous governments and organizations from expressing views, publicly or otherwise, on concerns with respect to methylmercury.

BACKGROUND INFORMATION:

• On October 17, 2019, the Public Accounts Committee of the House of Assembly unanimously passed a resolution to ask the Auditor General to investigate and report on the reasons why wetland capping was no longer an option prior to full impoundment of the Muskrat Falls reservoir.
• Auditor General Julia Mullaaley told the media on October 18, 2019 that she has not received a formal communication from the Public Accounts Committee. She says she will consider the context and wording of the request in order to assess whether it falls within her mandate.
• Nunatsiapit President Johannes Lampe said he’s hopeful an investigation by the Auditor General will reveal the truth behind Government’s decision not to cap wetlands. The Nunatsiapit Government maintains the Province had no intention to cap the wetlands.
• “All we were told is that time simply ran out; that doing the work would have had a negligible impact on methylmercury production in the reservoir and the Lake Melville ecosystem. We have never accepted those claims. We still maintain the work could have been done prior to impoundment, and that the claim suggesting capping would have only prevented just a two per cent rise in methylmercury is unfounded and incorrect.”
• Nalcor Energy formally signed financial contribution agreements with the Innu Nation and the NunatuKavut Community Council.
• Nalcor agreed to provide a financial contribution of $10 million to each of the three Indigenous Governments and Organizations to fund social programs and activities relating to the health of their members and beneficiaries.
ISSUE: NunatuKavut Community Council (NCC)

Questions are being asked of the Provincial Government on its position with respect to the NunatuKavut Community Council’s land claim submission to the Federal Government and discussions with Ottawa on the recognition of rights, respect, co-operation and partnership.

ANTICIPATED QUESTIONS:

What is the Provincial Government’s position on the NunatuKavut Community Council’s aspirations for the recognition of Indigenous rights and self-determination and its Memorandum of Understanding with the Federal Government?

KEY MESSAGES:

The Federal Government and the NunatuKavut Community Council jointly announced in September a formal agreement to start discussions on the recognition of Indigenous rights and self-determination.

The Provincial Government has not been invited by the Federal Government or the NunatuKavut Community Council at this time to be part of the discussions.

The Provincial Government looks forward to the outcomes of these discussions and expresses hope the negotiations will achieve tangible results for NunatuKavut and its members.

BACKGROUND INFORMATION:

- On September 5, the Federal Government and the NunatuKavut Community Council signed a Memorandum of Understanding (MOU) on self-determination. The agreement commits the Federal Government to partner with Indigenous peoples to renew a relationship based on recognition of rights, respect, co-operation and partnership.
- The MOU guide discussions on exploring new ways to strengthen their relationship and address priorities identified by NCC.
- NCC President Todd Russell described the signing as a significant step forward in its relationship with Canada on the recognition of Inuit rights and self-determination.
- Premier Dwight Ball issued a news release on September 5, stating the Provincial Government is encouraged that the Federal Government and NCC are moving forward on discussions towards producing tangible benefits for NunatuKavut members.
• In response to the MOU, the Innu Nation criticized the Federal Government for not consulting and for fast-tracking the NCC application through the negotiation process. Grand Chief Gregory Rich said the agreement undermines the Innu Nation’s land claim process, which they contend has been under way since 1977.
• On October 8, the Innu Nation announced it had applied to the Federal Court seeking the cancellation of the MOU because it could negatively impact the Innu Nation’s longstanding claims in Labrador.
• The NunatuKavut Community Council is the representative governing body for some 6,000 Inuit of south and central Labrador.
Subject: Top 3 Accomplishments Over Past Year  
To: Communications Branch  
From: Labrador Affairs and Indigenous Affairs  
Date: October 24, 2019  

Indigenous Affairs

1) For the first time, the Provincial Government committed core funding in the amount of $30,000 each to the First Light Friendship Centre in St. John’s, People of the Dawn Indigenous Friendship Centre in Stephenville, and the Labrador Friendship Centre in Happy Valley-Goose Bay. The $90,000 investment supports friendship centres to provide valuable programs and services and to promote and celebrate Indigenous cultures.

2) The Provincial Government and the Innu Nation jointly agreed to establish a working group to develop measures that ensures elected officials and government employees have an understanding and appreciation of Innu culture, values and history. Upon agreement on the terms of reference, the measures will be developed for all government programs and services such as health, justice and corrections. The outcome is that Innu people are treated with dignity, equality and respect.

3) The Provincial Government welcomed an announcement from National Museums Scotland last January to repatriate the remains of Demasdut and Nonosabasut, two Beothuk individuals, to Newfoundland and Labrador. Indigenous Affairs is continuing to work closely with the Canadian Museum of History, Indigenous leaders and The Rooms on determining the next steps for the appropriate and respectful transfer of the Beothuk remains to the province.

Labrador Affairs

1) Expansion of the Labrador Transportation Grooming Subsidy program, as follows: Extended access to the snowmobiling public in the communities of Nain and Natuashish with the construction of emergency shelters and the placement of reflective markers; and the acquisition of grooming machines and equipment for the Cartwright-Black Tickle, Nain and Hopedale areas. Securing vital snowmobile trail equipment supports access to major service centres and enhances the safety of residents who depend on the winter trail network.

2) Collaborated with other northern jurisdictions and the Federal Government on economic and social development in the North, including: Leading Arctic and northern policy for the Province, the Newfoundland and Labrador-Nunavut Memorandum of Understanding, and the Northern Development Ministers Forum; and joining officials from the Province and the Government of Quebec on the development of the Labrador Trough as part of advancing the Cooperative Agreement.

3) Assumed the administration of the Labrador Sport Travel Subsidy program, which invests $730,000 in supporting youth athletes, Special Olympians and teams to participate in provincial championships and training camps, and supports the development of Labrador coaches and officials.