March 28, 2016

Dear [Name] 

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/11/2016]

On February 26, 2016, the Premier’s Office received your request for access to the following records/information:

"Please provide all correspondence and materials exchanged between the Premier and his staff regarding the t-bill program, short term borrowing, and long term borrowing. This should also include any information or briefing notes provided to the Premier's Office by the Department of Finance and any KMs developed for usage by the Premier. Please also include a copy of the statement given to NTV on Feb 24th regarding long-term borrowing. This request is for the time frame January 1, 2016 - February 25, 2016."

I am pleased to inform you that a decision has been made by the Deputy Chief of Staff of the Premier’s Office to provide access to some of the requested information. In particular, access is granted to a meeting note dated February 11, 2016 and a copy of the statement given to NTV on February 24, 2016.

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):

27. (1) In this section, "cabinet record" means
   
   (c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;

   (2) The head of a public body shall refuse to disclose to an applicant

   (a) a cabinet record.

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

   (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;
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. The appropriate copies have been enclosed. We are unable to provide you access to Cabinet records, therefore pages 1-4 have been fully redacted in accordance with paragraphs 27(1)(c) and 27(2)(a) of the Act.

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 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).

Responsive records will be published following a 72 hour period after the response is sent electronically to you. It is the goal to have the responsive records posted to the Office of Public Engagement's 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 me by telephone at (709) 729-0929 or by e-mail at danaenglish@gov.nl.ca.

Sincerely,

Dana English
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).
Meeting Note
Department of Finance
Meeting with Mr. Frank McKenna, TD Securities
Thursday, February 11, 2016, 12:30 p.m.
Premier’s Boardroom

Attendees: Mr. Frank McKenna, Deputy Chair, TD Bank Group
Mr. Alan Jette, Executive VP (Treasury and Balance Sheet), TD Bank Group
Mr. Rudy Sankovic, Senior VP (Investor Relations), TD Bank Group
Honourable Dwight Ball, Premier
Honourable Cathy Bennett, Minister of Finance

Purpose of Meeting:
• This meeting has been scheduled to discuss capital market and treasury management issues and opportunities.

Background:
• Budget 2015 identified a $2B borrowing requirement for 2015-16. The December 2015 Fiscal Update indicated a revised borrowing requirement of $2.4B, an increase of $400M from budget largely driven by lower than budgeted oil prices and royalties. The update also forecasted significant borrowing requirements for the 2016-17 and on fiscal years.

• At February 9, 2016, the Province has completed $935M of its $2.4B borrowing requirement (approximately 39 per cent), of which $535M has been achieved in the last three weeks. The remainder of the Province’s current cash flow borrowings has been achieved through the sale of short term Treasury Bills (T-bills).

• The Province’s short term borrowing strategy has relied primarily on Treasury Bill issuance supplemented by an operating line of credit with the Province’s primary banker, RBC, in the amount of $200M. The short term borrowing limit prior to October 2015 was $1.5B. Due to the inability to access capital through the bond market, the Province has increased this limit by $2B since October 2015.

• The reason for this is largely related to poor capital market conditions. Since early summer, capital market activity has seen long periods of very slow activity punctuated by occasional brief periods of improved receptivity during which many provincial issuers come to the market en masse.

• While reasons for this are complex, some possible explanations include the deterioration of the economic picture internationally, uncertainty about future changes in interest rates, extremely choppy stock market behavior and investors who seem reluctant to make commitments to longer term provincial issuance.

• In addition to the economic backdrop, there are also factors specific to the Province that may also be affecting our access to capital markets. These would include falling oil prices and uncertainty about the Province’s fiscal future given the serious deterioration in revenues.
Agenda Item #1 (Capital Markets and Treasury Management):

Analysis

- At February 9, 2016, the Province has $1.465B of its 2015-16 borrowing requirement outstanding. In addition, the fall update forecasted borrowing requirements of $3.7B for the 2016-17 fiscal year.

- Given this significant borrowing requirement, the current market conditions and the fact that prior to March 2015, the Province had not borrowed in the capital markets for over seven (7) years, the Minister and officials with the Department of Finance engaged in discussions with its banking syndicate members over the last four weeks on how it should approach the capital market.

- As part of its ongoing discussions on how to position itself to achieve the significant borrowings, this meeting has been scheduled with Mr. McKenna and two other parties from TD Securities to discuss capital market and treasury management issues.

Prepared/approved by: C. Martin/D. Brewer
Reviewed by: W. Parsons/K. Quinlan
Ministerial approval: Received from Honourable Cathy Bennett

February 10, 2016
Frank McKenna was appointed Deputy Chair of TD Bank Group on May 1, 2006. He is responsible for supporting the Bank in its customer acquisition strategy, particularly in the area of Wholesale and Commercial Banking.

Frank has held numerous leadership positions in both the public and private sector. For a decade (1987–1997) he was Premier of New Brunswick, having earned three consecutive majority governments, including the historic victory in 1987 of all 58 seats in the legislature. The McKenna government significantly improved the province's standard of living and quality of life. Among its accomplishments, it balanced budgets, pioneered e-government services, attracted innovative industry clusters and improved educational outcomes. Frank also played a central role on the national stage, where among other initiatives, became a lead advocate for the Canada-US Free Trade Agreement.

Prime Minister Martin nominated Frank as Canadian Ambassador to the United States of America in 2005, where he was charged to navigate contentious bilateral issues related to trade and security. In 2006, Frank resigned this position upon change of national government.

In the private sector, Frank is in wide demand as a corporate director. Currently he is the Chairman of Brookfield Asset Management and is on the board of Canadian Natural Resources. He has also been Chairman of the Board of CanWest Global and served on the Boards of Noranda, Shoppers Drug Mart and General Motors.

Frank is a graduate of St. Francis Xavier University as well as Queen's University, where he completed his post-graduate degree in political science and the University of New Brunswick Law School. He was appointed to the Order of Canada in 2008 and is the recipient of eight honourary doctorates.

Frank and his wife Julie have three grown children and seven grandchildren.
Mr. Alan J. Jette serves as an Executive Vice President of Treasury and Balance Sheet Management of The Toronto-Dominion Bank and served as its Senior Vice President of Treasury and Balance Sheet Management. Mr. Jette served as Senior Vice President of Treasury and Risk Management of Development Finance Corporation of Ceylon(Canada Trusico Mortgage Co). He served as Senior Vice President of Treasury and Risk Management of CT Financial Services Inc.

Alan entered the mortgage business on the lender side more than 25 years ago. He rose to become one Canada’s most accomplished in the fields of balance sheet and interest rate risk management.

Alan founded two firms specializing in asset/liability management and later joined FirstLine Trust where his experience enabled FirstLine to lead the securitization market for the following 10 years, until the company was sold to CIBC in 1995. During this time he worked extensively with CMHC to create the Canada Mortgage Bond (CMB) in Canada, and later the mortgage backed securities (MBS) Program.

Alan went on to join Ed Clark at TD Canada Trust in the 1990s, and continues to serve as Executive Vice President, Treasury and Balance Sheet Management of TD Bank Group.

In his nomination for the Mortgage Hall of Fame, one commenter wrote of Alan: “Without the CMHC MBS program, many lenders would have perished in 2008. Instead, most thrived and have brought a very effective mortgage market for Canadians. ... [he] is a behind-the-scenes hero for the mortgage industry.” Fellow Hall of Famer Ivan Wahl has called Jette the industry’s “most talented Treasury professional for 30 years.”

Alan will put a bookend on his storied career in 2016 when he is set to retire.
Rudy Sankovic,
Senior Vice President of Investor Relations
TD Bank Group

Mr. Rudy J. Sankovic serves as the Senior Vice President of Investor Relations at The Toronto-Dominion Bank and served as its
Senior Vice President of Finance - Wealth Management. Mr. Sankovic serves as Chief Financial Officer of TD Funds in Fund
Complex. He serves as Senior Vice President of TD Wealth Management and TD Bank Financial Group. He served as Chief
Financial Officer at Canada Trust Income Investments. He serves as Director of TD Funds in Fund Complex.

He spent the first seven years of his childhood in Red Lake, Ontario, a gold-mining town where his parents moved after
emigrating from Yugoslavia. From there he moved to Toronto, and whether the motivation was getting a commerce degree from
the University of Toronto or working as a chartered accountant at Deloitte & Touche. Toronto has been his home ever since.

Prior to joining TD in 2004, Sankovic ventured into the investment world at Merrill Lynch and then served as Senior Vice
President and CFO of the personal and commercial banking division of Royal Bank of Canada. He then moved to TD Wealth
Management, where CFO Colleen Johnson recommended IR as a future career path.

With three children ages 17, 22, and 34, Sankovic and his wife are facing an empty nest. Sankovic hopes that the next years will
afford opportunities to travel for pleasure.
To date, the province has borrowed about 38 per cent of the required borrowing for this year through the bond market. Under the previous administration’s watch, from April 2015 to December 2015, they only managed to get one successful long-term borrowing - $400 million.

In just 72 days, our new government has been able to secure two bond issues, totaling $535 million, including a $235 million issue for a term of 3 years and a $300 million issue for a term of 31 years.

This success is in spite of the tremendous challenges that have been facing this province and many other provinces as well, in the long-term bond market. These challenges include a sharp fall in oil prices and the resultant impact on provincial finances, the uncertainty leading up to the November 30th election and the further changing fiscal situation in the province outlined at mid-year.

While it is clear that our new government’s commitment to action to deal with the fiscal situation is allowing Newfoundland and Labrador to secure some long-term borrowing in the market domestically, there are still significant challenges facing the province, making long-term borrowing difficult. The previous administration would have known that borrowing would be an issue in the domestic market, but they chose not to act and did not have an investment strategy in place.

There are still significant challenges facing the province, making long-term borrowing difficult. The Province has not had an issue raising short-term money in the Treasury Bill market.

Hi,

The PCs issued a release saying their government was never turned down for long-term borrowing and asking the premier to explain his comments. Is the premier available for response?

Mike