October 2, 2017

Dear [redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/72/2017]

On September 5, 2017, the Department of Municipal Affairs and Environment received your request as a transfer from Executive Council for access to the following records/information:

"All records of communication between provincial government and the city of St. John's / Northeast Avalon towns and their residents on motorcycle noise in 2017."

On August 30, 2017, you clarified your request with Executive Council to the below wording.

"Communications of any provincial government employees or elected officials that may have discussions with the City regarding this. Time frame for the year 2017 to present. By northeast Avalon, I mean the city of St. John's, Mount Pearl, towns of CBS, paradise, Torbay, bay bulls, Witless Bay, Portugal Cove St Phillips, Flatrock, Petty Harbour."

I am pleased to inform you that a decision has been made by the Deputy Minister to provide access to the requested information.

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 feel free to contact me by telephone at 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,

LISA SULLIVAN
ATIPP Coordinator

Enclosures
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 after
(a) 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) 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).
Sullivan, Lisa

From: Glynn, Valerie
Sent: Monday, August 21, 2017 8:15 AM
To: Joyce, Eddie; Chippett, Jamie
Subject: FW: City of St. John's - letter to Johnathan Galgay
Attachments: Johnathan Galgay.pdf; Letter from J Galgay.pdf

Fyi....

From: Premier,
Sent: Friday, August 18, 2017 4:38 PM
To: Pitcher, Madonna; Glynn, Valerie; Stewart, Rhonda
Subject: City of St. John's - letter to Johnathan Galgay

Hi Ladies,

Attached, for your Minister's attention and file, is a copy of Premier Ball's response letter to Johnathan Galgay, Ward 2 Councillor with City of St. John's regarding motorcycle and vehicle noise in the City. I've also attached a copy of Mr. Galgay's July 27th letter to the Premier.

Kind regards,

Virginia Connors
Director of Information Management
Office of the Premier
Executive Council
Government of Newfoundland & Labrador
8th Floor East Block, Confederation Complex
P.O. Box 6700, St. John's, NL A1B 4J6

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

Newfoundland
Labrador
August 18, 2017

Jonathan P. Galgay
Councillor, Ward 2
City of St. John’s
PO Box 908
St. John’s, NL A1C 5M2

Email: jgalgay@stjohns.ca

Dear Mr. Galgay:

Thank you for your July 27, 2017 letter regarding motorcycle and vehicle noise in the City of St. John’s.

Since becoming Premier, and at my request, officials from Service NL and the Department of Justice and Public Safety met on October 13, 2016 with officials from the City of St. John’s to discuss the challenges with addressing this complicated issue. Officials agreed that the best approach would be through a combination of changes to existing legislation and a coordinated approach to enforcement. I understand that Members of the House of Assembly, representing districts within the City, also met with City officials in late September on a number of items, including this subject.

For its part, the Provincial Government has undertaken a number of measures to address the issue of excessive motorcycle noise through legislation and increased enforcement. Section 187(5) of the Highway Traffic Act and Section 29.(1) of the Licensing and Equipment Regulations apply to the operation of vehicles with equipment that increases the noise produced by an exhaust system. Removing baffles from exhaust systems or installing after-market systems without baffles constitutes an offence under this legislation. As part of enhancing the enforcement of this existing legislation, officials at Service NL’s Motor Registration Division (MRD) have been working with the Royal Newfoundland Constabulary (RNC) and the Royal Canadian Mounted Police (RCMP) to coordinate enforcement activities to detect illegally modified exhaust systems which contribute to excessive noise. This included a recent enforcement blitz that identified a number of motorcycles with illegal modifications, and in each of those cases the owners of the vehicles charged and are required to report back to Service NL with proof that the exhaust system has been corrected to meet the original manufacturer’s standard.

This fall, the House of Assembly will debate legislative changes to the Highway Traffic Act that, if passed, will increase the minimum fine for this offence from $20 to $100. The maximum fine will increase from $90 to $170.
The Provincial Government will continue its coordinated enforcement activity with the RNC and RCMP. This enforcement activity will inform Service NL's work in evaluating the current legislation to determine whether other changes need to be made to address this issue. However, it is important to note that the City of St. John's also has a role to play. The city has the legislative authority under the City of St. John's Act to set and enforce bylaws regarding noise and traffic control within city limits.

Thank you for contacting me with your concerns. Our government will continue to encourage collaboration wherever possible to address this issue.

Sincerely,

Dwight Ball
Premier

cc: Hon. Sherry Gambin Walsh – Minister, Service NL
Hon. Andrew Parsons – Minister, Justice and Public Safety
Hon. Eddie Joyce – Minister, Municipal Affairs and Environment
July 27, 2017

Premier Dwight Ball
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Premier Ball,

The City of St. John's has, for many years, been receiving consistent complaints from residents of the City regarding the operation of excessively loud motorcycles and vehicles. The City has continued to advocate on behalf of residents to the Provincial Government to address this concern. The City does not have the legislative authority to enforce the modification of vehicles or the authority to stop vehicles for moving violations as prescribed under the Highway Traffic Act.

In your November 26, 2015 correspondence to the City of St. John's, you indicated that you shared the City's concerns about the noise pollution caused by certain motorcycles and committed to convening a meeting of stakeholders to try and rectify the shortcomings in regulations to address this matter. To date no such meeting has taken place.

In recent days I have released all correspondence between the City and the Province in relation to this matter to the public for their review. The documents clearly state the position of the City.

I will continue to advocate on behalf of my constituents and therefore I ask that you act on this commitment made to the City of St. John's and convene a meeting of stakeholders, Royal Newfoundland Constabulary and residents to find a resolution to this matter.

While I appreciate that matters such as this fall under the purview of the Department of Justice and Service NL; I would appreciate hearing from you directly on this matter as this was a commitment you personally made.

Regards,

Jonathan P. Galgay
Councillor, Ward 2
Discovery - Municipal Affairs

From: Chippett, Jamie
Sent: Monday, January 16, 2017 4:25 PM
To: Davis, Bernard
Cc: Joyce, Eddie; Orsborn, Caroline
Subject: Emailing: City of St. John's meeting with MHAs Jan 2017 FINAL.doc
Attachments: City of St. John's meeting with MHAs Jan 2017 FINAL.doc

Attachment is already posted online as part of ATIPP MA/21/2017 in the completed ATIPP request website. This particular note is on pages 9-21 of request MA/21/2017, which was published on April 7, 2017.

MHA Davis - attached is the note as requested - let me know if you need anything else.

Minister Joyce please confirm your acceptance for your St. John's colleagues to use.

Caroline that's for drafting - place this version in TRIM.

Jamie

Your message is ready to be sent with the following file or link attachments:

City of St. John's meeting with MHAs Jan 2017 FINAL.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.