Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FIN-101-2018]

On December 17, 2018, the Department of Finance received your access to information request for the following:

“Please provide any briefing notes, information notes, reports, emails, or any other records which include an evaluation of the current Atlantic Accord Framework and/or Equalization formula conducted since January 1, 2016.”

This was further clarified, via our telephone conversation, for a search of records at the ADM level and above including the Minister’s EA.

The Department is pleased to advise that access has been granted in part to the above request and is attached. It is important to note the following when reviewing this response:

- Some of the information contained within the responsive records includes advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister. As such, this information has been severed from the response pursuant to sections 29.(1)(a) of the ATIPPA.
- Some of the information contained within the responsive records is subject to solicitor and client privilege or litigation privilege of a public body. As such, this information has been severed from the response pursuant to sections 30.(1)(a) of the ATIPPA.
- Some of the information contained within the responsive records is that which was received in confidence from another government, council or organization. As such, this information has been severed from the response pursuant to sections 34.(1)(a)(i), 34.(1)(b) of the ATIPPA.
- It is reasonable to conclude that some of the information contained within the responsive records would, if released, result in the premature disclosure of information developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations. As such, this information has been severed pursuant to sections 35.(1)(f) and 35.(1)(g) of the ATIPPA.
- For your convenience, provided in the table below is a listing of the page numbers that have been completely removed due to exemptions pursuant to ATIPPA (as described above). It is important to note when referencing page numbers, please refer to the number located in the middle right-hand side of the page.
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 this response 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 response 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 the undersigned by telephone at 709-729-2082, or by email at bethbartlett@gov.nl.ca.

Sincerely,

Beth Bartlett, CIAPP-C  
ATIPP Coordinator

Attachment
This is where I am... let me know what further meat go in

G. John Samms, B.A., MA., J.D.
Senior Advisor – Issues Management
Office of the Premier
P.O. Box 8700
St. John’s, NL, A1B 4J6
T: (709) 729-3570
F: (709) 729-5875
johnsamms@gov.nl.ca
February 12, 2018

Prime Minister Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
Canada K1A 0E4

Dear Prime Minister Trudeau:

As you may be aware, the 2005 Atlantic Accord Agreement between the Government of Canada and the Government of Newfoundland and Labrador on Offshore Revenues stipulates that, no later than March 31, 2019, the parties agree to review the arrangement to address:

a) the extent to which the Atlantic Accord objectives have been achieved, including the key objectives of the Atlantic Accord that Newfoundland and Labrador be the principal beneficiary of its offshore;

b) whether Newfoundland and Labrador has realized lasting fiscal and economic gains from its offshore petroleum resources revenues;

c) the Equalization arrangements in effect;

d) the fiscal disparities that then exist between Newfoundland and Labrador and other provinces;

e) Newfoundland and Labrador’s undeveloped offshore petroleum discoveries; and will have regard to the 1987 Canada-Newfoundland Atlantic Accord Implementation Act, any legislation that implements the terms of this arrangement, and any other relevant considerations.

The core principle of the Atlantic Accord was to see NL as the principle beneficiary of oil and gas development in the NL Offshore. This review is timely in light of the fiscal challenges facing Newfoundland and Labrador, our misnomer as a “have” province under the current equalization framework, and the lingering uncertainty around the federal government’s new environmental assessment process.

I request a meeting at your earliest convenience to discuss these issues.

Sincerely,

DWIGHT BALL
Premier
MHA, Humber-Gros Morne
Date: 2/12/2018 3:33:35 PM
From: Hanrahand@gov.nl.ca
To: "Penney, Jodi"
Subject: edits tracked Draft Letter - Prime Minister Trudeau (002).docx
Attachment: edits tracked Draft Letter - Prime Minister Trudeau (002).docx; ATT00001.txt;

Pls format and send to p office for sign off.
February 12, 2018

Prime Minister Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
Canada K1A 0E4

Dear Prime Minister Trudeau:

As you may be aware, the 2005 Atlantic Accord Agreement between the Government of Canada and the Government of Newfoundland and Labrador on Offshore Revenues stipulates that, no later than March 31, 2019, the parties agree to review the arrangement to address:

a) the extent to which the Atlantic Accord objectives have been achieved, including the key objectives of the Atlantic Accord that Newfoundland and Labrador be the principal beneficiary of its offshore;

b) whether Newfoundland and Labrador has realized lasting fiscal and economic gains from its offshore petroleum resources revenues;

c) the Equalization arrangements then in effect;

d) the fiscal disparities that then exist between Newfoundland and Labrador and other provinces;

e) Newfoundland and Labrador’s undeveloped offshore petroleum discoveries; and will have regard to the 1987 Canada-Newfoundland Atlantic Accord Implementation Act, any legislation that implements the terms of this arrangement, and any other relevant considerations.

The core principle of the Atlantic Accord was to see NL as the principle beneficiary of oil and gas development in the Newfoundland and Labrador Offshore. This review is timely in light of the fiscal challenges facing Newfoundland and Labrador, our misnomer as a “have” province under the current equalization framework, given the commitment under 36(2) of the Constitution Act, 1982, and the lingering uncertainty around the federal government’s new environmental assessment process.

I request a meeting at your earliest convenience to discuss these issues.

Sincerely,

DWIGHT BALL
Premier
MHA, Humber-Gros Morne
Date: 2/12/2018 5:17:03 PM
From: "Penney, Jodi"
To: "Hanrahan, Denise"
Subject: RE: [edits tracked] Draft Letter - Prime Minister Trudeau.docx
Attachment: Letter to Prime Minister Trudeau Feb 12, 2018.doc;
Letter attached.

From: Hanrahan, Denise
Sent: Monday, February 12, 2018 5:08 PM
To: Penney, Jodi
Subject: Fwd: [edits tracked] Draft Letter - Prime Minister Trudeau.docx

Pls let me know.

Begin forwarded message:

From: "Samms, John" <JohnSamms@gov.nl.ca>
Date: February 12, 2018 at 4:39:36 PM NST
To: "Hanrahan, Denise" <Hanrahand@gov.nl.ca>, "Miles, Peter" <PeterMiles@gov.nl.ca>
Cc: "Osborne, Tom" <tobome@gov.nl.ca>
Subject: RE: [edits tracked] Draft Letter - Prime Minister Trudeau.docx

Let me know once letter has come up. Time sensitive.

G. John Samms, B.A., M.A., J.D.
Senior Advisor - Issues Management
Office of the Premier
P.O. Box 8700
St. John's, NL, A1B 4J6
T: (709) 729-3570
F: (709) 729-5875
johnsamms@gov.nl.ca

-----Original Message-----
From: Hanrahan, Denise
Sent: Monday, February 12, 2018 3:15 PM
To: Samms, John <JohnSamms@gov.nl.ca>; Miles, Peter <PeterMiles@gov.nl.ca>
Cc: Osborne, Tom <tobome@gov.nl.ca>
Subject: [edits tracked] Draft Letter - Prime Minister Trudeau.docx

Hi John and Peter, here is an edited draft. Please advise if we should format and send via trim for signature or if there are further edits. Thanks.
February 12, 2018

Prime Minister Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
Canada K1A 0E4

Dear Prime Minister Trudeau:

As you may be aware, the 2005 Atlantic Accord Agreement between the Government of Canada and the Government of Newfoundland and Labrador on Offshore Revenues stipulates that, no later than March 31, 2019, the parties agree to review the arrangement to address:

a) the extent to which the Atlantic Accord objectives have been achieved, including the key objectives of the Atlantic Accord that Newfoundland and Labrador be the principal beneficiary of its offshore;

b) whether Newfoundland and Labrador has realized lasting fiscal and economic gains from its offshore petroleum resources revenues;

c) the Equalization arrangements then in effect;

d) the fiscal disparities that then exist between Newfoundland and Labrador and other provinces;

e) Newfoundland and Labrador’s undeveloped offshore petroleum discoveries; and will have regard to the 1987 Canada-Newfoundland Atlantic Accord Implementation Act, any legislation that implements the terms of this arrangement, and any other relevant considerations.

The core principle of the Atlantic Accord was to see NL as the principle beneficiary of oil and gas development in the Newfoundland and Labrador Offshore. This review is timely in light of the fiscal challenges facing Newfoundland and Labrador, our misnomer as a “have” province under the current equalization framework given the commitment under 36(2) of the Constitution Act, 1982, and the lingering uncertainty around the federal government’s new environmental assessment process.
I request a meeting at your earliest convenience to discuss these issues.

Sincerely,

DWIGHT BALL  
Premier  
MHA, Humber-Gros Morne