

February 14, 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/5/2019 & PRE/6/2019]

On January 17, 2019, the Premier's Office received your request for access to the following records/information:

"Information notes, decision notes, analyses, and/or other background or briefing materials - in any and all formats, including paper and electronic - related to a pending review of the 2005 Atlantic Accord. Date range of request is Jan. 1, 2018, to the present."

And

"Correspondence between the premier's office and the federal government related to the pending review of the 2005 Atlantic Accord. Request includes records in any and all formats, including paper and electronic. Date range of request is Jan. 1, 2018, to the present."

Given your requests are around the same topic, we have combined them into one.

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 of the information requested. Access to the remaining 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):

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.

30. (1) *The head of a public body may refuse to disclose to an applicant information*

(a) that is subject to solicitor and client privilege or litigation privilege of a public body.

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,

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

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

(f) positions, plans, procedures, criteria or instructions 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;

(g) information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body.

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

- Pages 6-7, 161-162, 167, 171-174, 177, 180, 184-185, 189-190, 194-280, 282-323, and 325 in accordance with subsections 34(1)(a)(i), 35(1)(f), 35(1)(g);
- Pages 8-48, 163-165, 168-170, 172-174, 178-179, 181-183, 186-188, 191-193, 281 and 324 in accordance with subsections 29(1)(a), 34(1)(a)(i), 35(1)(f), 35(1)(g);
- Pages 49-160 and 166 in accordance with subsections 34(1)(a)(i), 34(1)(b), 35(1)(f), 35(1)(g); and
- Pages 174-176 in accordance with subsections 30(1)(a), 35(1)(f), 35(1)(g).

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. 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*.

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,

A handwritten signature in black ink that reads "M. Wachman". The signature is written in a cursive style with a large, sweeping flourish at the end.

for
Joy Buckle
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

(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.

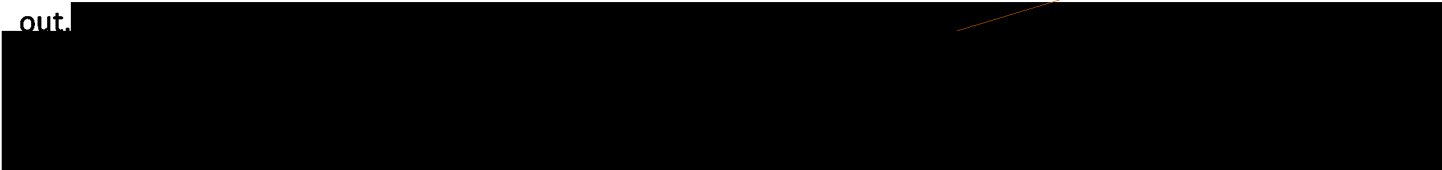
(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

From: Samms, John
Sent: Wednesday, February 7, 2018 11:06 AM
To: Cannizzaro, Michelle
Subject: Accord Info

he Atlantic Accord's core commitment was to see NL as the principal beneficiary of oil and gas development in the NL Offshore Area.

The Accord Acts explicitly mandate the C-NLOPB with the administration of offshore oil and gas exploration and development. This mandate includes protection of the environment which was the responsibility of the C-NLOPB, as Responsible Authority (RA), until federal amendments unilaterally removed such designation in 2010. Such was the importance of RA designation to the C-NLOPB, provincial and federal governments amended their respective Accord Acts in February 2016 to restoration of RA designation to the C-NLOPB. The completion of restoration of RA status to both petroleum boards required amendment of *CEAA 2012* (federal legislation). The Agency had proceeded to amend *CEAA 2012* to make RA designation a reality but this work was paused, pending conclusion of the federal government's review of its regulatory review processes, including environmental assessment review process was completed.

There is a provision in the newer 2005 Accord Agreement stipulating the federal and provincial government are to enter into discussions before 2019 as to whether the original intent of the Accord have been carried out. 29(1)(a)



Hope this helps,

29(1)(a)

John

Sent from my BlackBerry 10 smartphone on the Bell network.

From: [Premier of NL](#)
To: ["pm@pm.gc.ca"](mailto:pm@pm.gc.ca)
Subject: Premier Dwight Ball letter of February 13, 2018
Date: Tuesday, February 13, 2018 11:09:15 AM
Attachments: [image001.jpg](#)
[Prime Minister Trudeau February 13.pdf](#)

Good Day,

Please see the attached letter I am forwarding to you on behalf of Premier Dwight Ball.

Kind regards,

Edna Roberts

Secretary to the Premier

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



February 13, 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 Newfoundland and Labrador 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

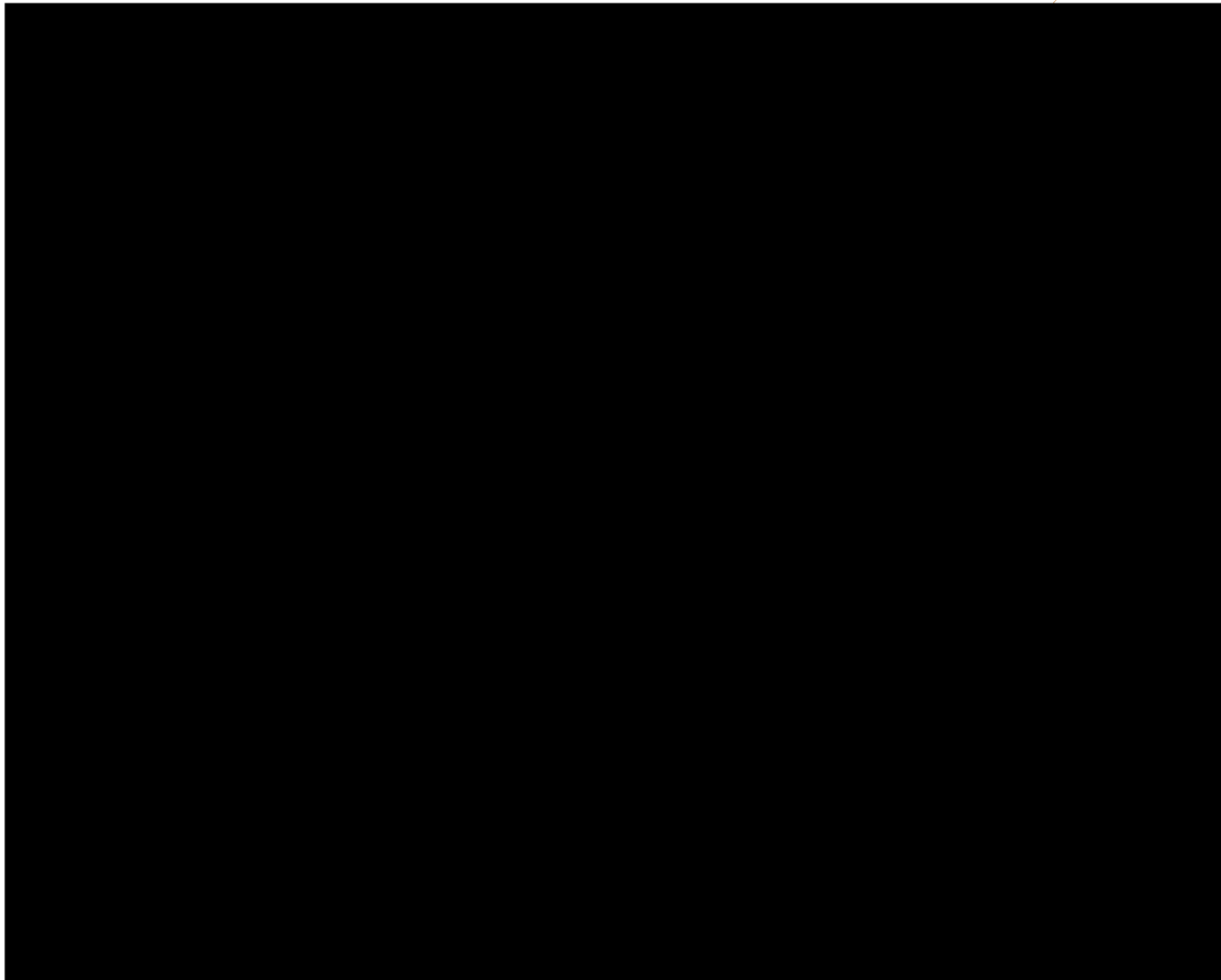
MHA, Humber-Gros Morne

cc: Honourable Siobhan Coady, Minister of Natural Resources
Honourable Tom Osborne, Minister of Finance
Honourable Jim Carr, Minister of Natural Resources
Honourable Bill Morneau, Minister of Finance
Honourable Seamus O'Regan, Minister of Veterans Affairs

From: Samms, John
Sent: Tuesday, February 13, 2018 3:26 PM
To: Miles, Peter
Cc: Cannizzaro, Michelle
Subject: Accord

- From its outset, the Atlantic Accord arrangement was an acknowledgment by the federal government that there are unique economic and fiscal challenges faced by Newfoundland and Labrador. The fiscal challenges facing this province are well documented.
- The Accord's core principle was to see our province as the principle beneficiary of oil and gas development in Newfoundland and Labrador, taking into account equalization arrangements in effect.
- The 2005 Accord states that it must be reviewed by the parties no later than March 31, 2019.

34(1)(a)(i)



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