

**Mediation Report**  
**Re: Joyce Report, April 12, 2022**  
**Issued May 18, 2022**

## Table of Contents

Executive Summary-----	3
Introduction-----	4
Overview and Analysis-----	5
Conclusion-----	9
Appendix A: Resolution of the House of Assembly dated May 4, 2022 -----	10

## Executive Summary

In accordance with subsection 41(1) of the *House of Assembly Act* and subsection 38(1) of the *House of Assembly Accountability, Integrity, and Administration Act*, the Speaker tabled the report of the Commissioner of Legislative Standards entitled: *Joyce Report, April 12, 2022*. It indicated MHA Joyce was not in compliance with the financial disclosure requirements of sections 36-38(1) of the Conflict of Interest Provisions in Part II of the *House of Assembly Act* and was in violation of the Code of Conduct for Members, principles 1 and 6 of the Code. Certain requested information had not been provided to the Commissioner; thus MHA Joyce had not met the statutory obligations for filing his disclosure statement.

A resolution was passed by the House of Assembly to appoint a mediator to assist the parties with the matters noted in the *Joyce Report, April 12, 2022* with a report to be filed by May 18, 2022.

Upon being appointed as mediator, reviews of the applicable legislation and reports were undertaken. It was determined the information requested of MHA Joyce was reasonable in terms of the applicable legislation and authority granted to the Commissioner. MHA Joyce subsequently provided additional documentation to the Commissioner. After reviewing the documentation, the Commissioner determined the information was in order and a Public Disclosure Statement for MHA Joyce was prepared, delivered to the Clerks' office on May 17, 2022 where MHA Joyce reviewed and signed it.

As the Commissioner has confirmed the information is complete and the Public Disclosure statement has been provided, the statutory obligations of MHA Joyce are met and the issues noted are resolved.

## Introduction

At the request of the Speaker of the House of Assembly, I was appointed as a mediator to assist MHA Joyce and Commissioner Chaulk, Commissioner for Legislative Standards (the Commissioner) resolve matters described in the *Joyce Report, April 12, 2022*. As mediator, I must report to the Speaker within seven clear sitting days of the House of Assembly and indicate whether a resolution has been reached or if the MHA is to be suspended until the Statutory obligations are met.

The *Joyce Report, April 12, 2022* indicated MHA Joyce was not in compliance with statutory financial disclosure requirements of sections 36-38(1) of the Conflict of Interest Provisions in Part II of the *House of Assembly Act*. The Commissioner had not received documentation requested on certain investments held by MHA Joyce and his wife to allow the Commissioner to determine if MHA Joyce was in compliance with the provisions. In addition, as MHA Joyce was not in compliance with the above noted sections, it was determined by the Commissioner that MHA Joyce was also in violation of the Code of Conduct for Members, principles 1 and 6 of the Code.

Matters not included in the *Joyce Report, April 12, 2022* are outside of the scope of this mandate.

## Overview and Analysis

To better understand the issues identified in the Report, I reviewed the following documents:

- *Joyce Report, April 12, 2022,*
- *Joyce Report, November 3, 2020*
- *The Joyce Report, October 18, 2018*
- Annual Disclosure Statement Instructions (Instructions for Completing Private Interests Disclosure) from the website of the Commissioner of Legislative Standards
- 2021 Annual Disclosure Statement Booklet (Disclosure Statement of Member's and Minister's Private Interests to the Commissioner for Legislative Standards, Initial Statement of Elected Members following the 2021 General Election, printed pursuant to the requirements of Section 36 of the House of Assembly Act, Part II Conflict of Interest), from the website of the Commissioner of Legislative Standards
- *House of Assembly Act, sections 20-53*
- Relevant sections of the *House of Assembly Accountability, Integrity and Administration Act (HOAAIA)*
- Code of Conduct for Members of the House of Assembly (the Code)

After reviewing the information, I contacted both MHA Joyce and the Commissioner to introduce myself and to request information to assist in the mediation process. The Commissioner forwarded an email to me on May 9, 2022, which had been sent to MHA Joyce on May 8, 2022, confirming the outstanding

documentation required. MHA Joyce requested a meeting and we met on May 10, 2022.

During the meeting with MHA Joyce, I was provided with copies of the following documents:

- Email trail between MHA Joyce and Commissioner Chaulk with emails on June 9, 2020
- Email trail between MHA Joyce and Commissioner Chaulk provided by MHA Joyce with emails from December 14, 2021 to January 21, 2022
- Email trail between MHA Joyce and Commissioner Chaulk provided by MHA Joyce with emails from December 14, 2021 to April 15, 2022
- Certificate of Dissolution for H & E Holdings Limited, dated December 1, 2013
- Scotiabank investment summary dated April 8, 2022 for the period January 1 to March 31, 2022 indicating the nature of the funds owned by MHA Joyce.

During my discussions with MHA Joyce, he shared his belief that he was requested to provide documentation to support his disclosure statement which other MHAs were not requested to provide. MHA Joyce explained that the requested documentation had not been provided because, firstly, he had provided the information in previous years and thus was only required to indicate changes in the documentation, and secondly, he understood not all other MHAs were required to provide the same level of documentation. I am unable to evaluate MHA Joyce's position on the differential request for documentation to support his disclosure statement as compared to the request made of other MHAs as this is outside of the scope of my mandate. MHA Joyce also shared his belief that the Commissioner should have removed himself from any matters related to MHA Joyce because of other concerns relating to the *Joyce Report, October 18, 2018*; this is also outside of my mandate.

MHA Joyce discussed the portion of the *Joyce Report, April 12, 2022* regarding section 38(1) of the Act, in which the Commissioner stated he was unable to conclude on MHA Joyce's compliance with holding any ownership interests in non-self-directed funds as permitted. He indicated he and his wife had received enquiries from the media after the release of the report questioning him as to what ownership interests he holds. MHA Joyce was quite concerned that the media was provided with incorrect information, and he provided a Certificate of Dissolution dated December 1, 2013 for the only company for which he had held ownership interests since becoming an MHA.

The source of the confusion appears to be the documentation provided to the Commissioner, which did not specify whether investments were held in self-directed funds or non-self-directed funds. This absence of documentation prevented the Commissioner from concluding whether or not MHA Joyce was in compliance.

MHA Joyce requested the Commissioner share the submitted documentation relevant to the report. In response, the Commissioner provided me with the following documents:

- A copy of MHA Joyce's 2021 Disclosure Statement of Member's and Minister's Private Interests to the Commissioner for Legislative Standards, signed by MHA Joyce on October 21, 2021
- A copy of MHA Joyce's 2019 Disclosure Statement of Member's and Minister's Private Interests to the Commissioner for Legislative Standards, signed by MHA Joyce on July 28, 2019
- A letter to MHA Joyce dated April 12, 2022, detailing the requirements for disclosure of private interests of MHA Joyce and family pursuant to Section 36 of the Act.

The review and comparison of the 2019 and 2021 completed Disclosure Statements of Member's and Minister's Private Interests to the Commissioner for Legislative Standards indicated changes in MHA Joyce's answers for some of the questions regarding TFSA and Investor's Group accounts. As a result of these

differences, the Commissioner requested clarification of the changes in an email to MHA Joyce dated December 14, 2021. MHA Joyce responded with explanations to the queries on December 20, 2021, but to the date of the *Joyce Report, April 12, 2022*, had not provided the supporting documentation from the financial institutions, specifically with the details of the TFSA and Investor's Group accounts.

Section 36 of the Act does not specifically indicate what documentation is to be provided to the Commissioner, it gives the Commissioner authority to request information the Commissioner believes is necessary to complete a public disclosure statement. The instructions for preparing the disclosure statement states: "For each savings/investment plan please provide an investment statement for each investment." Therefore, the provision of such information is consistent with the allowance of the Act.

I contacted MHA Joyce to review the outstanding requirements with him. He agreed to provide the Scotiabank investment statements detailing the TFSA accounts if the Commissioner would confirm the provision of the statements to satisfy all requirements under the Act.

At the request of MHA Joyce, I emailed the Commissioner to obtain further clarification from the Commissioner as to exactly what information would be required for MHA Joyce to comply with the Act. The Commissioner indicated in addition to the investment statements, he required information on the dates of the changes to the previous investments. Under section 36(4) of the Act, members are required to disclose material changes to their information within 60 days. MHA Joyce indicated he believed the Commissioner had received information on the changes to the investment account within the time frames required. However, the Commissioner was unable to locate the information in his files and a new copy was requested from the bank.



Upon receipt of the Scotiabank investment statements for the period January 1 to March 31, 2022, I requested permission to provide them to the Commissioner. Approval was given by MHA Joyce, and the investment statements were emailed to the Commissioner. A subsequent email was received from MHA Joyce with clarification from Scotiabank on the date of the transfer of funds from the Investor's Group Trust Co. Ltd. to Scotiabank, which was also forwarded to the Commissioner.

The Commissioner reviewed the investment statements of MHA Joyce on May 17, 2022 and concluded all the statutory obligations are fulfilled. The Commissioner's review of the documentation allowed a satisfactory conclusion that MHA Joyce is in compliance. The Commissioner prepared a Public Disclosure Statement and forwarded it to the Clerk's office for MHA Joyce's review and signature. MHA Joyce signed the statement, bringing the process to an end.

## Conclusion

The Commissioner has confirmed sufficient information has been received to comply with the required statutory financial disclosures. The Public Disclosure document for MHA Joyce was prepared by the Commissioner and reviewed and signed by MHA Joyce. MHA Joyce has met the statutory obligations.

Respectfully submitted:



Gail M. Hamilton, FCPA, CFA, ICD.

Appendix A

**Resolution of the House of Assembly**

**THAT** this House concur in the report of the Commissioner for Legislative Standards entitled, “The Joyce Report, April 12, 2022”;

**AND THAT** the Member for Humber Bay of Islands is directed to submit the required information to the Commissioner for Legislative Standards within 7 clear sitting days of the adoption of this resolution;

**AND THAT** the Speaker is ordered to appoint a mediator to assist the parties to resolve the matters described in the Report;

**AND THAT** the mediator appointed by the Speaker shall, within 7 clear sitting days, report to this House;

**AND THAT** if the House is not then in session, that report may be tabled as if it were a report under section 19.1 of the House of Assembly Act;

**AND THAT** where the mediator finds that a resolution cannot be achieved due to unwillingness by the MHA for Humber-Bay of Islands to comply with a reasonable requirement of the Commissioner for Legislative Standards and as a result the Member’s statutory obligations are still outstanding, the Member for Humber – Bay of Islands shall, as of the date of the tabling of the mediator’s report, be suspended from the House of Assembly in accordance with paragraph 45(1)(c) of the House of Assembly Act;

**AND THAT** the said suspension be without pay and shall continue until such time that the Commissioner for Legislative Standards advises the Speaker that the statutory obligations referred to in the Report have been met.