



HOUSE OF ASSEMBLY
Newfoundland and Labrador

EDDIE JOYCE, M.H.A.
District of Humber- Bay of Islands

*Tabled by the
Member for Humber
Bay of Islands*

2019-03-04

Baines

Mr. Speaker,

I rise today on a point of privilege. O'Brien and Bosc, in the House of Commons Procedure and Practice, states that a Member must satisfy the Speaker that he or she is bringing a matter to the attention of the House as soon as possible after becoming aware of the situation.

As I indicated through email on Saturday, March 2nd, 2019, I asked you for guidance on making a Point of Privilege. I have given you notice and a written copy of the Point of Privilege this morning, March 4th, 2019.

Mr. Speaker, this new and very relevant information was made public on Saturday, March 2nd, 2019. This is the earliest possible opportunity for me to bring this to your attention.

Sources within the Management Commission inform me that "Chaulk did tell MHA's that Joyce was unavailable for an interview. This was reported by CBC news and they have this information confirmed that this was actually said. This is critical to the investigation and has been widely circulated to local, national and international media.

Mr. Speaker, as you are aware there were harassment and bullying complaints made against myself and the Member for Mount Scio.

There was an investigation and there were no basis to these complaints.

Mr. Bruce Chaulk, Commissioner of Legislative Standards, in a CBC interview on May 3rd, 2018, made statements that were very serious and alarming. He stated, "you might say, they can be fired", Chaulk said, the grin returning to his face. "I have the ability to recommend that they be fired". This was before any complaints were received and expressed the gravity of this situation without receiving a complaint.

The CBC report says, "But a grin comes across his face as he talks about the power he wields to hire any help he

needs to get to the bottom of the issues unfolding in Newfoundland and Labrador's House of Assembly". He is quoted as saying, " I'm not a harassment investigator, but I'll certainly have an experience one to do the work".

Mr. Chaulk informed the general public that he was not qualified to carry out this investigation and he will be using outside help.

The firm eventually used was Rubin Thomlinson and to date, this report has not been made public but there was no foundation to the harassment and bullying complaints.

Mr. Speaker, the reports were handed to you, my lawyer and myself and on October 19, 2018, I received the final report. In it, I was found to have violated the Code of Conduct, Principle # 10.

Mr. Speaker, I want to make it very clear and unequivocal that I was never interviewed by the Firm of Rubin Thomlinson or Mr. Bruce Chaulk.

The rule of **Natural Justice**, the right to be heard, was not followed. In any court of law from a speeding ticket to a

first degree murder charge, the accused has the right to be heard.

Procedural Justice is defined as the fairness of the processes that lead to outcomes. When individuals feel that they have a voice in the process or that the process involves characteristics such as consistency, accuracy, ethicality and lack of bias then procedural justice is enhanced. (Leventhal, 1980).

Mr. Speaker, I was never heard in this process and the characteristics mentioned above were not evident in either the Report for myself or for the Member for Mount Scio.

Mr. Speaker, in a Technical briefing with the Management Commission on October 24th, 2018, Mr. Chaulk made the following statement, " I interviewed witnesses and one refused to participate and wouldn't be interviewed". When asked who that person was, it was stated, it was Eddie Joyce.

Mr. Speaker, may I remind you of your response to me on November 6, 2018 at 9:18 pm, you stated, " As the request refers to "in-camera technical briefings", Technical briefing and Members are not bound by

confidentiality. On many occasions in the House of Assembly, Ministers are asked questions arising from a Technical briefing, which is very common. Members can speak openly and freely and I expect you will inform them.

Mr. Speaker, I received an email on Monday, October 29th, 2018 from Mr. Chaulk stating, " You were not required to appear, nor was it expected. The Act provides that you can make representations to the Commissioner in writing or in person or by counsel or other representative. Your Council provided a very extensive submission". I will table that document.

If this were the case, why would Mr. Bruce Chaulk state that I refused to participate to the Management Commission? On October 24th, 2018 on the floor of the House of Assembly, I produced the letters from my lawyers which clearly show I would have met, your statement to me was, " That is not what he said, you were definitely willing to meet".

I approached Bruce Chaulk immediately and after showing him the letters, he stated, " I will correct the record".

Mr. Speaker, you were present and you can confirm if you heard this exchange.

Mr. Speaker, I am tabling letters from my lawyer dated July 26th, 2018, August 1st, 2018 and an email from Mr. Bruce Chaulk on August 1st, 2018 at 8:32 am.

The letter on July 26th, 2018 states, " This is further to our telephone conversation of July 24th, 2018 and your office's request to interview our client on August 1st, 2018. As I advised, the undersigned is out of the office".

This letter clearly indicated that Mr. Chaulk's office did request an interview with me on August 1st, 2018. This was the only date given and there were no alternate dates. Mr. Speaker, August 1st, 2018 was Regatta Day in St. John's and my lawyer could not be present and this was communicated to Mr. Chaulk.

Without my Lawyer being able to be present, I agreed to meet with the Investigator. The letter states, " If, however, as Commissioner of Legislative Standards, you feel that any aspect of the request for opinion has not been fully addressed, or requires further clarification or amplification, our client will agree to meet with the

Investigator or to respond to written questions from the Investigator within the time frame indicated”.

Please be advised that this was against the advice of my Lawyer that felt strongly that legal; counsel should be present for an interview.

Mr. Speaker, with an ultimatum of August 1st, 2018 only and no other opportunity, I wanted and was looking forward to presenting my side, which never happened.

On August 1st, 2018, my Lawyer wrote Mr. Chaulk and it states, “ As we have not received confirmation from your office that any aspect of the request for an opinion has not been addressed, or that further clarification or amplification is required, we interpret your silence to mean that your office no longer considers it necessary that our client meet with the Investigator on Wednesday, August 1st, 2018 as initially proposed”.

Mr. Chaulk wrote Ms. Wells at 8:32 am on August 1st, 2018 and replied, “ Hi Ms. Wells, Sorry for the misunderstanding on my part, I wasn’t expecting you and your client”.

Mr. Speaker, the documentation provided clearly disputes Mr. Chaulk's statement to the Management Commission that, " I refused to participate". This is clearly false, baseless and without foundation or truth.

This reckless statement shows his bias towards myself and a pre-determined decision without all the facts. His creditability and ability to conclude his findings in both Reports should be called into question as he stated publicly that he personally does not have the expertise.

Mr. Speaker, as I stated earlier, my Lawyer was given one date, August 1st, 2018 to meet, the only day available and no compromise on another date. Without my Lawyer being able to present and against her advice, I agreed to meet with the Investigator. No meeting occurred that day, as I needed and expected to give my version and list of witnesses.

Evidence will show that there were five later days of interviews, five different dates and people made arrangements with Mr. Chaulk for dates that fit their schedule.

Mr. Speaker, with such implications on my professional life, personal life, family and friends, I should have been

given due process and an opportunity to present evidence and provide witnesses.

Mr. Speaker, I wrote you on November 6th, 2018 advising that I had this statement from Mr. Chaulk and asked you, if necessary, to have an emergency Management Commission meeting to discuss this vital piece of damaging information. This meeting never occurred. This document was Tabled.

The Kirby Report of October 3, 2018
All ~~the~~ Reports

If you make a decision that this is a prima facie case, I am asking that you refer ~~it~~ ^{Sayce Report on O'Brien 19 and 20} back to the House of Assembly so that the House of Assembly to discuss the manner which Bruce Chaulk investigated and presented ~~the all the~~ ^{these} reports to the House of Assembly concerning the

Member for Humber-Bay of Island and the Member for Mount Scio. Flawed Process - Premier, Leader of the

○ ^{Procedure; Complaints & Respondent. If Brought Back to the House; merits will not be discussed; Process Only}
O'Brien and Bosc states: "It is impossible to codify all incidents might be interpreted as matters of obstruction, interference, molestation or intimidation and, as such, constitute prima facie cases of privilege. However, some matters found to be prima facie include the damaging of the Member's reputation, the usurpation of the title of Member of Parliament, the intimidation of Members and

their staff and of witnesses before committees, and the provision of misleading information.”

O'Brien and Bosc quote Maingot as stating: “The purpose of raising matters of 'privilege' in either House of Parliament is to maintain the respect and credibility due to and required of each House in respect of these privileges, to uphold its powers, and to enforce the enjoyment of the privileges of its Members. A genuine question of privilege is therefore a serious matter not to be reckoned with lightly and accordingly ought to be rare, and thus rarely raised in the House of Commons.”

I refer to O'Brien and Bosc, page 141, where the matter involved privilege before the House of Commons are treated with the utmost seriousness.

As you outlined this week, there is a formal process to be followed. I have followed this process and notified the Speaker of my intention to raise the issue of privilege, and this is the earliest possible opportunity to raise my issue.

Thank you, Mr. Speaker.



HEIDI A. WELLS, Q.C.

709.754.1473 (direct)

heidi@oflahertywellslaw.com

July 26, 2018

Delivered by Electronic mail

The Commissioner for Legislative Standards
39 Hallett Crescent
St. John's, NL A1B 4C4

Attention: Mr. Bruce Chaulk, Commissioner for Legislative Standards

Dear Sir:

Re: Eddie Joyce – M.H.A. (Humber – Bay of Islands)


This is further to our telephone conversation of July 24th, 2018, and your office's request to interview our client on August 1st, 2018. As I advised, the undersigned is out of the office.

We have discussed your request with our client and the Member believes that, in our reply dated July 19th, 2018, with attachments, he has rebutted each of the factual allegations made by the Complainant and has demonstrated that the very serious allegations made against the Member, including but not limited to political corruption, financial irregularities and unethical behavior, are unfounded and untrue. We are also concerned that the request for opinion process has unfolded in an unnecessarily protracted manner, largely at the Complainant's direction, leaving the Member under a cloud of suspicion since he was removed from Cabinet, and stepped down from Caucus 90 days ago, on April 26th, 2018, (the time period for conclusion of the process under the *House of Assembly Accountability and Integrity Act*), even though the complaint was only received by us on June 28, 2018 followed by the further late disclosure provided on July 13, 2018.

If, however, as Commissioner of Legislative Standards, you feel that any aspect of the request for opinion has not been fully addressed, or requires further clarification or amplification, our client will agree to meet with the Investigator or to respond to written questions from the Investigator within the time frame indicated.

Yours truly,

O'FLAHERTY WELLS LAW


for: Heidi A. Wells, Q.C.
HAW/jlv

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O'FLAHERTY WELLS LAW

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August 1, 2018

Delivered by Electronic mail

The Commissioner for Legislative Standards
39 Haliett Crescent
St. John's, NL A1B 4C4

Attention: Mr. Bruce Chaulk, Commissioner for Legislative Standards

Dear Sir:

Re: Eddie Joyce - M.H.A. (Humber - Bay of Islands)

This is further to our correspondence of July 26, 2018.

As we have not received confirmation from your office that any aspect of the request for an opinion has not been addressed, or that further clarification or amplification is required, we interpret your silence to mean that your Office no longer considers it necessary that our client meet with the Investigator on Wednesday, August 1, 2018, as initially proposed.

We trust the foregoing is satisfactory.

Yours truly,

O'FLAHERTY WELLS LAW

Heidi A. Wells, Q.C.

HAW/jlv

Chaulk, Bruce H

From: Heidi Wells <heidi@oflahertywellsllaw.com>
Sent: Wednesday, August 01, 2018 9:18 AM
To: Chaulk, Bruce H
Subject: Re: Scanned image from sharp

Hi Mr. Chaulk,

Many thanks for the reply.

Kindest regards,
Heidi

Sent from my iPhone

> On Aug 1, 2018, at 8:32 AM, Chaulk, Bruce H <brucechaulk@gov.nl.ca> wrote:

>
> Hi Ms. Wells
>
> Sorry for the misunderstanding on my part. I wasn't expecting you and your client.

>
> Bruce

>
>
> -----Original Message-----

> From: Jessica Vivian [<mailto:jessica@oflahertywellsllaw.com>]
> Sent: Tuesday, July 31, 2018 4:24 PM
> To: Chaulk, Bruce H
> Cc: Heidi Wells
> Subject: FW: Scanned image from sharp

>
> Good Afternoon Mr. Chaulk,
>
> Please find enclosed correspondence from Heidi Wells, Q.C.

>
> Thanks,

>
> Jessica Vivian
> Legal Assistant to Peter O'Flaherty, Q.C. and Heidi Wells, Q.C.
> O'Flaherty Wells Law*
> 1 Church Hill, Suite 301
> St. John's, NL A1C 3Z7
> (709) 754-1476

>
> *Peter O'Flaherty Legal Services PLC Inc., dba O'Flaherty Wells Law.

>
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Joyce, Eddie

From: Chaulk, Bruce H
Sent: Monday, October 29, 2018 9:21 AM
To: Joyce, Eddie
Subject: Questions

Hi Member Joyce

With respect to the time line.

The two sections are 37(1) and 38(4). 37(1) states that the Commissioner may start an inquiry. As such, I typically wait until I have reviewed the written response to determine if there is a need to conduct an inquiry. Once I make that decision, the time line starts.

With respect to your second question on whether or not a respondent choses to appear in person.

You were not required to appear, nor was it expected. The Act provides that you can make representations to the commissioner in writing or in person or by counsel or other representative. Your counsel provided a very extensive submission.

Bruce

Bruce Chaulk MBA, CPA, CMA
Chief Electoral Officer/Commissioner for Legislative Standards
Office of the Chief Electoral Officer
t: (709) 729-6068
f: (709) 729-0679

Bolt, Judy

From: Trimper, Perry
Sent: Tuesday, November 06, 2018 9:18 PM
To: Bolt, Judy
Cc: Joyce, Eddie
Subject: RE: Letter

As the request refers to 'an in-camera' technical briefing of the Management Commission, it is inappropriate for me to comment on the discussions therein.

PGT



**HON. PERRY TRIMPER | Speaker of the House of Assembly
MHA - District of Lake Melville**

House of Assembly - Newfoundland & Labrador
P.O. Box 8700, 100 Prince Phillip Drive
St. John's NL A1B 4J6

709 729-3404 (t) | 709 729-4820 (f) | perrytrimper@gov.nl.ca

From: Bolt, Judy
Sent: Tuesday, November 6, 2018 1:08 PM
To: Trimper, Perry <PerryTrimper@gov.nl.ca>
Cc: Joyce, Eddie <ejoyce@gov.nl.ca>
Subject: Letter

Please see attached.

Judy Bolt, B.A.

Constituency Assistant
to Eddie Joyce, MHA
Humber- Bay of Islands District
Ph: (709) 634-7883
Fax: (709) 634-7885



HOUSE OF ASSEMBLY
Newfoundland and Labrador

EDDIE JOYCE, M.H.A.
District of Humber- Bay of Islands

21/11/2018
A. Joy

November 6, 2018

Hon. Perry Trimper, Speaker
House of Assembly
P.O.Box 8700
St. John's, NL
A1B 4J6

Dear Mr. Speaker:

Yesterday at the Hearing during questioning of Mr. Bruce Chaulk who is an Officer of the House of Assembly, he made a comment that there was no need to meet or interview all witnesses.

On October 24th, 2018 in an in-camera session with Mr. Chaulk, he stated that one person refused to be interviewed and that person was identified as myself, Eddie Joyce.

In today's paper, it states, "While Mr. Chaulk couldn't get into details, he says it's his decision whether or not to do interviews with any complainants, respondents or witnesses". He informed you that I refused to meet with him and the investigators.

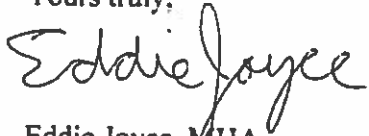
I understand that this was an in-camera session but he made false, misleading and damaging statements for me to mount a defense as a respondent in the bullying and harassment allegations. However, when false statements are made in-camera or in public by an Officer of the House towards a Member of the House of Assembly, this has to be addressed and rectified.

On October 26th, 2018, I wrote you requesting information but, unfortunately, I never receive the information I needed.

You, as Speaker and Chair of the Management Commission, has the responsibility to up hold the rights off all Members of the House of Assembly. My rights have been violated and I am requesting you, as Speaker, to ask Mr. Chaulk for a written and public apology. He is an Officer of the House of Assembly and answers to the Management Commission and I expect you will fulfil your sworn duties to protect the rights of all Members of the House of Assembly.

As debate will begin today, I am requesting your immediate attention and if necessary, an emergency meeting of the Management Commission to ensure my rights as a Member of the House of Assembly are not violated.

Yours truly,

A handwritten signature in cursive script that reads "Eddie Joyce". The signature is written in black ink and is positioned above the printed name.

Eddie Joyce, MHA
Humber-Bay of Islands District
