

July 14, 2023

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Honourable Robert Fowler
Chair, Statutory Office Review Committee



Dear ~~Justice Fowler~~,

Thank-you for the opportunity to participate in the Review of the Structure of the Statutory Offices of the House of Assembly. You have a strong and capable team working on this important and far-reaching undertaking. I deeply appreciate the consideration.

I offer my observations based on my personal experiences, education and research, and my understanding of relationships and interactions at play. My experience includes my time as an elected Member of the House of Assembly of Newfoundland and Labrador. I was the Member for St. John's East- Quidi-Vidi and the Leader of the New Democratic Party of Newfoundland and Labrador. While elected, I was a member of both the House Management Commission, a Standing Committee of the House of Assembly and a Vice-Chair of the Democratic Reform Committee, a Select Committee of the House of Assmbely. I have worked as a public servant with the Provincial Government where I developed performance measures and strategic plans. I have also done extensive work as an Economist, studying government performance measures, reporting and accountability.

For full disclosure, I note I am currently engaged in a Supreme Court case with the Office of the Chief Electoral Officer regarding a controverted election challenge. I have attempted to present an objective analysis despite this obvious bias.

Preparation of this submission included a review of the legislation, reports, and business plans of the statutory offices under review, as well as other related, publicly available information such as Hansard transcripts, media reports and news releases. This submission presents a summary of my findings. Examples are provided to identify inconsistencies in the existing system and better frame solutions to address the issues identified. It is neither comprehensive nor exhaustive. The intent is to simply provide another perspective for consideration.

As I understand it, this Review will examine the structure, reporting and accountability of six of the Statutory Offices. Any reconfiguring of the nature, operational function and oversight of these offices requires careful consideration of the purpose and intent of the offices as determined in the respective legislation.

There is a wide variation in how the purpose of each office is addressed in its respective legislation. However, it can be universally agreed that the reason the offices were created were to improve the transparency and accountability of Government. To this end, the activities of the Statutory Offices are reported to the public via the House of Assembly.

The House of Assembly clarifies this on its website "... the Statutory Offices report to the House of Assembly through the Speaker. This is enshrined in the legislation."

It goes on to emphasize the oversight role of the offices and thus, the importance of the independence of the offices. "... (they) are often termed independent offices because they are independent of the Executive Branch of government and are not directed by Cabinet or Ministers. In many cases, these offices perform an oversight role by reviewing Cabinet and departmental decisions and actions."

In light of, their heightened responsibility to maintain the public trust, the oversight of their actions must be beyond reproach. The process must be considered free of bias, coercion, and undue influence. Some of the suggestions that follow are intended to reduce potential influence or bias, whether intentional or unwitting, of any one person or political party or persuasion. Other suggestions have been made to help ensure the operation, evaluation and oversight of the offices are aligned with the spirit and intent of the legislation and the office.

The purpose and responsibilities of the offices provides important context for responding to the questions posed in the terms of reference. It also helps align the oversight of the office with the reason for its existence.

The purpose, responsibilities, and actions of Legislative Officers are primarily dictated by their respective legislation. The format of these legislation varies substantially. Some include a purpose for the office, others have a statement on why the office was established, the remainder make no reference to either purpose or reason established.

The Privacy Commissioner is governed by the *Access to Information and Protection of Privacy Act* (ATIPPA). Section 3 gives the purpose of the Act as "... to facilitate democracy through: ensuring that citizens have the information required to participate meaningfully in the democratic process; increasing transparency in government and public bodies so that elected officials, officers and employees of public bodies remain accountable; and, protecting the privacy of individuals with respect to personal information about themselves held and used by public bodies." Section 3 also contains numerous ways in which that purpose is to be achieved.

The *Child and Youth Advocate Act* (CYAA) clearly states why the office was established. Section 3 of the Act says the Office is established: "... to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered; to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention; to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth; to review and investigate matters affecting the rights and interests of children and youth; and, generally, to act as an advocate of the rights and interests of children and youth." The Child and Youth Advocate Act does not include any reference to how this is to be achieved in Section 3. However, the powers and duties of the advocate are outlined in Section 15 of CYAA. These

powers and duties are similar to the ways in which the Privacy Commissioner can achieve their purpose as stated in Section 3 of ATIPPA.

The *Seniors¹ Advocate Act* (SAA) is structured in a similar way to the CYAA. It states why the Office of the Seniors Advocate is established in Section 3 and goes on to outline the powers and duties of the Seniors Advocate, which are similar to that of the Child & Youth Advocate. Specifically, the Act establishes the Seniors' Advocate to: "identify, review and analyze systemic issues related to seniors; work collaboratively with seniors' organizations, service providers and others to identify and address systemic issues related to seniors; and, make recommendations to government and government agencies respecting changes to improve seniors' services."

The *Citizens' Representative Act* (CRA) contains neither a purpose nor a reason for establishment. The greatest clarity of the roles and responsibilities of the Citizens' Representative is found in the About Us section of the Office's website. It says, "The Office of the Citizens' Representative provides a province-wide ombudsman service." Likewise, the powers and duties of the Office are not explicitly stated in the legislation. Instead, the website says, "The primary work of the Citizens' Representative is to accept complaints from citizens who feel they have been treated unfairly with respect to their contact with government offices and agencies," and to "undertake complaints that study how governmental policies, procedures, and actions can affect a large number of people. These are called systemic complaints and can result in recommendations that have a much broader impact than those flowing from individual complaints." The website goes on to discuss ways in which the Office can operate. These are like the powers and duties of other offices listed above; however, they are not contained in the legislation.

The *Elections Act, 1991* does not state why the office of the Chief Electoral Officer is established, nor does it include a statement of purpose. Section 5 of the Elections Act does state the duties of the Chief Electoral Officer are: "... to exercise general direction and supervision over the administrative conduct of elections and to enforce on the part of election officers fairness, impartiality and compliance with this Act; to issue to election officers those instructions that he or she considers necessary to ensure effective execution of this Act; and, to perform all other duties that are imposed on him or her by or under this Act." These duties do not speak directly to the purpose of the office and are notably more nebulous and undefined than the powers and duties of officers discussed in the previous paragraphs.

The Commissioner of Legislative Standards is governed by 3 pieces of legislation. The *House of Assembly Act* (HOAA), the *House of Assembly Accountability, Integrity and Administration Act* (HOAAIAA) and the *Conflict of Interest Act* (COIA). However, the purpose and duties of the office are the least clear of all those under consideration. The purpose or reason for establishing an Officer of Legislative Standards, while implied in its existence, is not defined in either Act. Nor are the powers or duties of the Officer outlined in the Act. The only indication of the purpose of the office is given on the Office's website which states the Commissioner's role is, "The Commissioner is an officer of the House of Assembly and reports annually upon the affairs of the office to the Speaker of the Assembly, who then presents the report to the House of Assembly."

Suggestion: Consider establishing a consistent format for legislation governing statutory offices around purpose or reason established, powers and duties, and other sections that apply to all roles. (See also suggestions in ToR #4.)

¹ The use of plural possessive is inconsistent throughout the Seniors Advocate Act.

The Terms of Reference of this Review are considered in the context of the roles and responsibilities of the Officers.

ToR #1: *The minimum required competencies for each statutory officer.*

Expertise in the subject area, be it privacy, elections, seniors, etcetera, is of primary importance. It is often the nuanced understanding that comes with years of experience in a field that finds the best solutions to complex issues. This can be difficult to measure and may not be reflected in traditional resumes, for example, an individual who has volunteered thousands of hours with youth organizations may be an apt candidate for the Child and Youth Advocate but may not have a formal education in the area. Likewise, an indigenous elder might be an appropriate candidate for the Seniors Advocate.

Suggestion: Consider setting competencies based on the concepts of foundational, artistic, generalized, and practical ways of knowing.

Likewise, subject matter expertise may not necessarily coincide with other more generalized skills such as office administration, human resources, or accounting.

Suggestion: Consider the availability of supplementary skills training or use of purchased services to complement the individual's expertise, when setting minimum required competencies.

ToR #2: *The number of statutory offices and whether a statutory officer could fulfil the obligations of more than one statutory role; which offices/statutory officers could be combined based on common objectives, functions, qualifications, clients etc..*

There are currently 7 Statutory Offices, six of which are under review. Two statutory roles, the Chief Electoral Officer and the Commissioner of Legislative Standards, have been held by the same statutory officer in recent years. This is a legislative provision and an exception. Reviewing the purposes of the offices outlined above suggests the role of Commissioner of Legislative Standards may have more commonalities with the Privacy Commissioner rather than the Chief Electoral Officer.

All statutory offices were established to improve accountability and transparency within government. That is the common objective. The functions of the office, which are taken to be the powers and duties of the offices, are similar across the offices. Some powers and duties are defined in legislation, others are not. However, the subject matter to which it is applied varies greatly. Ergo, having one officer fulfill more than one role is likely only possible when the individual has expertise in more than one area, for example, seniors and privacy, or elections and youth.

Each statutory office has objectives stated in their Annual Reports. Those objectives are self-determined and specific to their legislative purposes and day to day functions. They suggest there is little overlap in the functions or the clients of any of the offices beyond that already discussed.

The volume of work of any officer can be evaluated in the context of historical trends as well as future possibilities. Reviewing the compliance of members of the House of Assembly is the routine work of the Commissioner of Legislative Standards. However, if there is an increase in the number of breaches of HOAAIA, HOAA or CIOA, there will be additional demands on that office. Similarly, a growing number of

seniors in the Province might suggest more demand for the services of the Seniors' Advocate in the future.

Suggestion: Consider historic trends and projections for the future when anticipating demand for for the work of Statutory Officers.

The wording of the Terms of Reference implies an interest in decreasing the number of statutory officers while recognizing there is a need for the work of the office. Extrapolating from this point, the need for a statutory officer is, in part, based on the volume of work. Initially, though, the offices were established based on a need for oversight, or to represent an underrepresented population, like youth or seniors.

In this vein, reasonable arguments can be made for the need for a Commissioner of the Environment, especially given the continued and increasing development of the province's natural resources. Likewise, recent prolonged high inflation could justify a Commissioner of Consumer Protection.

The Auditor General is legislatively prohibited from commenting on government policy. Other jurisdictions, including the Federal Government, have a Parliamentary Budget Officer who ensures budget transparency and contributes to sound economic and fiscal policies. History would suggest the Newfoundland and Labrador could benefit from budget transparency and sound economic and fiscal policies.

Suggestion: Consider if the current slate of statutory officers provides adequate transparency, oversight, and representation.

ToR #3: *Whether each Statutory Office requires the dedication of a full-time statutory officer or whether it could be part-time or on an as-needed basis.*

Statutory officers are legislatively prevented from holding another public office or carrying on a trade, business, or profession. This is deliberately limiting in order to maintain the independence and integrity of the office. Engaging in any other forms of work could potentially result in bias or conflict of interest.

There exists a trade-off between a part-time officer and the independence of that office. It is unrealistic and inappropriate to place such limitations on potential statutory officers.

Suggestion: Financial compensation for statutory officers be sufficient to compensate them for giving up other work, if the volume of work is deemed sufficient to justify a part-time or as-needed officer.

ToR #4: *How each statutory officer should be recruited, appointed, re-appointed, compensated, disciplined, and removed from office.*

Suggestion: Recruitment strategies can be broad based to reflect the diverse forms of knowing discussed in ToR#1: Minimum competencies of statutory officers.

Appointing an “acting” statutory officer requires fewer steps and less scrutiny than filling a position permanently. Most are appointed on the recommendation of the House Management Commission. While this is a formal process, it remains under the control of the sitting government who have a majority of members on the House Management Commission. This has the potential for undue influence and advantage.

Suggestion: Individuals in “Acting” roles cannot be recruited, apply for, or otherwise be considered for the permanent position.

Section 85 of the ATIPPA contains a robust set of guidelines for the appointment of the Privacy Commissioner. It establishes a Selection Committee comprised of the Clerk of Executive Council, the Clerk of the House of Assembly, the Chief Judge of the Provincial Court, and the President of the University, or their delegates. The Committee develops a roster of qualified candidates that is submitted to the speaker. The speaker then consults with the Premier, Leader of the Official Opposition and the Leader of the Third Party who selects one of the candidates to be appointed in the House of Assembly. This is a independent and impartial, consensus-based process.

Suggestion: Appoint all statutory officers using the method outlined in Section 85 of the ATIPPA.

Section 87 of ATIPPA specifies that a Privacy Commissioner can be re-appointed with an approval of a majority of members on the government side of the House of Assembly and a separate approval of a majority of members on the opposition side of the House of Assembly. The legislated process for re-appointing other statutory officers is less rigorous.

Suggestion: Re-appoint all statutory officers using the method outlined in Section 87 of the ATIPPA. Alternately, the Speaker can consult with the three party leaders to decide to reappoint.

Suggestion: Ensure compensation of statutory officers reflects the oversight role and independence of the office.

How and why a statutory officer can be removed is clearly stated in the legislation. Statutory officers can be removed or suspended from office on a majority vote of the members present in the House of Assembly. ATIPPA goes further in Section 88. (2), allowing the Lieutenant-Governor in Council to remove or suspend with the House of Assembly in not in session. Officers can be removed for inability to act, misconduct, cause, or neglect of duty. The legislation does not contemplate discipline.

Terms of Reference #5 discusses how and when investigations into misconduct can be initiated.

Suggestions presented in Terms of Reference #5, #6, #7, and #9 contemplate reporting and accountability methods that support the Statutory Officers in fulfilling their roles, while providing rigorous oversight of activities.

ToR #5: *How to manage conflicts which arise between Statutory Offices, who should investigate alleged misconduct of a statutory officer, and how that investigation should be conducted (internally, externally, independent ADR etc.).*

Conflicts between Statutory Offices and alleged misconduct of a statutory officer are two separate issues. The two can be correlated under very specific circumstances. That is, when the type of alleged misconduct falls under the responsibility, or jurisdiction, of a particular Office. For example, if the Child and Youth Advocate is alleged to have violated privacy. More specific again, would be if the alleged misconduct was in the officer's own jurisdiction, like a privacy commissioner allegedly violating privacy. These are anticipated to be rare occurrences.

Conflicts arising between Statutory Offices when responsibilities or jurisdictions overlap are more likely to occur. The legislation does not contemplate matters that intersect the roles or purposes of multiple Offices. For example, situations may arise that engage the Privacy Commissioner, the Chief Electoral Officer, and the Seniors' Advocate simultaneously.

Section 42 of HOAAIA does consider the jurisdiction of the Commissioner of Legislative Standards in relation to the Citizens' Representative, and the Privileges and Elections Committee, in the Harassment-free Workplace Policy. In the event a complaint is made to the Commissioner by the Citizens' Representative, the powers of the Citizens' Representative are conferred to the Commissioner of Legislative Standards. This is an example of how matters of jurisdictional overlap can be handled within the legislation.

Suggestions: Consider a framework that encourages formal and informal collaboration of Statutory Offices.

Work with Statutory Officers to establish a system to address matters of overlapping responsibility.

Consideration of jurisdictional conflict extends beyond the interaction of the Statutory Offices. The Offices interact with other government entities in a variety of ways. Take the example of the 2021 General Election. The election was called while a public health emergency was in effect, which gave the Chief Medical Officer substantial powers. When COVID numbers began increasing and the alert level rose so did the risks to both public safety and democracy. At the time it was deemed legislation supporting the Chief Medical Officer, Chief Electoral Officer and the Lieutenant Governor in Council (Caretaker Convention) did not give either the authority to post-pone, suspend, reschedule, or cancel the election. This jurisdictional loophole, whether oversight or exploit, caused considerable confusion and fallout. It put enormous strain on the electoral system and became the foundation of several House of Assembly Reports and a Supreme Court case.

Suggestion: Contemplate the interaction and jurisdictional overlap of Statutory Offices with other government entities.

Investigations of alleged misconduct can vary based on the nature of the misconduct and how the investigation was initiated. Criminal misconduct would warrant a criminal investigation. Some breaches

of contract are most appropriately human resources matter. Miscarriage of duties that are set out in legislation requires impartial oversight.

Suggestion: Consider using a consensus-based meeting with the three party leaders to determine how matters relating to miscarriage of duties are investigated.

Investigations of alleged misconduct can be initiated, or forgone, in a number of ways. There are several recent examples. The Office of the Citizens' Representative investigated the Chief Electoral Officer based on workplace complaints. The Commissioner for Legislative Standards investigated the Citizens' Representative on a public disclosure submitted to the Speaker of the House of Assembly. However, allegations of misconduct and calls for an investigation made on the floor of the House of Assembly regarding the 2021 General Election did not result in an investigation of the Chief Electoral Officer. The Minister of Justice asserted the ongoing controverted election challenge justified the lack of an investigation by the House. A cabinet minister is an active defendant in that case. This scenario is neither impartial nor an investigation.

Evidence of alleged misconduct can may be found in reports Officers are required to submit to the House. For example, the Chief Electoral Officer is legislatively required to report on which sections of the Elections Act, 1991 were adapted during a general election. There are provisions allowing for adaptation of Part 1 of the Act in the event of mistake, emergency, and unforeseen circumstances. However, any adaptations are to be reported to the Speaker within 30 days of polling day. The speaker then tables the Report in the House. This reporting process provides an opportunity to review the legislative duties of a Statutory Officer.

Members of the House of Assembly who read the *Report of the Chief Electoral Officer on Part 1 Adaptations for the 51st General Election* would have found it does not include several adaptations made during the 2021 General Election. For example, there is no mention of the absence of a "polling day" - a term used throughout the Act. The appears to be a violation of the duties of the Statutory Office. However, there was no investigation into the veracity or accuracy of the Adaptations Report or the instructions issued by the Chief Electoral Officer under Adaptation of Part 1.

Suggestion: Develop a system to ensure investigations are initiated in a consistent and impartial manner.

ToR #6: *Whether and how quality assurance and performance of each statutory officer/Statutory Office should be measured and overseen;*

Each Statutory Office is legislatively required to make an annual report to the House of Assembly. There are variations across offices about what is to be reported. In general, it includes a description of the office, its responsibilities and activities, a set of objectives, and performance measures. The reports are received by the speaker who presents them to the House of Assembly.

The objectives and performance measures presented in the annual reports are self determined and self evaluated. Offices develop their own objectives and determine the metrics, or performance measures, used to determine their success. Objectives are generally in line with the duties and responsibilities of the Office and measures often come from internally generated data.

There is no formal process for evaluating the appropriateness, effectiveness, accuracy, or comprehensiveness of these annual reports. Once a report is tabled it is available to the public but there is no other oversight or evaluation.

The existing annual reporting process can be modified to provide a robust and comprehensive quality assurance and performance measurement framework. The goals, objectives and office metrics can be an accurate representation of the quality, efficacy, and appropriateness of the work of the Statutory Office.

Annual reports and business plans can include measures of all aspects of the legislative duties of an Office. The full scope of the duties of the Statutory Offices can be better captured in their Annual Reports. The following are brief examples of ways plans can become more comprehensive with robust reporting and monitoring mechanisms.

The Privacy Commissioner is tasked with maintaining the privacy of citizens. That includes addressing breaches of provincial health records and as well as the use, storage and sale of genetic research for corporate interests. An annual plan could include objectives and performance measures to reflect this work. Such as, identifying and monitoring the private companies who collect personal health information and how they store and use that information.

Protection of seniors includes ensuring existing programs function properly and it includes a measure of prevention. That requires monitoring and assessing trends and emerging issues. For example, the Auditor General, and other government entities, have been warning about the risks associated with the province's aging population for been for several decades. However, the Auditor General is legislatively prohibited from commenting on the implications of government policy decisions. Tasking the Seniors' Advocate with reviewing government policy decisions for their effects on seniors would complement and reinforce the role of the Auditor General and be aligned with the duties of the Office. This would also promote transparency and accountability in decision-making much like reviewing policies for privacy or gender equity issues.

The work of an office can stem from anecdotal evidence. Talk of increased drug use by youth or more widows living in alone and in fear can be assessed with appeals to external data sources. Vital Statistics will give an indication of the number of widows and youth in the province. Food bank usage will give an indication of the number of seniors and youth who are struggling. Crime statistics and health care statistics add another layer of detail. Performance measures can be created from this information to support and guide the work of the Advocates.

The work of an office can be cross-checked with external data sources. The Annual Report of the Office of the Chief Electoral Officer does include an objective to maintain the Voter Registry, the official list of voters. The indicator in the 2021-22 Annual Report indicator report is "Maintained the permanent list of electors" saying it incorporated new data from municipalities and Vital Statistics. This does not give any indication of the accuracy or completeness of the list. The indicator "Ensure the permanent list of electors contains 95% of eligible voters," would better reflect the comprehensiveness of the permanent list. External data, such as Census and Statistics Canada data can serve as a reference point. For example, between the 2015 and 2021 general elections there was an almost 18,000 voters added to the permanent list but during that same time the Census recorded a population drop of more than 9,000 individuals. This gives a sense of broad trends. More specifically, in 2021 the community of Howley had a population of 205 according to the census, however, 275 people were on the permanent list of electors

in the 2021 General Election. These examples suggest the measurement of the permanent list of electors does not accurately reflect the population.

Most annual reports do not comprehensively track the legislated duties of the statutory office. For example, Division G: Election Offences, in the *Elections Act, 1991*, outlines numerous offenses that can be committed during an election. The Annual Report of the Office of the Chief Electoral Officer, however, does not include any reference to activities associated with identifying, tracking, preventing, or mitigating potential offenses.

Oversight of annual reports currently rests with the speaker and House of Assembly. Developing objectives and performance measures that accurately reflect the roles and responsibilities of the respective Offices requires expertise and impartiality. Proper oversight will require similar skills, institutional rigor, and historical insight to insure accountability.

Such an accountability and oversight framework could be rigorous, symbiotic, and self-reinforcing. The independence of Statutory Offices can be maintained while still providing a robust and transparent feedback mechanism.

Suggestions: Establish a committee, supported by expertise in performance measurement, indicator development and planning, which can include the Statutory Officers, Members of the House of Assembly and other vested parties to develop a robust and comprehensive accountability framework for the Statutory Offices.

Identify a specific process for evaluating progress in achieving objectives defined in the Annual Reports of Statutory Offices.

Consider using a consensus approach between the three party leaders, or their delegates.

Ensure annual reports appropriately and accurately reflect the duties and responsibilities of the Statutory Offices.

Incorporate external data into annual reports.

Complement the work of the Auditor General and have Statutory Officers evaluate public policy from the perspective of the responsibilities of the office.

ToR #7: *What is an appropriate administrative oversight model for the Statutory Offices, inclusive of financial management, human resources management, information management, procurement, and any other “back office” functions; structure.*

Consider the extent of the role of the Auditor General in providing administrative oversight and whether it is sufficient or appropriate. The Auditor General does audit many administrative functions of government entities but is limited in its ability to comment on policy direction.

ToR #8: *Whether physical space and administrative functions could be shared among Statutory Offices.*

Suggestion: Consider confidentiality of information, volume of work, availability of space, cost.

ToR #9: *Where reports from each Statutory Office should be directed, such as whether any of the reports of the Statutory Offices should go to a standing or select committee of the House of Assembly for review and analysis.*

In general, the more layers of reporting the more obscured the process, the longer it takes and the less transparent it becomes. Standing Committees of the House of Assembly are not impartial. The composition is biased in favour of Government members. Select Committees of the House of Assembly are dissolved on the dissolution of government when an election is called, there is no continuity of information nor a mechanism to transfer institutional knowledge.

Where reports from each Statutory Office should be directed is partially a product of the nature of the report. Terms of Reference #6 suggests a process for reporting and oversight of Annual Reports to assess the quality and performance of the Statutory Office.

Statutory Officers are required to submit some reports by statute, like the Elections Adaptations Report mentioned above, or a General Election Report after each election. The current process for these is like the annual reporting process, where they are submitted to speaker then tabled in the House of Assembly. Oversight of the veracity and accuracy of these reports currently rests with the speaker and members of the House of Assembly. The onus to review and analyze these reports is already on elected officials. That process can be formalized by including firm timelines and a more rigorous framework for discussion and analysis, which can be done during debate in the House of Assembly or in a Committee of the Whole.

Reports of investigations can be made to complainants, to the Lieutenant Governor in Council, or to other agencies or the general public, depending on the origin of the investigation. Redirecting these to a select, standing, or other type of committee will complicate and delay the reporting process and diminish accountability and transparency. Individuals on standing or select committees are the same elected officials who already receive and are expected to review and analyze these reports as members of the House of Assembly.

Suggestion: Consider formalizing opportunities to discuss and debate reports of Statutory Officers when they are tabled in the House of Assembly.

Transparency and accountability are closely associated with timeliness. A recent example of a Citizens' Representative report being held in the speaker's office for a prolonged period of time indicates the need for tight timelines in the reporting process.

Suggestion: Consider putting timelines in place to expedite the process and reduce potential for interference and delay.

Finally, it is worth reiterating the independent nature of Statutory Officers. They perform an oversight role in government. The erosion of this independence is possible if the office is required to report to an entity other than the House of Assembly. In exceptional circumstances, expediency and impartiality could be maintained using a committee of the three party leaders to review, analyze and make a recommendation on a report.

Suggestion: Clearly define what comprises exceptional circumstances and establish a process to be used at that time.

Once again, thank-you for the opportunity to participate in this Review. This was a challenging and rewarding exercise. Please reach out if you would like to discuss any of the information I have provided in greater detail. I have the upmost respect for the capabilities, independence and impartiality of you and your team. May clarity and vision inspire your deliberations.

With kind regards,

A handwritten signature in black ink that reads "Alison". The signature is fluid and cursive, with a large initial 'A'.

Alison Coffin

Former MHA – St. John’s East – Quidi Vidi