



HOUSE OF ASSEMBLY  
Newfoundland and Labrador

**James Dinn, M.H.A.**  
**District of St. John's Centre**

May 15, 2023

Honourable Robert Fowler  
Review of Statutory Offices of the House of Assembly  
3<sup>rd</sup> Floor, Gosling Building  
285 Duckworth St.  
St. John's, NL A1C 1G9

Dear Justice Fowler,

First of all, I would like to thank you for taking on this important work. My caucus and I are very appreciative of your devotion to public service, and are confident that you will assume this task with the utmost professionalism and attention to detail. I would also like to thank you for inviting me to submit my own thoughts on the review of House of Assembly Statutory Offices. I hope that my knowledge and personal experience as a Member of the House will prove useful to both you and your team in compiling a report.

When considering how to respond to your invitation, I found that my thoughts and opinions revolved around one core theme: that good governance in a democratic system depends on holding those in power publicly accountable for their actions. Statutory Officers are directly responsible to the House, and not to the government. As such, they often play the crucial role of whistleblower and are called upon to speak truth to power. Any proposals for changing their Offices should in no way weaken that capacity. If anything, I would like to see those powers strengthened as a result of this process.

Consequently, the selection of Statutory Officers should remain at arm's length from government, with the Independent Appointments Commission (IAC) left to determine the required competencies for each, using input from the Offices themselves. One change to consider in the selection process would involve the final stages, when the House votes on a candidate. The House should be presented with a final list of three individuals capable of filling the role, with a detailed evaluation of their competencies and experience, including all materials compiled by the IAC in its selection process.

Rather than requiring the vote of a simple majority, there should be a higher threshold for confirmation of Statutory Officers, possibly 2/3 of the House. As our first-past-the-post electoral system usually delivers a majority of seats to one party, the end result is that the

candidate favoured by government is automatically approved without consultation from the opposition, effectively rendering this step a “rubber stamp.” While elections have occasionally delivered majorities of more than 2/3 of the seats, there would nonetheless be many more instances, such as in the current House, where higher voting thresholds would require government to reach out and consult meaningfully on the approval of candidates with the opposition.

I would also like to see the Statutory Offices remain separate from one another. Each one serves a unique purpose, and any combination of them would run the grave risk of diluting their ability to scrutinize government or provide advice to members of the public seeking redress. For instance, the Chief Electoral Officer and the Officer for Legislative Standards have previously been held by the same individual. Yet these offices conduct different work requiring unique skill sets and knowledge. The amount of qualifications and experience required to fill even one of the Statutory Officer positions tends to whittle down potential candidates to a small pool. By combining roles, the search would invariably become more difficult, as the IAC would have to identify candidates from an even smaller subset of individuals. This in turn would result in lengthier vacancies when Officers leave their positions, and thus longer periods when their Offices have no clear or permanent leadership at the top.

However, I see no reason why the various Statutory Offices could not share a pool of employees conducting certain functions common to them all, such as receptionists, clerks, and human resources staff. These could even potentially be shared with the Office of the Speaker, if feasible or desirable. The only concern I would have in this regard would be with issues of privacy. If such a consolidation were to occur, there would need to be measures put in place to ensure that these employees did not share details of an investigation in one Statutory Office with those working in another.

Any resources saved in the process could then be devoted to the main work of the Offices, allowing the core staff to concentrate further on their mandates. Another option is to put those savings into hiring a communications person or small team for these Offices. Currently, none of the Statutory Offices employs a communications officer. Such a role would help these Offices engage with the public to let citizens and the media know more about the important work they conduct.

Given this opportunity to strengthen the Statutory Offices, I ask that your team consider recommending the addition of resources devoted to public engagement and education. In our caucus, we consistently find that the public is unaware of the services that these Offices provide, if they even know of their existence at all. We see this as a missed opportunity, because Statutory Offices provide a crucial means through which citizens can make their voices heard and bring their concerns to the House of Assembly and government. We even ask that you consider recommending a new Statutory Office solely

devoted to this task. A small, but active Office of this kind could travel the province and engage in awareness and education campaigns, so that the public becomes more knowledgeable about the role of the legislature and the government in shaping the laws and policies that directly affect their lives. With assistance from this Office, citizens would feel more confident in speaking up and taking part in the democratic system, thereby combatting the long-term trend towards voter apathy and lack of engagement in public affairs.

I also ask that you consider the feasibility of creating a Statutory Office similar to the Parliamentary Budget Office (PBO) at the federal level. As a neutral, non-partisan entity that serves all parliamentarians, they are responsible for providing economic and financial advice. Before general elections, political parties and independent candidates can even ask the PBO to estimate the financial cost of their campaign pledges. Such a body would elevate the level of political debate and improve deliberation and decision-making by providing information that would likely be trusted and accepted by all parties.

Another means of improving public confidence in Statutory Offices would be to allow the Office of the Auditor General (OAG) to conduct regular reviews of their work and activities. As the OAG already audits the financial statements of the House and Statutory Offices, it should also examine their performance periodically, to ensure that they continue to fulfill their mandates. The OAG, as the independent legislative auditor of governmental reporting entities, is endowed with a team of experienced staff devoted especially to such work. They should be able to take on this role without a great deal of added expense, effort, or time.

I would also like to see the OAG conduct a mandatory review of the Chief Electoral Office (CEO) after every general election. The last one, in winter 2021, was cause for great concern, as there were allegations of irregularities, lack of preparedness for a pandemic election at the CEO, and dysfunctional working relationships among staff. These reviews should be issued in a timely manner after the vote, contain recommendations on how to improve CEO performance, and be released publicly. Going forward, the OAG could examine such matters as the integrity and reliability of information on the voter lists, virtual voting, the issuing of special ballots, and the timing of advanced polls. Such measures would do much to restore public confidence in the integrity of our electoral system.

Finally, I would like to ensure that every report produced by a Statutory Office be made available to the public as soon as it is finalized, in addition to being tabled in the House, so that they reach as wide a public as possible without delay. The withholding of a Citizens' Representative report by the Speaker last year potentially creates a worrying precedent. Such reports are the means by which Statutory Officers hold government to account when there are allegations of wrongdoing. Citizens deserve to be informed of the

report and its contents, so they may make up their own minds about the evidence in the case and pass judgment on their elected officials accordingly at the ballot box. Without honesty, transparency, or accountability, the public loses faith in the political process and the ability of the system to be responsive to their needs, aspirations, and values.

Once again, I would like to thank you and your staff for your dedicated work on this matter, as well as for providing me with the opportunity to share my thoughts as part of the process. My caucus and I look forward to reading the results of your review as soon as they become available.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Dinn", with a stylized flourish extending to the right.

James Dinn, M.H.A.  
District of St. John's Centre  
Leader, New Democratic Party