

December 4, 2009

Memo to: All Ministers

Re: Suspension of the Child and Youth Advocate

On August 19, 2009, the Lieutenant Governor in Council pursuant to section 8(1) of the Child and Youth Advocate Act, authorized the suspension of Ms. Darlene Neville for conduct which has culminated in an incapacity to act until such time as the suspension can be dealt with in the House of Assembly (MC2009-0420 refers.)

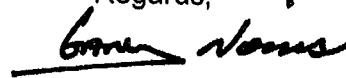
On August 20, 2009, I met with Ms. Neville and her counsel, Mr. Bernard Coffey, and advised her of Cabinet's direction (refer attached letter). Ms. Neville was also advised that she could make a submission addressing the concerns raised regarding her tenure for the consideration of Cabinet.

On September 30, 2009 Ms. Neville submitted the attached submission to me. (Please note that, at the same time, Ms. Neville made application to the Supreme Court seeking a declaration from the Court that she should be provided with an opportunity to be heard by the House of Assembly should the House introduce a resolution to suspend her. In filing her application with the Court, Ms. Neville provided this submission as supporting material which placed the submission in the public domain.)

Before the Fall 2009 sitting of the House of Assembly concludes, Government will need to decide whether it will introduce a resolution concerning the Child and Youth Advocate. In preparation for deliberation of this matter, I wish to bring the attached submission to your attention for your review and consideration.

Should you have any questions on this matter or wish to further discuss, please contact me.

Regards,



Gary Norris

Attach.

2009 08 20

Ms. Darlene Neville  
Child and Youth Advocate  
Office of the Child and Youth Advocate  
193 LeMarchant Road  
St. John's, NL  
A1C 2H5

Dear Ms. Neville:

The mandate of the Office of the Child and Youth Advocate ("OCYA") is one of great importance to the children and youth of this province, and indeed, to all citizens of Newfoundland and Labrador. Section 3 of the Child and Youth Advocate Act, defines the mandate of Office of the Child and Youth Advocate:

- (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered;
- (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention;
- (c) 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;
- (c.1) to review and investigate matters affecting the rights and interests of children and youth; and
- (d) generally, to act as an advocate of the rights and interests of children and youth.

Recent events at the Office of the Child and Youth Advocate have caused the Lieutenant-Governor in Council to lose confidence in your ability to guide your office to fulfillment of its statutory mandate. Key areas of concern include (1) your management of OCYA personnel; culminating in (2) your inability to effectively advance the mandate of your office.

### Personnel Management

OCYA staff play a vital role in the advancement of its mandate. OCYA staff are also public servants and as such, they are entitled to the same rights and protections afforded to all public employees. While no determinations have been made as to whether or not you intended to do so, your correspondence of August 7th and 14th to William MacKenzie, Clerk of the House of Assembly, as well as the news release issued by your office on August 7th, 2009 evidence your mismanagement of OCYA personnel.

The persistent and unresolved concerns of OCYA staff and your demonstrated inability to constructively resolve and overcome those concerns, have cast doubt on your ability to mobilize and utilize OCYA personnel toward attainment of the Office's mandate. Further, your conduct casts doubt about whether you possess the good judgment required by the Child and Youth Advocate to successfully execute the requirements of the office.

### Achievements of the Office

Under your leadership, the OCYA has in recent months failed to significantly progress toward attainment of its statutory obligations. Your failing staff relations appear to have culminated in an inability to act in a manner that advances the mandate of the Office of the Child and Youth Advocate.

### Conclusion

In consideration of the foregoing, I wish to advise you that under the authority of subsection 8(1) of the Child and Youth Advocate Act, the Lieutenant-Governor in Council has suspended you with pay pending a determination of your fitness to continue in the statutory office of Child and Youth Advocate.

If you wish to make submissions about the aforementioned concerns or any other concerns related to your continued tenure as Child and Youth Advocate, your submissions will be considered. Please send your written submissions to my attention.

Sincerely,



GARY NORRIS