

35 Bonaventure Avenue
St. John's, NL
December 9, 2009

DELIVERED BY HAND

Mr. Rolf Pritchard
Department of Justice, Civil Division
4th Floor, East Block, Confederation Building
P.O. Box 8700
St. John's, NL
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Dear Mr. Pritchard:

Your letter of December 7, 2009 to my counsel, Mr. Bernard Coffey, Q.C., is the first and only response I have received to my September 30, 2009 submission to Mr. Gary Norris, Clerk of the Executive Council. The delay in Cabinet's response and the absence from your letter of any comment on my written submission can only mean Cabinet has concluded my September 30th letter satisfactorily addressed the matters raised in Mr. Fitzgerald's August 17th request for my suspension as well as those referenced in Mr. Norris' August 20th letter advising of my suspension. That Cabinet reached that conclusion is hardly surprising in light of the OCYA 2008-09 Annual Performance Report (readily available on the House of Assembly website) filed by Acting Child and Youth Advocate John Rorke and tabled in the House of Assembly by Mr. Fitzgerald. In that September 30, 2009 report, Mr. Rorke confirmed that the OCYA met all the goals set out in its annual Business Plan.

I have no problem publicly acknowledging the emails that accompanied your December 7th letter. Those emails reflect ongoing efforts by the Office of the Child and Youth Advocate to provide the best possible service to the children of Newfoundland and Labrador. I have in no way, to use your phrase, "breached the confidence of [my] office."

Unlike the Executive Council, the Department of Justice and other Government departments, the Office of the Child and Youth Advocate does not have a director of communications whose role would be to manage and co-ordinate media relations. My executive secretary, Ms. Shirley Prior, in this instance provided the service of a director of communications in her dealings with [REDACTED] a CBC reporter stationed in [REDACTED]

It was my prerogative as the Child and Youth Advocate to determine when and to whom the *Lost in Transition* report would be released, as well as how its content could best be communicated to the public. In anticipation of the report's public release on June 2, 2009, I provided advance copies of *Lost in Transition* to Premier Danny Williams, Q.C., Speaker Roger Fitzgerald, Minister Ross Wiseman, Minister Joan Burke, Official Opposition Leader Yvonne Jones, NDP Leader Lorraine Michael, and the Chief

Executive Officer of each of the four regional health authorities. The report became publicly available on the OCYA website early on the morning of June 2nd. Previously, I had on March 30, 2009 provided copies of the recommendations contained in the report to the Chief Executive Officer of each of the four regional health authorities, and to Mr. Donald Keats, Acting Deputy-Minister of the Department of Health and Community Services.

Lost in Transition highlights some unique problems that must be addressed in relation to the children of Labrador. With that in mind, I chose to commence my *Lost in Transition* media communications effort with an early morning interview with ██████████ CBC's Happy Valley-Goose Bay station. The report and associated OCYA press release were scheduled for public release at 7:30 a.m. (Newfoundland time) on June 2nd. As the interview with ██████████ was scheduled to begin at 7:45 a.m. on June 2nd, a copy of *Lost in Transition* and the associated OCYA press release were provided to ██████████ in confidence late on the afternoon of June 1st. This was done to facilitate the initial interview and thereby enhance my efforts as Child and Youth Advocate to better communicate the findings and recommendations of *Lost in Transition* to the people of Labrador. To characterize this matter as a breach of the confidence of my Office is, simply put, ridiculous.

The other matter raised in your December 7th letter is the editing assistance ██████████ so kindly provided in relation to *Lost in Transition*. While your letter noted ██████████ is a ██████████ you failed to mention that ██████████ who has a doctorate from Harvard University, is widely known and recognized for ██████████ exceptional writing ability, so much so that ██████████ assistance as an editor is routinely sought. I make no apology for availing of the services, without cost to the taxpayer, of such a talented editor.

There was no confidential information in the drafts ██████████ reviewed, as the materials ██████████ edited contained only aggregate, non-identifiable information. Again, the suggestion that ██████████ involvement in editing *Lost in Transition* was a breach of the confidence of my Office is ridiculous. The practice of utilizing an editor for published reports is routine.

██████████ assistance did alert me to the valuable contribution a talented editor could provide in furthering the OCYA's mandate. Accordingly, in early May 2009 I met with a local free-lance editor to explore the potential for the OCYA to formally retain the services of an editor for future OCYA reports. I can provide the name of this individual if you so wish.

As you are aware, the issue of whether procedural fairness and the principles of natural justice require that I be heard by the House of Assembly is presently before the Court of Appeal of this Province. I reiterate my September 30, 2009 request that I be heard by Members of the House of Assembly should a resolution be introduced to suspend or remove me as Child and Youth Advocate.

Yours truly,

Darlene Neville

DARLENE NEVILLE

Child and Youth Advocate (suspended)