



Commission of Inquiry Respecting the Muskrat Falls Project

STANDING APPLICATION FOR HER MAJESTY THE QUEEN IN RIGHT OF NEWFOUNDLAND AND LABRADOR FOR THE MUSKRAT FALLS INQUIRY

DECISION

APRIL 6, 2018

LEBLANC, J.:

INTRODUCTION

[1] Her Majesty the Queen in right of Newfoundland and Labrador (the “Province”) has applied for full standing at the hearings of this Inquiry Respecting the Muskrat Falls Project. Like Nalcor Energy, the Province has already been responding to a summons for document disclosure issued by the Commission. Its efforts in doing so are much appreciated.

[2] It is clear from my interpretation of the Terms of Reference dated March 14, 2018 that the Province may well be affected by the investigation to be conducted in that Nalcor Energy is a Crown corporation and that the actions and decisions of the Province in the sanctioning and oversight of the construction of this Project will be part of the focus of this Inquiry. Clearly the participation of the Province will further the conduct of the Inquiry and will contribute to its openness and fairness.

[3] It should be noted that counsel for the Province has indicated that the present Premier and Cabinet will not at this time be applying for standing. I will say at this

juncture that some of the present Government members may well be interviewed by Commission counsel and may be required to testify at the Inquiry hearings. While they, like any other witness, will be entitled to have counsel of their choosing present for this, no formal standing will be given to them except to provide their personal counsel with an opportunity to examine that party at the Inquiry if requested. My understanding then is that the standing request is made here only on behalf of Province and not on behalf of any political party in power at the time of the relevant events to be reviewed.

[4] As a result, Her Majesty the Queen in right of Newfoundland and Labrador is granted full standing to participate at the Inquiry hearings. By having standing, the Government accepts the Commission's Rules of Procedure and the mandate of the Commission Inquiry as interpreted by me.

Richard D. Lelblanc
JUSTICE RICHARD D. LELBLANC
COMMISSIONER