

Date : 9/28/2012 9:22:03 AM

From : "Howard, Jacquelyn"

To : "Maclean, Heather" , "Hammond, Lynn" , "Brown, Milly" , "Marnell, Debbie"

Cc : "Power, Glenda"

Subject : FW: Kennedy Questioned Debate Rules a Decade Earlier

Attachment : Kennedy questioned debate rules a decade earlier_Sept 28 2012.pdf;The Telegram_Tentative deal not worth debating-Kennedy_June 18 2002.pdf;

From: oppositionnewsreleas

Sent: Friday, September 28, 2012 8:52 AM

To: Foote, Carla

Subject: Kennedy Questioned Debate Rules a Decade Earlier

September 28, 2012
For Immediate Release

Kennedy Questioned Debate Rules a Decade Earlier

Liberal Opposition Leader Dwight Ball is asking Natural Resources Minister Jerome Kennedy to come clean on his concerns about the rules which governed the former Voisey's Bay debate in 2002.

"A decade ago Minister Kennedy publicly dismissed the Voisey's Bay debate as '*a battle that can't be done*.'" stated Ball. "Now he and the Premier are insisting those same rules apply for the Special Debate on Muskrat Falls. This is blatantly hypocritical of Kennedy."

In 2002, then independent lawyer Jerome Kennedy told The Telegram, "*You can't have a critical debate in the House when you don't have the information that's required*". Kennedy then went on to state "*It's the final agreement that should go before the House of Assembly. What's going to happen in the next few days is simply a sham.*" (The Telegram, Tentative deal not worth debating: defence lawyer, June 18, 2002) These comments were made the day of the Voisey's Bay debate.

"Contrary to statements from his past the Minister of Natural Resources has repeatedly denied the public important information on Muskrat Falls. This includes the terms of reference for studies completed by MHI and Ziff Energy, as well as any studies completed on alternatives." noted Ball. "Government has yet to release the Decision Gate 3 (DG3) numbers and we learned from the Premier that the details of the loan guarantee won't be finalized either until there is a final report from Manitoba Hydro International (MHI)."

Ball noted that the 2002 Telegram article also quoted Kennedy as labelling the debate process by saying, "*What's causing concern here is the process being utilized by the Newfoundland government, where they are essentially saying to the average person, 'trust us, we're going to do what's right'.*"

"This is exactly what Kennedy and the Premier are now doing with Muskrat Falls. How can the Premier declare there is an acceptable set of debate rules for Muskrat Falls when her own Natural Resources Minister questioned them a decade earlier?" said Ball. "They want the public to just trust them, without backing up their claims, and now they want to limit the scope of the Special Debate on Muskrat Falls. Their arrogance is unbelievable."

-30-

Encl: The Telegram, Tentative deal not worth debating: defence lawyer, June 18, 2002

Media Contact: Carla Foote | Director of Communications | Office of the Official Opposition | 729-6151 | 691-6673 E copies
@ www.liberaloppositionnl.com



Office of the Official Opposition

NEWS RELEASE

September 28, 2012
For Immediate Release

Kennedy Questioned Debate Rules a Decade Earlier

Liberal Opposition Leader Dwight Ball is asking Natural Resources Minister Jerome Kennedy to come clean on his concerns about the rules which governed the former Voisey's Bay debate in 2002.

"A decade ago Minister Kennedy publically dismissed the Voisey's Bay debate as '*a battle that can't be done*'," stated Ball. "Now he and the Premier are insisting those same rules apply for the Special Debate on Muskrat Falls. This is blatantly hypocritical of Kennedy."

In 2002, then independent lawyer Jerome Kennedy told The Telegram, "*You can't have a critical debate in the House when you don't have the information that's required*". Kennedy then went on to state "*It's the final agreement that should go before the House of Assembly. What's going to happen in the next few days is simply a sham.*" (The Telegram, Tentative deal not worth debating: defence lawyer, June 18, 2002) These comments were made the day of the Voisey's Bay debate.

"Contrary to statements from his past the Minister of Natural Resources has repeatedly denied the public important information on Muskrat Falls. This includes the terms of reference for studies completed by MHI and Ziff Energy, as well as any studies completed on alternatives," noted Ball. "Government has yet to release the Decision Gate 3 (DG3) numbers and we learned from the Premier that the details of the loan guarantee won't be finalized either until there is a final report from Manitoba Hydro International (MHI)."

Ball noted that the 2002 Telegram article also quoted Kennedy as labelling the debate process by saying; "*What's causing concern here is the process being utilized by the Newfoundland government, where they are essentially saying to the average person, 'trust us, we're going to do what's right'.*"

"This is exactly what Kennedy and the Premier are now doing with Muskrat Falls. How can the Premier declare there is an acceptable set of debate rules for Muskrat Falls when her own Natural Resources Minister questioned them a decade earlier?" said Ball. "They want the public to just trust them, without backing up their claims, and now they want to limit the scope of the Special Debate on Muskrat Falls. Their arrogance is unbelievable."

-30-

Encl: The Telegram, Tentative deal not worth debating: defence lawyer, June 18, 2002

Media Contact: Carla Foote | Director of Communications | Office of the Official Opposition | 729-6151 | 691-6673 E copies @ www.liberaloppositionnl.com

The Telegram

The Telegram (St. John's)
Final
News, Tuesday, June 18, 2002, p. A3

Tentative deal not worth debating: defence lawyer

Barb Sweet
The Telegram

The House of Assembly should not be **debating** Vosey's Bay until it has a binding legal agreement to **deal** with, says St. John's defence lawyer Jerome Kennedy.

"Essentially, what the House of Assembly is being asked to do is being asked to vote on a document that says nothing," Kennedy said.

"This agreement as it now stands is not **worth** the paper it's written on. ... Why is the premier engaging in a massive propaganda campaign to try to convince the average Newfoundlander this is a good **deal**? Why not simply provide the information and let people decide?"

Kennedy decided to examine the statement of principles -- the subject of debate in the House starting today -- after reading a Telegram poll on the **tentative** agreement between the province and Inco.

The Telelink-The Call Centre Inc. poll found 89.4 per cent of 663 people contacted believe the **deal** to be fair to excellent.

The statement of principles is non-binding -- the final contract is expected this fall.

The House is expected to ratify the **deal** this week.

Kennedy, who said he's never voted Tory and has no political aspirations, has serious concerns about the document.

"I want my children to have the right to choose whether or not they stay in our province. I don't want them to have to leave because of another bad **deal**," he said.

"People are reluctant to speak out because (they fear) being perceived ... against jobs and employment. That's not the situation at all. All I'm saying is, critically analyze what's being put forward here and make a determination for yourself."

Kennedy said the statement of principles is weighted heavily in Inco's favour, with too many contingencies that allow Inco to dictate how the matter proceeds.

For instance, he noted, there are a number of other agreements that have to fall in place, Inco must obtain financing, and there must be successful underground mineral development.

"There are a lot of ifs and buts throughout this," he said.

"What's causing concern here is the process being utilized by the Newfoundland government, where they are essentially saying to the average person, 'Trust us, we're going to do what's right.' This is the same government that said a number of years ago ore will not leave the province."

Kennedy is also disturbed by the force majeure clause, which excuses the company from its obligations if it is beset by a shortage of supplies, or accidents, breakdowns or inflated prices for raw materials.

"It encompasses almost everything and gives Inco control over what will happen," Kennedy said.

The Opposition parties, he said have no details on which to debate. It's like defending a client without the prosecution disclosing the evidence -- a battle that can't be done.

"It's the final agreement that should go before the House of Assembly. What's going to happen in the next few days is simply a sham.

"(The Opposition parties) don't have the information. You can't have a critical debate in the House when you don't have the information that's required."

Figure:

Photo: Keith Gosse, the Telegram

St. John's lawyer Jerome Kennedy says it's the final **deal** on Voisey's Bay that should be voted on, not the statement of principles.

© 2002 *The Telegram (St. John's)*. All rights reserved.