

Newfoundland and Labrador Supreme Court hears separate submissions on cases involving Dale Kirby, Eddie Joyce

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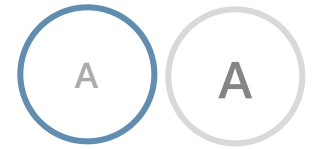
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Dale Kirby. — Telegram File Photo

Kirby seeks details about reports into his conduct; Premier Ball wants dismissal of Joyce's claim against him



ST. JOHN'S, N.L. — Former Liberal cabinet minister Dale Kirby is looking to the Newfoundland and Labrador Supreme Court for access to two reports that informed investigations into his conduct in 2018.

Kirby's lawyers, Allison Conway and Will Hiscock of Budden and Associates were in Supreme Court in St. John's Tuesday seeking access to two reports completed by Rubin Thomlinson into allegations of harassment and bullying levied against him by former MHA Colin Holloway and current MHA Pam Parsons.

"When the original complaints were made, there were investigations that were completed. There was a lawyer from Ontario, a law firm from Ontario, hired to assist with that investigation that resulted at the end of the day in two reports that were provided and made public," said Hiscock.

"Mr. Kirby wants access to the investigation that led to those final reports. This is a request under the freedom of information act to get access to the investigatory notes that led to the final reports, rather than him simply having the final reports to deal with."

Rubin Thomlinson was brought in by Commissioner for Legislative Standards Bruce Chaulk to investigate the allegations against Kirby and Humber-Bay of Islands MHA Eddie Joyce. Those reports informed the final reports from Chaulk, who found Kirby and Joyce in contravention of the MHA Code of Conduct. Kirby and Joyce both apologized to the House of Assembly as a result of the investigations.

Kirby has not yet filed a statement of claim related to the investigations that saw him removed from cabinet and the Liberal caucus. He did not run for re-election in 2019.



Eddie Joyce

Ball wants out of Joyce claim

In Newfoundland and Labrador Supreme Court in Corner Brook, Joyce filed a lawsuit in April against Chaulk, Premier Dwight Ball, Lake Melville MHA Perry Trimper and Placentia-St. Mary's MHA Sherry Gambin-Walsh.

Ball filed an application in Supreme Court in Corner Brook on July 2 asking the claim against him be dismissed, arguing Joyce's claim "discloses no reasonable

cause of action" against Ball.

Joyce had claimed misfeasance of public office against Ball in his claim. Ball's filing says misfeasance of public office requires "deliberate unlawful conduct." The filing claims that referring the complaint against Joyce for investigation and his ensuing removal from cabinet falls within the prerogative of the Crown, and both are "shielded from any review by the court."

Ball and Joyce declined comment on the matter on Tuesday, both saying they'll let the court process unfold. Joyce is seeking more than \$400,000 in damages in his claim. The claim is due for its first hearing on Sept. 14 in Newfoundland and Labrador Supreme Court in Corner Brook.

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