



Legislative Assembly of Nunavut

REPORT TO THE SPEAKER

RE: THE HONOURABLE OLAYUK AKESUK, M.L.A.

JUNE 24, 2004

The Honourable Robert Stanbury, P.C., Q.C.

Integrity Commissioner

RE: THE HONOURABLE OLAYUK AKESUK

Review

On June 9, 2004, I received a letter from the Honourable Olayuk Akesuk, Member of the Legislative Assembly for South Baffin (“the Member”), in which he confirmed a previous oral admission that in 2003 and 2004 he had failed to disclose a liability as required by the *Integrity Act* (“the Act”). He requested that I initiate a review of his conduct in accordance with the provisions of the Act. I did so immediately. A copy of the Member’s letter is attached as Appendix “A” to this report.

Authority

The authority for this review derives from Sections 36 and 40 of the Act, which read in part as follows:

36. (1) Any person, including a member, who believes on reasonable grounds that a member has contravened this Act may request that the Integrity Commissioner review the facts and give a written report on the matter.

40. (1) On receiving a request under section 36, 37 or 38 or on the Integrity Commissioner’s own initiative and on giving the member whose conduct is concerned reasonable notice, the Integrity Commissioner may conduct a review.

Facts

On June 7, 2004, the Member informed me by telephone that he had not disclosed in 2003 and 2004, although he had in 2002, a liability of more than \$10,000 for rent owing to the Municipality of Cape Dorset (“the Municipality”), as he was obliged to disclose under section 5 of the Act. This failure had been detected and was being broadcast by Patricia Bell of CBC Radio, who had reported on his 2002 disclosure. He said he was arranging to make payments on this debt.

The same day, June 7, the Member filed with the Clerk of the Legislative Assembly (“the Clerk”) a Supplementary Public Disclosure Statement saying: “I owe housing 10K+”. A copy was forwarded to me by the Clerk as required by the Act, and a copy is attached as Appendix “B” to this report.

On June 9, I received a copy of a letter dated June 7 from the Member to his bank instructing it to make biweekly transfers of \$300 to the Municipality starting on June 18 until further notice. I subsequently received copies of the Municipality’s and the bank’s acknowledgements accepting this arrangement. This correspondence is attached as Appendix “C” to this report.

I also received on June 9 by fax the Member's letter attached as Appendix "A", in which he wrote in part:

"As you are aware, during my first term of office, I included information in my public disclosure statement with respect to certain personal liabilities in excess of \$10,000 that I owed in relation to my family's housing in the community of Cape Dorset. You will recall that this personal debt was the subject of media attention at the time, and caused my family a significant degree of public embarrassment.

"Out of a desire to spare my family from further public embarrassment, this information was not included in the public disclosure statement which I filed earlier this year. Nor did I disclose this information in the public disclosure statement for 2003. I sincerely regret these omissions."

The Clerk, who has custody of statements required under the Act, has reported to me that the Member, in his Annual Public Disclosure Statement dated May 6, 2002, declared a liability of \$10,000 or more to the Municipality for "back rent", and that in subsequent Annual Public Disclosure Statements dated March 4, 2003, and March 2, 2004, no such liability was declared by the Member.

In the course of this review, the Member informed me that he had not paid or been charged interest on these rent arrears.

Issues

The issues to be determined in this review are whether or not the Member contravened the Act and, if so, what sanction or sanctions if any might be appropriate in the circumstances.

The Member, elected to Nunavut's First Legislative Assembly, was one of those who chose rightly to impose on themselves and their successors the highest ethical standards and accountability.

In the Bathurst Mandate, they declared:

"Inuit Qaujimagatuqangit ["I.Q."] will provide the context in which we develop an open, responsible and accountable government."

In the Members' Obligations, adopted and signed by all, each undertook:

"I will not condone actions that are dishonest or which exploit positions of privilege for personal gain."

The *Integrity Act*, by which they affirmed these promises in law, states as one of the principles on which it is founded that

“the people of Nunavut are entitled to expect those they choose to govern them to perform their public duties and arrange their private affairs in a way that promotes public confidence in each member’s integrity, that maintains the Legislative Assembly’s dignity and that justifies the respect in which society holds the Legislative Assembly and its members”.

Section 4 of the Act obliges each Member to

“perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member”.

This is the context in which the gravity of the Member’s conduct must be weighed and any consequences considered.

Analysis

A government of their own in a land of their own is the fulfillment of a long-cherished dream of Nunavummiut. They expect and deserve government they can trust. Openness is at the heart of public trust and confidence. Potential conflicts of interest in public service are unavoidable, particularly in a society small in number. Disclosure is the essential tool by which potential conflicts can be revealed, actual ones avoided, and the “integrity, objectivity and impartiality” of Members measured.

The Member admits that he failed on two occasions to fulfill his obligation of disclosure, rationalizing his conduct as designed to spare his family further embarrassment. In that respect at least he has been belatedly open and honest. For a public official to be seen enjoying what amounts to a long-term, interest-free loan from a public body might well be embarrassing for both. While there is no suggestion that the Member has shown partiality to his undisclosed creditor, or that the creditor has given favoured treatment to the Member, such a debt exposes them both to potential conflicts of interest that they must take great care to avoid. Particularly in view of apparent deficits in public finances and public housing, it is understandable that the existence and persistence of this debt would be embarrassing to both. Nevertheless, ironically, timely disclosure could hardly have caused as acute embarrassment as deception and exposure have.

However well-intentioned, the Member left the impression on the public record twice that his debt to the Municipality had been at least reduced to a balance below the \$10,000 disclosure threshold, if not repaid in full.

Moreover, the fact that a general election occurred during the period of nondisclosure means that the Member's constituents were deprived of one means of judging the merit of his candidacy for re-election.

This is the first review under the Act and the first time the Assembly must consider imposing sanctions on one of its number. It is unlikely to be the last. Its necessity is unfortunate. It should be seen, however, as an opportunity -- an opportunity for the Assembly to demonstrate the firmness, and the fairness, of the regime it has established to discipline itself; an opportunity for all Members to be reminded of the obligations they freely assumed; an opportunity for the Member concerned to acknowledge his errors, seek forgiveness of his peers and his people, and refocus his efforts on his mandate of public service. Most importantly, it is an opportunity for his electors to measure the sincerity of the Member's remorse and rededication to integrity.

Among key traditional Inuit values, I am advised, are: encouragement of individuals to be open and truthful, to take responsibility for their actions and own up to any wrongdoing, while receiving respectful treatment, advice, counseling, discipline and remedial action. My recommendations are intended to reflect the spirit of *I.Q.* and the qualities of Inuit customary law and community justice that inspired the Act: preventive not punitive, corrective not destructive, restorative not vindictive.

The Member has twice earned the confidence of his constituents and twice he has been chosen by his fellow-Members as a Minister. If he takes public responsibility for his conduct and asks the people's forgiveness, he might succeed in rebuilding their trust, retrieving his reputation and continuing to serve as a respected representative. If so, in the best Inuit tradition, this review will have had a restorative effect not only on the Member but also on the Assembly and on the community.

Disposition of Report

The Act prescribes that the report of a review be dealt with as follows:

44 (1) If a request for a review is made under section 36 or 37 or if the review is made on the Integrity Commissioner's own initiative, the Integrity Commissioner shall make his or her report to the Speaker.

(2) The Speaker shall give a copy of the report to the member whose conduct is concerned and, if the Legislative Assembly is sitting, cause the report to be laid before the Legislative Assembly as soon as possible or, if the Legislative Assembly is not sitting, cause the report to be laid before the Legislative Assembly within the first ten sitting days of the next sitting.

(3) If the Legislative Assembly is not sitting, the Integrity Commissioner shall also give a copy of the report to the Clerk who shall give a copy of the report to all members.

48 (1) The Legislative Assembly shall consider a report laid before the Legislative Assembly within 10 sitting days after the report is laid before the Legislative Assembly, and shall respond to the report before the end of the session in which the report is laid before it.

(2) The Legislative Assembly may not inquire further into the matter.

(3) In the Legislative Assembly's response, the Legislative Assembly shall do one of the following:

(a) accept all the Integrity Commissioner's recommendations, or

(b) reject all of the Integrity Commissioner's recommendations.

49 The Legislative Assembly's decision to accept or reject the Integrity Commissioner's recommendations is final and conclusive.

Conclusion and Recommendations

I find that the Honourable Olayuk Akesuk, Member of the Legislative Assembly for South Baffin, has contravened the *Integrity Act* by failing to disclose a liability as required by section 5 of that Act in his Annual Public Disclosure Statements of 2003 and 2004, thereby depriving Nunavummiut of timely and accurate information to which they are entitled.

I recommend that the Assembly impose on the Member the following sanctions:

1. The Member shall be reprimanded by the Assembly.
2. The Member shall make a statement in the Assembly acknowledging his wrongful conduct; apologizing to his peers, his constituents and all Nunavummiut, and promising to fulfill faithfully in future his commitments under the *Integrity Act*.
3. The Member, if he has not done so before the next sitting of the Assembly following the date of this report, shall within 30 days after the Assembly's acceptance of these recommendations,

- (a) deliver to every household in his constituency a letter
 - (i) informing his constituents of this report and its availability on request through his offices,
 - (ii) acknowledging his wrongful conduct, apologizing to his constituents, and promising to fulfill faithfully in future his commitments under the *Integrity Act*; and
 - (iii) giving notice of a public meeting in each hamlet of his constituency at which he will be accountable for his conduct;
- (b) after reasonable notice, by radio and bulletin board as well as post, hold a public meeting in each hamlet of his constituency at which he will reiterate his acknowledgement, apology and promise to his constituents, making available copies of this report;

and certify to the Speaker in writing that he has done so.

- 4. If the Member has failed to fulfill the requirements of sanctions 2 and 3 within 30 sitting days after the Assembly's acceptance of these recommendations, his right to sit and vote in the Assembly shall be suspended without indemnity or allowance until such requirements shall have been fulfilled.
- 5. Notwithstanding the threshold requirement for disclosure of liabilities, so long as any balance remains of the Member's indebtedness to the Municipality of Cape Dorset for arrears of rent he shall declare such balance in his Annual Public Disclosure Statement.

Respectfully submitted,



The Honourable Robert Stanbury, P.C, Q.C.,
Integrity Commissioner

June 24, 2004

APPENDIX "B"



LEGISLATIVE ASSEMBLY OF NUNAVUT
Integrity Act
FORM 2

SUPPLEMENTARY PUBLIC DISCLOSURE
STATEMENT

MEMBER: Walter Akait

Since the filing of my most recent Public Disclosure Statement, the following change has, or changes have, occurred within the past 30 days of which disclosure is required by section 6 of the *Integrity Act*:

I own housing 10K +

Date of signature: June 7/04

Signature of Member: [Signature]

Date received by Clerk: June 7/04

Date copy transmitted to Integrity Commissioner: June 7/04

Signature of Clerk: [Signature]

APPENDIX "C" (1)

Olayuk Akosuk
Po Box 1143
Iqaluit, NU X0A 0H0

June 8, 2004

Charles Schoening
CIBC
Branch Manager
Iqaluit Branch

Re: Transfer of funds

Dear Mr. Schoening:

Please arrange to have \$300 deducted from my chequing account with CIBC on a bi-weekly basis and transferred to the Municipality of Cape Dorset's commercial account. Attached is a copy of the Municipality's Void Cheque for their bank information.

The transfers should commence on June 18th, 2004 until I request that they cease.

Thank you,



Olayuk Akosuk

Enclosed

APPENDIX "B" (2)



CIBC Institut
PO Box 9409
Saskatoon, SK
S0A 0H0

June 16, 2004

Municipality of Cape Dorset
PO Box 90
Cape Dorset, NU
X0A 0C0

To Whom it may concern,

This letter is to confirm that the CIBC, on behalf of our client Olayuk Akesuk, has established a regular, bi-weekly payment in favour of The Municipality of Cape Dorset. This regular payment is for \$300, and will commence on Friday June 18th and will occur regularly thereafter on every other Friday until such times as the client requests it be halted. If you require any further information regarding this matter, please contact myself, Charles Schoening, at 867-579-8563 x300.

Regards,


Charles Schoening
Account Manager

APPENDIX "e" (3)

FAX COVER SHEET



Date: Jan 16th, 2004

Number of pages including cover sheet: 2

To:

Udo Comrau

Phone:

Fax: 867-979-7426

From:

Cary Merritt

e-mail:

merrittc@capedorset.ca

Director Of Finance & Personnel

P.O. Box 30

Cape Dorset, Nunavut

X0A 0C0

Phone: 867-977-8943

Fax: 867-977-8030

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

Udo,

As per the attached letter, we acknowledge the terms stated therein. They are very acceptable. Please notify us, if the terms may change, at any time.

Thank you.

Sincerely,

Cary Merritt

(Director of Finance & Personnel)

