



Legislative Assembly of Nunavut

Annual Report

April 1, 2005, to March 31, 2006

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

Integrity Commissioner

Annual Report 2005-2006 Integrity Commissioner

“Protecting the integrity of government is crucial to the proper functioning of a democratic system”.

-- Supreme Court of Canada, R. v. Hinchey [1966] SCR 1128

This is my seventh annual report as an independent officer of the Legislative Assembly of Nunavut.

The Integrity Commissioner’s mandate stems primarily from the *Integrity Act* and, to a lesser degree, from the *Nunavut Elections Act*.

During the past year, the issue of integrity in government has seized a prominent place in the public consciousness. It has dominated the national political agenda, inspiring an extensive array of new agencies, rules and sanctions aimed at making our federal government more accountable. This intense, continuing focus of attention might well raise among Nunavummiut concerns and expectations about the integrity of their institutions closer to home.

In force since July 1, 2001, the *Integrity Act* has a built-in requirement to be reviewed by the Assembly every five years. The time for the first quinquennial statutory review approaches. While current Members weigh the Act’s adequacy for the future, they might consider whether or not the time has come to complete the system of standards and accountability to cover senior unelected officials in expanded or parallel legislation.

Integrity and accountability were recognized by Nunavut’s founders as essential elements of representative government. The new territory was created for the people, and its government had to be answerable to the people. Members of the new Legislative Assembly sought very early to set the ethical tone for the whole government by imposing on themselves a Nunavut-specific system of standards and accountability for their conduct of the people’s business.

Integrity Act

The *Integrity Act* drew not only from the latest law and experience of other jurisdictions, but also from traditional Inuit knowledge and values. It strove for simplicity and economy of process, in a flexible and practical system respectful of individuals and the community; more preventive than punitive, and more principles-based than rules-based. The first Members demanded of themselves and their successors more than mere technical compliance and nothing less than a *culture* of integrity.

The first Members acknowledged that only through transparency of their private interests and public actions could their electors give them informed consent to govern. The Act requires each Member to file with the Clerk a public disclosure statement every calendar year on a date fixed by the Integrity Commissioner, listing the nature and sources of the Member's family assets, liabilities and income. Every Member fulfilled this obligation in 2005, as recorded in my last annual report. The next annual filing deadline is May 31, 2006. A supplementary statement must be filed to disclose any significant changes between annual statements. Gifts or benefits related to a Member's office are generally forbidden, subject to strict exceptions which must be promptly disclosed. All disclosure statements prescribed by the Act are public documents accessible through the Clerk.

As well, in the course of their duties, Members must declare any conflict of interest and not participate in discussions or decisions where a conflict could be reasonably thought to exist.

The Integrity Commissioner advises Members individually and collectively on compliance with the law and consequences of breach. The responsibility for exercise of individual discretion and collective judgment rests with the Members. The electorate, of course, renders the ultimate judgment.

Members are encouraged to consult me at any time on ethical issues and they have been forthcoming in doing so. With the consent of the Member, I may share confidential information with Elders to get the benefit of their traditional Inuit knowledge. Throughout the year, I have been constantly available for consultation by e-mail, telephone, fax and post, and have given advice both formally for the record and, more often, informally.

Each Member must meet at least once a year with the Integrity Commissioner to review the Member's family financial affairs and obtain advice on compliance with the Act. All Members did so in 2005, as stated in my last annual report, and I plan to be in Iqaluit for such meetings this year during the week of June 11.

Each Member has been supplied with a *Member's Integrity Act Manual*, to be kept current with relevant material.

The Integrity Commissioner's website, www.integritycom.nu.ca, contains full information on the Act and the office. Available through Members' offices is the brochure, *Integrity – A Commitment of Members of the Legislative Assembly of Nunavut*.

Anyone -- Member or non-Member -- who believes on reasonable grounds that a Member has contravened the Act may request in writing, supported by affidavit, that the Integrity Commissioner review and report on the matter to the Assembly. On a finding of breach, sanctions ranging from reprimand and apology to fine and loss of seat may be recommended, the decision being made by the Assembly. Such a review may occur at the request of the Assembly or on the Integrity Commissioner's own initiative. At the Premier's request, a review may inquire into whether or not a Minister has contravened requirements established by the Premier for Ministers. No such request in any of those categories was received in the past year and no such review was conducted.

Nunavut Elections Act

Uniquely among provincial and territorial electoral laws, the *Nunavut Elections Act* offers an alternative to judicial enforcement. The Integrity Commissioner has the authority to negotiate compliance agreements with persons alleged to have committed offences under that Act. Such an agreement may provide for a variety of sanctions as well as an undertaking of future compliance. Notice of the agreement is published. Last year I reported on the use of these agreements following the first general election under the new Act.

As the Act prescribes, I had entered into a protocol with the Chief Electoral Officer and the RCMP outlining our respective enforcement roles. Drawing on our initial experience, we have since concluded a revised enforcement protocol.

Appreciation

Channels of communication with counterparts in other jurisdictions continue to be of great value: the Canadian Conflict of Interest Network (CCOIN), the Council on Governmental Ethics (COGEL) and the Council of Canadian Administrative Tribunals (CCAT). In the past year I benefited from attending the annual conferences of CCOIN in Edmonton and CCAT in Ottawa. This year it is our turn to welcome CCOIN members to Iqaluit in September.

Once more, I thank the Members for their courtesy and cooperation, as well as the Clerk and Assembly staff, the Law Clerk, the Chief Electoral Officer and the RCMP, for their valued assistance through the year.

I would like to add a note of personal sadness at the loss of our late Speaker and express my condolences to his family and colleagues. He was truly a man of integrity.

May 25, 2006

Robert Stanbury