



Legislative Assembly of Nunavut

Annual Report

April 1, 2006, to March 31, 2007

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

Integrity Commissioner

Annual Report 2006-2007

Integrity Commissioner

Looking Backward, Looking Forward

A major milestone in the life of the *Integrity Act* was passed in the year covered by this, my eighth annual report to the Legislative Assembly. The Act turned five on July 1, 2006, a coming of age which triggered its built-in requirement for periodic reappraisal:

Review of Act

58. (1) Within five years from the day this section comes into force, and every five years after that, the Legislative Assembly shall begin a review of this Act.

Amendments

(2) Within one year of commencing a review under subsection (1), the Legislative Assembly shall consider any amendments that are proposed as a consequence of the review.

The Act having come into force on July 1, 2001, its first quinquennial review was required to be started last year and is due to be concluded shortly. To assist the Assembly in its review, this report expands on its annual scope to reflect on our experience with the Act and evaluate its adequacy for the future.

A Brief History of the Law

The First Legislative Assembly gave high priority to building a sound ethical foundation for Nunavut. One of its earliest initiatives was to establish a system of standards and accountability for the conduct of its own Members as trustees for the public good.

The pre-division Northwest Territories had experienced a long, costly inquiry under its conflict of interest legislation (duplicated in Nunavut) and had subsequently received extensive recommendations for reform from a distinguished review panel.

As your Conflict of Interest Commissioner, I was asked to review the NWT panel's report, research similar legislation in Canadian jurisdictions, and recommend a new law custom-tailored for the new Territory. The statute was to reflect contemporary Canadian as well as traditional Nunavummiut values. The system it established was to be simple, flexible and economical to administer.

My report, *For A Culture of Integrity*, formed the basis of the *Integrity Act* ("the Act") which came into force on July 1, 2001. While covering only Members of the Assembly (including Ministers), the Act set an example of honesty, openness and accountability for all who govern and administer the Territory.

Since the Act's inception, it has undergone little change – only minor amendments to accommodate additional jurisdiction as may be assigned to the Integrity Commissioner by other statutes (e.g. the *Nunavut Elections Act*). Nor has there been significant change across Canada in legislation governing the conduct of legislators. Even the recent blizzard of new laws and offices in Ottawa under the general rubric of “accountability” has left federal legislators’ codes of conduct essentially unchanged. At the same time, the public spotlight on governmental ethics has widened and deepened to cover more office holders, people paid to influence them, and public servants exposing official wrongdoing.

A Quinquennial Appraisal

The Act's provision for its re-examination every five years assures its continued relevance. It is also an occasion for reassertion of the Members' self-imposed commitment to self-discipline. In this appraisal, the Members' judgment must be the decisive one. But, from the perspective of my experience with the Act during its first five years, it seems to have served its purpose well and could continue to do so in its present form. It has the merit of familiarity. Members have demonstrated understanding of its provisions, commitment to its principles and co-operation in its administration. Many have sought out my guidance to avoid and resolve conflict situations. All Members have met with me individually at least once a year and all have filed annual public disclosure statements as required. Their accountability was tested when one Member was found to be in breach of the Act and had sanctions imposed on him by the Assembly. However, the process was speedy and economical; and the outcome, apparently constructive. With that lone exception, the Act seems to have succeeded in its preventive intent. Its sanctions, when necessary, seem to have succeeded in their design to be restorative -- for the Member, the Assembly and the public interest.

All considered I have found the Act to be administratively practical and still state-of-the-art among its peers. I would be pleased to work with Members who have ideas for its improvement, and for possible extension of its principles to senior non-elected offices, or simply to have the Act confirmed at this time, bearing in mind that nothing prevents future amendments short of the statutory five-year review cycle.

Attention could also be turned to expanding the reach of now-established principles of public integrity to the entire governance and administration of the Territory. Senior officials still lack a system of legislated standards and accountability similar to that self-imposed by legislators. A code of conduct for all Government of Nunavut employees is said to be under study, as well as “whistle-blowing” protection for disclosure of wrongdoing. The value of lobbyist regulation, introduced by other jurisdictions, might be considered. All these initiatives have the potential to contribute to a Nunavut-wide culture of integrity in its public institutions.

3.

The Year under the *Integrity Act*

Transparency of Members' private interests is a fundamental feature of the Act. Disclosure of those interests allows electors to make informed judgments about the objectivity and fairness of legislators' decisions.

The Clerk reported to me that all Members filed with him by last year's deadline the required annual disclosure statements listing the nature and sources of their family assets, liabilities and income. These are available to the public through the Clerk, as are supplementary statements reporting significant changes during the year and receipt of strictly limited gifts and benefits.

Anyone 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. If a Member is found to have breached the Act, sanctions ranging from reprimand and apology to fine and loss of seat may be recommended to 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 category was received in the past year and no such review was conducted.

During the week of June 11, 2006, in Iqaluit, each Member met personally with me to review his or her obligations under the Act.

Throughout the year I was, and continue to be, freely available to Members by e-mail, fax, telephone and post to resolve ethical issues either informally or for the record. I also responded to inquiries from public servants, the general public and other jurisdictions.

Each Member has a *Member's Integrity Act Manual*, to be kept current with relevant material. The Integrity Commissioner's website, www.integritycom.nu.ca, has full information on the Act and the office. Available to the public as well through Members is a brochure, *Integrity – A Commitment of Members of the Legislative Assembly of Nunavut*.

Our Assembly last September was host to my counterparts from across Canada for the annual conference of the Canadian Conflict of Interest Network (CCOIN), a valuable vehicle for sharing of information and insights in the field of public integrity. I also continued to benefit from liaison with colleagues of other jurisdictions through the Council of Canadian Administrative Tribunals and the Council on Governmental Ethics & Laws (COGEL), although I was unable to attend their conferences last year.

4.

The Year under the *Nunavut Elections Act*

The Integrity Commissioner is empowered by the *Nunavut Elections Act* to negotiate public compliance agreements with persons alleged to have committed offences under that Act. An alternative to prosecution, a compliance agreement may provide for certain sanctions including a promise of future compliance. No such agreements were entered into during the past year.

Updating the protocol which defines the respective enforcement roles of the Chief Electoral Officer, the RCMP and the Integrity Commissioner has begun in preparation for the next general election.

Appreciation

I am grateful for the continued courtesy and cooperation of all Members of the Legislative Assembly, the Clerk and Assembly staff, the Law Clerk, the Chief Electoral Officer and the RCMP. A special thanks for all the special effort made to show CCOIN delegates a warm Nunavut welcome -- to Cindy Rennie for her exhaustive advance work and to Erie Leighfield and Tony Rose for their tireless and cheerful shepherding of our guests.

May 15, 2007

Robert Stanbury