



Legislative Assembly of Nunavut

ANNUAL REPORT 2018–2019 *(Part 1)*

OFFICE OF THE INTEGRITY COMMISSIONER

Hon. J.E. (Ted) Richard
Integrity Commissioner
October 2018

Introduction

The office of the Integrity Commissioner of Nunavut was established in 2001 with the enactment of the *Integrity Act* by the First Legislative Assembly of Nunavut.

The Integrity Commissioner is an independent officer of the Legislative Assembly, and is appointed by the Commissioner of Nunavut, on the recommendation of the Legislative Assembly, for a term of five years. The main role of the Integrity Commissioner is to assist the members of the Legislative Assembly (MLAs) in fulfilling their commitment to always serve the public interest, to act with integrity, and to avoid any contravention of the *Integrity Act*.

The Integrity Commissioner is required to provide an annual report to the Legislative Assembly on the activities of the Integrity Commissioner during the previous fiscal year. As my five year term of office has come to an end, I am providing this brief report to the legislature on the activities of my office in the current fiscal year to date, i.e., April 1, 2018 to October 23, 2018.

I stated in last year's annual report that the office of the Integrity Commissioner has been particularly busy since the general election of October 30, 2017, due in part to the election of many new members, and the number of new Ministers chosen by their colleagues to serve on the Executive Council. This increased activity has continued in the current fiscal year, as new members, new Ministers seek guidance and advice to remain in compliance with the *Integrity Act*.

Annual Individual Meetings With Integrity Commissioner

Each member is required to meet with the Integrity Commissioner at least once annually. The main purpose of the meeting is to review the contents of the member's Public Disclosure Statements, and to obtain advice on the member's general and specific obligations under the *Act*.

I met in person with 20 individual MLAs in Iqaluit in the period May 21–26, 2018, at the commencement of the Spring sitting of the Fifth Assembly. In early June, I conducted the annual meeting with the other two individual MLAs by telephone (permitted by the *Integrity Act*). During these one-on-one meetings we had an opportunity to review again the contents of their initial public disclosure statements (made within 90 days of their election) and any supplementary disclosures, their specific and general obligations under the *Act*, and I was available to respond to any queries the individual member had regarding those obligations. Thus, each member of the Fifth Assembly has complied with the statutory requirement to meet annually with the Integrity Commissioner during the current fiscal year 2018–2019.

Advisory Role

Between the dates of the annual meetings, a member can consult with the Integrity Commissioner at any time to obtain advice or guidance on the member's obligations under the *Integrity Act*. The consultations, and the advice given, whether verbal or in writing, are confidential, subject to a few specific exceptions.

By availing themselves of the advice and guidance of the Integrity Commissioner, members can effectively avoid conflicts of interest or other contraventions of the *Act* from arising, and avoid any later formal investigation. A pro-active preventative approach is preferable.

During the first half of the current fiscal year, members did not hesitate to avail themselves of the advice of the Integrity Commissioner, particularly in advance of an action or activity being contemplated by the member, an action or activity that the member believed might constitute a contravention of the *Integrity Act*. Most of these consultations were by email and/or telephone, some in person. I have been able to respond to members' queries on a timely basis.

Topics on which members have sought advice in the past six months have included:

- writing letters of support requested by private sector corporations seeking business with the Government of Nunavut;
- prohibition against receipt of gifts or benefits connected to the performance of the member's duties of office;
- prohibition against a member entering into a contract with the Government of Nunavut under which the member receives a financial benefit;
 - a wide variety of potential conflict of interest situations;
 - employment of a Minister's relative in the Government of Nunavut;

- information which is required to be included in public disclosure statements;
- special restrictions on Ministers' outside activities.

I reiterate that my communications with the individual members in carrying out this important advisory function are confidential.

I am pleased to again report that, without exception, all of the members accepted and followed the advice and recommendations of the Integrity Commissioner during the past six months.

Investigative Role

As stated above, the main role of the Integrity Commissioner is an advisory one, i.e., assisting the MLAs to understand their obligations under the *Integrity Act* and providing guidance to avoid conflicts arising between public and private interests. While the focus is on prevention, the Integrity Commissioner also has an investigative role under the *Integrity Act*, i.e., to determine whether an MLA has contravened the *Act*.

Allegations of a member's misconduct (i.e., a contravention of a specific provision of the *Integrity Act*) are received by the Integrity Commissioner and investigated and reported upon pursuant to a process detailed in sections 36–45 of the *Integrity Act*.

In August 2018 I received from a member of the public a complaint alleging that one of the members, the Honourable David Akeeagok, had performed his duties of office while in a position of conflict of interest, thus contravening section 8 of the *Integrity Act*.

8. A member shall not make a decision or participate in making a decision in the performance of his or her duties of office or otherwise exercise an official power or perform an official duty in the exercise of his or her office if the member knows or reasonably should know that in doing so there is an opportunity to further the member's private interest or improperly to further another person's private interest.

As required by the *Act*, I reviewed the facts and circumstances of this allegation, and provided my Report to the Speaker who is to cause the Report to be laid before the Legislative Assembly. The circumstances of the allegation, and my finding, are detailed in the tabled Report.

Nunavut Elections Act

Section 24 of the *Integrity Act* requires the Integrity Commissioner to also perform other duties “assigned to the Integrity Commissioner by any other Act “. In the *Nunavut Elections Act*, the legislature years ago established a “diversion process” whereby a person charged with an offence under the *Nunavut Elections Act* (e.g., failure to file a required Financial Return with the Chief Electoral Officer) can avoid a formal prosecution in Court by entering into a voluntary Compliance Agreement with the Integrity Commissioner.

This is an assignment given to the Integrity Commissioner by the legislature that is unrelated to, and separate and apart from, the Integrity Commissioner's main responsibilities under the *Integrity Act*.

During the first half of the current fiscal year, there were no new enforcement matters brought to my attention by the RCMP in regards to the *Nunavut Elections Act*.

Conclusion

I want to thank each member of the Fifth Assembly for their co-operation during the first half of fiscal year 2018–2019, and for their individual, personal commitment to the principles of the *Integrity Act*.

As always, I express my appreciation to the Clerk of the Legislative Assembly, John Quirke, and his competent staff for their administrative support and assistance to me in carrying out my duties as Integrity Commissioner.

I trust that all members, and the Clerk and his staff, will extend similar cooperation and support to my successor in the months and years ahead.

It has been my sincere privilege to serve the Legislative Assembly of Nunavut these past five years.

Respectively submitted,

Hon. J.E. (Ted) Richard
Integrity Commissioner
October 23, 2018