



Legislative Assembly of Nunavut

Annual Report

April 1, 2003, to March 31, 2004

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

Integrity Commissioner

Annual Report 2003-2004

Integrity Commissioner

The Year

This annual report, my fifth, covers the fiscal year from April 1, 2003, to March 31, 2004. It was a year of ending and beginning -- the ending of Nunavut's First Legislative Assembly and the beginning of its Second. It was also a year of change, more than half of the new Assembly's Members being new themselves, while those they replaced resumed their status as electors with an enhanced knowledge of their government and its challenges.

The Law

Nunavut's first legislators gave high priority to building a firm foundation of faith in its government. They commissioned me, as their first Conflict of Interest Commissioner, to survey conflict of interest regimes in other jurisdictions and recommend a made-in-Nunavut law to replace conflict legislation inherited from the pre-division Northwest Territories. My report, *For A Culture of Integrity*, resulted in the *Integrity Act*, the new Territory's seventh statute, which came into force on July 1, 2001. In it the Assembly's pioneer Members pledged themselves and their successors to put the public good ahead of private advantage, and established a system of ethical standards and accountability to assure their compliance.

The fundamental principle of the *Integrity Act* is transparency, allowing electors to choose legislators from the widest spectrum of talents and to judge their ethical performance with full public knowledge of their private interests. Members of the Assembly are required to disclose annually the source and nature of their family assets and income. In the course of their duties, they must declare any conflict of interest and not take part in discussions or decisions on matters in which a conflict could be reasonably thought to exist. Neither they nor their family members may accept gifts in relation to their office, with strict exceptions which must be disclosed.

In support of their compliance, Members are obliged to have at least an annual personal interview with the Integrity Commissioner, who may be consulted anytime and in turn may consult elders for their knowledge of traditional Inuit values. Full compliance is the expectation. However, anyone may ask that the Integrity Commissioner review a Member's compliance and, if a breach is found, recommend appropriate sanctions ranging from reprimand and public apology to financial penalties and loss of seat. The Assembly decides and the electors have the final say.

A measure of Members' commitment is that none has been found to be in breach of the *Integrity Act*. That is a record I am sure all Members will strive to maintain. Building a culture of integrity is a project never completed and earning the public trust must be a constant work in progress.

The Office

The Integrity Commissioner oversees the *Integrity Act*, providing advice to Members individually and collectively, with power to review their compliance and to recommend sanctions which the Assembly may impose.

The Office also has a role in enforcement of the *Nunavut Elections Act*, being authorized to enter into a compliance agreement, as an alternative to prosecution, with a person alleged to have committed an offence under that Act.

The Integrity Commissioner is an independent, arms-length officer of the Legislative Assembly, chosen by the Assembly to serve “during good behaviour” for a renewable term of five years.

Having been appointed to a four-year term under the old law as Nunavut’s first Conflict of Interest Commissioner, I completed that term under the new law as its first Integrity Commissioner. The Act provides that the incumbent remains in office until reappointed or until a successor is appointed.

Disclosure Statements

The *Integrity Act* requires each Member to file with the Clerk, by a date fixed by the Integrity Commissioner, an annual statement publicly disclosing family financial interests. The Clerk informed me that all Members of the First Legislative Assembly did so by the 2003 deadline of May 31.

The law also obliges newly-elected Members to file such a public disclosure statement within 60 days after being elected. During the fiscal year there was a by-election and a general election. The Clerk reported that the Member elected to the First Assembly in the by-election filed the required statement within the prescribed period, and that all Members elected to the Second Legislative Assembly filed well before their deadline. I therefore determined that all Members complied with these statutory filing requirements during the year under review.

All Members’ disclosure statements are open to the public through the Clerk of the Assembly.

Activities under the *Integrity Act*

In Iqaluit from September 30 to October 3, 2003, and from February 29 to March 9, 2004, I met with Members individually and collectively, as well as with various officials including the Languages Commissioner, the Deputy Minister of Justice, and the Clerk and his colleagues in the Office of the Legislative Assembly.

All Members, each with spouse if possible, must meet with the Integrity Commissioner at least annually to review their family financial affairs and their obligations under the Act. I interviewed each Member, some with spouse, at least once during the year.

A brochure, *Integrity -- A Commitment of Members of the Legislative Assembly of Nunavut*, was published in Inuktitut, Inuinnaqtun, English and French, and made available for public distribution before the general election. My Web site, www.integritycom.nu.ca, offered the public more extensive information on the Act, its origins and the Office of Integrity Commissioner, as well as my reports and prescribed disclosure forms.

Each Member has received a *Member's Integrity Act Manual*, a looseleaf binder of essential information about the Act and my Office, to which new material can be added as it becomes available.

During the orientation week before opening of the Second Legislative Assembly, I made a presentation to Members, answered questions about their obligations under the *Integrity Act*, and encouraged them to consult me at any time.

Throughout the year, by e-mail, fax, telephone and post, I gave advice to regular Members and Ministers, consulted with officials, and responded to enquiries from citizens and news media. Consultation continued with the Clerk on development of a code of conduct for Assembly staff.

As in previous years, I received enquiries about conduct of senior officials, who are not covered by the *Integrity Act*. As noted in other annual reports, the NWT Conflict of Interest Review Panel in 1999 recommended that "Deputy Ministers and those functioning at an equivalent level" be subject to the same legislated standards as Ministers. When considering new legislation for Nunavut, the Assembly viewed that recommendation favourably but decided first to set an example by legislating self-imposed standards for Members. Last year a code of conduct for all Government of Nunavut employees was reported to be under active inter-departmental review, and that process appears to be ongoing. However, the recommendation to enact a system of ethical standards and accountability for senior officials remains outstanding. In view of the considerable influence these officials have on public policy and administration, such legislation might be seen by the Assembly as unfinished business.

Activities under the *Nunavut Elections Act*

As required by the *Nunavut Elections Act*, I entered into a protocol with the Chief Electoral Officer and the Royal Canadian Mounted Police defining our respective roles in the enforcement of that Act. Liaison was maintained with those agencies, news media and the public. No compliance agreement in exchange for a stay of prosecution related to the 2004 general election was entered into by the yearend.

Appreciation

Last year again I benefited from continual interchange of experience and insights with colleagues in other jurisdictions through the Canadian Conflict of Interest Network (CCOIN), the Council on Governmental Ethics (COGEL) and the Council of Canadian Administrative Tribunals (CCAT). The CCOIN annual meeting in Yellowknife, hosted by the Northwest Territories Legislative Assembly, and the CCAT annual conference in Gatineau, were of particular value.

I continued to enjoy the co-operation of Members in fulfilling our mutual obligations, with able and generous assistance from the Clerk and staff of the Assembly.

I appreciate the opportunity to be of service.

My best wishes to Members of the Second Legislative Assembly for success and satisfaction in your continuing dedication to building a culture of integrity in the governance of your land and your people.

May 31, 2004

Robert Stanbury