



Legislative Assembly of Nunavut

Annual Report

April 1, 2004, to March 31, 2005

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

Integrity Commissioner

Annual Report 2004-2005

Integrity Commissioner

My sixth annual report covers the fiscal year from April 1, 2004, to March 31, 2005, a year when events reminded us of two basic principles on which a culture of integrity are founded: openness and accountability.

The Integrity Commissioner's prime purpose, under the *Integrity Act*, is to promote fulfillment of Members' obligation to favour the public interest over private advantage. The Integrity Commissioner is empowered to advise Members, review their compliance and on finding of any breach recommend sanctions which the Assembly may impose. Other assignments may be undertaken at the request of the Assembly or the Management and Services Board.

Under the *Nunavut Elections Act*, the Integrity Commissioner has jurisdiction to enter into a compliance agreement, as an alternative to prosecution, with a person alleged to have committed an offence under that Act.

In both branches of this mandate, enforcement procedures were implemented for the first time during the past year.

Integrity Act

In my last report I summed up and celebrated the Legislative Assembly's first five years of commitment and adherence to the highest ethical values. Less than a month later, the first Member was found to be in breach of the *Integrity Act*. That lapse interrupted an enviable record. But it gave sharper focus to the duty of disclosure and offered the first test of the Assembly's self-imposed system of standards and accountability. The resulting review gave both the individual Member and the Assembly an opportunity to reassert and renew their commitment to a culture of integrity.

It might be useful, under the circumstances, to recapitulate some background covered in my last report. 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 or benefits in relation to their office, subject to 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 on election day.

On June 9, 2004, following a news report alleging breach of the *Integrity Act*, a Member requested that I initiate a review of his conduct and I immediately did so. I received his full co-operation in conducting my review and I submitted my report to the Speaker on June 24, 2004. I found that the Member had failed to disclose a liability as required by the Act and I recommended sanctions which were subsequently adopted by the Assembly and have been complied with by the Member. My report of this review is posted on my website.

In addition to providing counsel to Members individually on compliance questions, I issued an *Advisory* to all Members reiterating and expanding on a previous one which generally cautioned against accepting free air travel.

As required by the *Integrity Act*, all Members met with me at least once during the past year to review their family financial affairs and their obligations under the Act. Each was interviewed, some with spouse, during the week of March 9, 2005, in Iqaluit.

The Clerk of the Assembly informed me that every Member duly filed with him, in accordance with the Act, an Annual Public Disclosure Statement by March 11 last, the filing date fixed by me for the year 2004-5. Members' disclosure statements are open to the public through the Clerk.

Information about the Act and my office is available to the public multilingually on my website, www.integritycom.ca, and in a brochure, *Integrity -- A Commitment of Members of the Legislative Assembly of Nunavut*, through Members.

For Members' ready reference, each has a *Member's Integrity Act Manual*, a looseleaf binder to which new material is to be added as it becomes available.

As well as being in Iqaluit as needed, I continued to be available through the year, by e-mail, fax, telephone and post, for consultation with the Premier, regular Members, Ministers, their staffs and officials, as well as for responding to citizens and news media.

At the request of the Clerk, I contributed to formulation of a code of conduct which was adopted by employees of the Legislative Assembly. I applaud their initiative.

Remaining unresolved is the longstanding recommendation that Deputy Ministers and those functioning at an equivalent level be subjected to the same legislated standards as Ministers.

3.

Members are respectfully reminded of the requirement in section 58 of the *Integrity Act* that within five years of its coming into force (July 1, 2001) “the Legislative Assembly shall begin a review of this Act” and within one year of commencing a review “shall consider any amendments that are proposed as a consequence of the review”.

Nunavut Elections Act

In the aftermath of the first general election under the new *Nunavut Elections Act*, the Royal Canadian Mounted Police, on complaint of the Chief Electoral Officer, found it necessary to charge 21 candidates and official agents with failure to obey financial filing requirements. As authorized by the Act, I offered compliance agreements to all those charged. Agreements were entered into by 12 accused, five of whom complied with their undertakings and had their charges withdrawn.

I met with the Chief Electoral Officer, her legal counsel, the RCMP, and territorial and federal counsel for two days in November in Iqaluit to review our first experience with the new Act and to consider how the process of enforcement might be improved. I understand that the Chief Electoral Officer’s annual report includes resulting observations and recommendations, which I commend to the Assembly.

Appreciation

My liaison 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) continued to be valued, particularly at the CCOIN annual meeting in Halifax, hosted by the Nova Scotia Legislative Assembly, and at the CCAT annual conference in Toronto.

I am indebted to the Clerk and staff of the Assembly, the Law Clerk, the Chief Electoral Officer and the RCMP for all their excellent assistance.

I thank Members of the Legislative Assembly for their vote of confidence in renewing my mandate for further five years, as well as for their cooperation and their continued commitment to a culture of integrity.

April 18, 2005

Robert Stanbury