



Legislative Assembly of Nunavut

Annual Report

April 1, 2007, to March 31, 2008

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

Integrity Commissioner

Annual Report 2007-2008

Integrity Commissioner

This is my ninth and final annual report as an independent officer of the Legislative Assembly. I was honoured to be chosen in 2000 as Nunavut's first Conflict of Interest Commissioner, becoming your first Integrity Commissioner when the *Integrity Act* ("the Act") came into force in 2001, and being reappointed for a five-year term in 2004.

On December 31, 2007, I wrote to the Speaker regretfully advising him of my intention, for reasons of health and family obligations, to retire from this office effective March 31, 2008, the end of the fiscal year. The past year has been eventful and the coming one, with an election in the offing, promises to be more so. I am pleased that Mr. David Phillip Jones, Q.C., has agreed to serve as Acting Integrity Commissioner pending competitive selection of my successor. David is a distinguished Edmonton lawyer whom I have come to know and respect as Yukon's Conflict of Interest Commissioner and a colleague in the Canadian Conflict of Interest Network. I commend him warmly to the Assembly.

Integrity Act

The past year saw completion of the first five-year statutory review of the Act, resulting in its unanimous confirmation without change by the Legislative Assembly. However, amendments can be addressed at any time, and a new Assembly with a new Integrity Commissioner will want to make its own assessment of how to keep the Act relevant.

Last year's annual report traced the history and development of the Act as the Assembly's vehicle to achieve nothing less than a culture of integrity. The Act's stated purpose is to affirm in law the Members' commitment "to serve always the common good in keeping with traditional Nunavummiut values and democratic ideals", and it establishes a system of standards and accountability for fulfilling that commitment. Embodied in the Act are the principles on which it is founded:

- (a) integrity is the first and highest duty of elected office;
- (b) the people of Nunavut are entitled to expect those they choose to govern them to perform their public duties and arrange their private affairs in a way that promotes public confidence in each member's integrity, that maintains the Legislative Assembly's dignity and that justifies the respect in which society holds the Legislative Assembly and its members;
- (c) the members of the Legislative Assembly are committed, in reconciling their public duties and private interests, to honour that expectation with openness, objectivity and impartiality, and to be accountable for so doing;
- (d) the Legislative Assembly can serve the people of Nunavut most effectively if its members come from a spectrum of occupations and continue to participate actively in the economic and social life of the community.

2.

The Act is administered by an independent, arm's-length officer of the Assembly, the Integrity Commissioner, who serves as a mentor and adjudicator entrusted with wide discretion in resolving ethical issues fairly, flexibly and economically, subject always to the judgment of the Assembly and ultimately of the electors.

Transparency is the bedrock of the system. The public is entitled to information on which Members' adherence to their commitment can be judged. Every Member is obliged to file a public disclosure statement of family assets, liabilities, income and indebtedness on election and annually by a date fixed by the Integrity Commissioner. Last year's deadline was May 31 and the Clerk of the Assembly reported to me that all Members filed by that date. This year's due date is May 30. These annual statements, as well as interim ones disclosing significant changes and any permissible gifts and benefits received, are public documents accessible through the Clerk.

Members are encouraged to consult the Integrity Commissioner, with whom they are required to meet at least once a year.. All had an opportunity to resolve any ethical issues in interviews in Iqaluit during the week of the annual disclosure date. I also responded frequently throughout the year by e-mail, phone and fax to requests for ethical advice both informal and formal as provided for in the Act. Each has a Member's Integrity Act Manual, a looseleaf binder of reference materials including periodic Advisories on subjects of general interest. This year Advisories were issued on air travel, contracting with government and review of Members' conduct. Comprehensive information on the Act and the office is available to Members and the public on the Integrity Commissioner's website, www.integritycom.nu.ca. A brochure, Integrity – A Commitment of Members of the Legislative Assembly of Nunavut, can be obtained through Members.

Compliance is the clear objective and the norm. But anyone who believes on reasonable grounds, supported by affidavit, that a Member has contravened the Act may request that the Integrity Commissioner review the facts and report on the matter. Such a request may also be made by the Assembly as a whole, and the Premier may request a report on a Minister's compliance with special requirements for the Cabinet. Such a review and report may be undertaken at the initiative of the Integrity Commissioner. But that seems appropriate only where the facts and law are not in dispute, such as the case of admitted, clearcut, significant breach on which the Assembly should have an opportunity to render judgment. There have been just two formal reviews of Members' conduct under the Act, both initiated by the Integrity Commissioner without assuming a role of complainant or prosecutor inconsistent with the objectivity required in a quasi-judicial process. One of these reviews occurred in the past year. My resulting report was adopted by the Assembly and can be found on my website. It underlined the crucial importance of transparency in giving electors the information they need to judge their Members' ethical performance.

3.

Last year's report, from the vantage point of the quinquennial statutory review, looked at some length backward and forward, offering an assessment of the past and suggestions for the future. There is no need to repeat these observations. I leave them in the capable hands of my successor and the Members.

Nunavut Elections Act

With a general election next fall the Integrity Commissioner may be called on, as 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.

Consultations continued during the year on updating the protocol defining the respective enforcement roles of the Chief Electoral Officer, the RCMP and the Integrity Commissioner in preparation for the next general election.

Appreciation

This year I continued to benefit from liaison with colleagues of other jurisdictions through the Canadian Conflict of Interest Network, the Council of Canadian Administrative Tribunals and the Council on Governmental Ethics & Laws, although I was unable to take advantage of any of their conferences.

With this report, I celebrate an association spanning almost four decades with the people of Nunavut. I have especially treasured the privilege of playing a small part at the birth and in the formative years of their new Territory. I am grateful to all those on whose help and support I have depended during the past eight years, in particular the Members and staff of the Legislative Assembly, whom I wish every continued success in the unending work-in-progress of creating and sustaining their culture of integrity.

March 31, 2008

Robert Stanbury