

Annual Report: April 1, 2001 to March 31, 2002

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

Conflict of Interest Commissioner

April 1, 2001 to June 30, 2001

Integrity Commissioner

July 1, 2001 to March 31, 2002

May 2002

The Honourable Kevin O'Brien

Speaker of the Legislative Assembly of Nunavut,

Iqaluit, Nunavut

Mr. Speaker:

I have the honour to submit my annual report to the Legislative Assembly of Nunavut covering the fiscal year April 1, 2001, to March 31, 2002, including my tenures as Conflict of Interest Commissioner from April 1 to June 30, 2001, and as Integrity Commissioner from July 1, 2001, to March 31, 2002.

Respectfully,

Robert Stanbury

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Conflict of Interest Commissioner/Integrity Commissioner

History

At the creation of Nunavut on April 1, 1999, conflict of interest legislation applicable to the Legislative Assembly was inherited from the pre-division Northwest Territories. The governing law was Part III of the Legislative Assembly and Executive Council Act (Nunavut), administered by the Conflict of Interest Commissioner, an independent officer of the Legislative Assembly.

Following my appointment as Nunavut's first Conflict of Interest Commissioner early in 2000, I was asked to review that legislation along with the report of the 1999 NWT Conflict of Interest Review Panel, subsequent changes to the NWT law, and Inuit traditional knowledge bearing on the subject, then to recommend for Nunavut cost-effective legislation consistent with both Inuit concepts and accepted standards in other Canadian jurisdictions. My resulting report, *For A Culture of Integrity*, formed the basis of a new statute, the Integrity Act, which came into force on July 1, 2001, when I became the Integrity Commissioner.

This report for the fiscal year 2001-2002, therefore, covers my tenures as Conflict of Interest Commissioner from April 1 to June 30, 2001, and as Integrity Commissioner from July 1, 2001 to March 31, 2002.

## Disclosure Statements

Members were required by law to file disclosure statements by May 31, 2001, and the Clerk of the Legislative Assembly informed me that all did so.

## Activities of the Office

This was a watershed year between old law and new. Nunavut lawmakers gave high priority to enacting a new law to govern themselves, a state-of-the-art statute committing to the highest standards of integrity and accountability. It was my honour to work with them and with the able legislative drafters of the Department of Justice, under the direction of Mark Spakowski and Ralph Armstrong, to develop this landmark law so fundamental to the faith of Nunavummiut in their government.

On May 24, 2001, at a sitting "under the midnight sun" in Cambridge Bay, I appeared as a witness as the Legislative Assembly considered and passed the bill which became the Integrity Act, S. Nu. 2001, c. 7. During that week I met individually with Members, reviewing their disclosure statements, and briefed news media on the new law.

The Integrity Act is founded both on Inuit traditional values and on the most current principles of parliamentary ethics. Its processes are informal, flexible and timely. It emphasizes openness and accountability. Its approach is preventative not punitive, while providing for significant sanctions. It encourages Members to seek the guidance of the Integrity Commissioner, an independent officer of the Legislative Assembly, and allows for consultation with Elders. It respects the right and responsibility of the elected to be judged first by their peers and ultimately by the community. It is designed to foster not simply compliance with rules but a total culture of integrity in public office.

During the first week of October, 2001, in Iqaluit, I interviewed Members and consulted with the Law Clerk, the Clerk and key staff of the Legislative Assembly in preparation for developing new public disclosure forms, an information brochure and a Web site. I also met with Ms. Eva Ariak, the Languages Commissioner, who graciously agreed to make her office available to me as a public contact point apart from the Legislative Assembly. The 1999 NWT Conflict of Interest Review Panel had recommended maintenance of an office accessible to the public outside the Legislative Assembly building. In the interests of economy, I was pleased to be able to make the arrangement with the Languages Commissioner as an ideal alternative.

Through the year I responded to Members' requests for advice, both formal and informal, face to face and by e-mail, fax and telephone, and to enquiries from news media and the public. I was also consulted by ministerial staff sensitive to their own ethical standards as well as to potential reflection of their actions on their Ministers. Although my jurisdiction extends only to the Legislative Assembly, I have welcomed staff enquiries and tried to be responsive to them.

In some jurisdictions, senior ministerial staff as well as senior civil servants are subject to ethics regimes similar to those applicable to elected representatives. The NWT Conflict of Interest Review Panel recommended that "Deputy Ministers and those functioning at an equivalent level" be subject to the same legislated standards as Ministers. In my special report I recommended, and it was decided, that the first focus should be on the elected representatives. However, Members might wish now to consider complementary legislation recognizing the importance of appointed officials to the ethical integrity of government.

To keep abreast of developments in this field, I have benefited from continuing liaison with my territorial, provincial and federal counterparts through the Canadian Conflict of Interest Network, in particular at its annual conference last September in Toronto.

Again in the past year I have appreciated the co-operation of Members of the Legislative Assembly, the Law Clerk, the Clerk and his able colleagues, who have been instrumental in building a sound foundation for a culture of integrity in the governance of Nunavut.