

Annual Report: April 1, 2002 to March 31, 2003

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 31, 2003

The Honourable Kevin O'Brien, MLA

Speaker of the Legislative Assembly of Nunavut

Iqaluit, Nunavut

Mr. Speaker:

In accordance with section 57 of the Integrity Act, I have the honour to submit my annual report to the Legislative Assembly of Nunavut covering the fiscal year April 1, 2002, to March 31, 2003.

Respectfully,

Robert Stanbury

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Annual Report 2002-2003

Integrity Commissioner

The Office

The Integrity Commissioner is an independent, arms-length officer of the Legislative Assembly of Nunavut. The office was created by the Integrity Act, which came into force on July 1, 2001, replacing conflict of interest legislation inherited from the former Northwest Territories, which had applied to the Assembly since the founding of Nunavut on April 1, 1999.

Having held the office of Conflict of Interest Commissioner under the old law, I became Integrity Commissioner under the new. This annual report covers my first full year in the new capacity and is my fourth in both roles.

The Integrity Act commits Members of the Legislative Assembly to favour the public good over private interests. It establishes standards and accountability for Members' ethical performance of their duties. The Integrity Commissioner provides advice to Members, and may review their compliance with the Integrity Act and recommend sanctions to the Assembly.

Added Jurisdiction

The Nunavut Elections Act, which came into force during the year, empowers the Integrity Commissioner to enter into a compliance agreement, as an alternative to prosecution, with a person alleged to have committed an offence under that Act.

Disclosure Statements

The Integrity Act obliges each Member to file, by a date fixed by the Integrity Commissioner, an annual statement publicly disclosing family financial interests. As the Clerk of the Assembly informed me that all Members did so by the deadline of May 31, 2002, I determined that all Members complied with this requirement of the law.

As this is my last annual report before the next Nunavut general election, it will be of interest that all Members also have filed their annual public disclosure statements before the 2003 due date of May 31. Newly-elected Members must file a public disclosure statement within 60 days after being elected. All Members' disclosure statements are open to the public through the Clerk of the Assembly.

Activities of the Office

As the Integrity Act requires them to do at least once every year, all Members met individually with me to review their family financial affairs and their understanding of their obligations under the Act. In fact, during the year I interviewed each Member twice in Iqaluit, once in May 2002, and again in March 2003.

On those occasions I also consulted with the Clerk and Assembly staff on ethical standards for Assembly employees, refinement of disclosure forms, creation of a Web site, and preparation of a brochure about the Integrity Act and my office. My Web site, www.integritycom.nu.ca, was launched, providing information on the Act, its background and the Integrity Commissioner, as well as reports and disclosure forms. The brochure's text and design were completed and it is scheduled for publication and distribution in the summer of 2003.

By e-mail, fax and telephone, as well as face to face, I have been in frequent communication with Members and staff, as well as with citizens, news media, government officials and my counterparts in other jurisdictions.

During the year, I gave advice, formally and informally, to individual Members on compliance issues. I also issued an Advisory to all Members in response to questions about the propriety of accepting free air travel. As a general rule, I advised that acceptance of free air travel by a Member or his or her family, in particular from a company which is a supplier to the Government and whose operations are subject to decisions of the Assembly, is likely to be considered a breach of the Integrity Act. Members were reminded that the Act generally prohibits gifts, subject to certain limited reportable exceptions, and in case of doubt they were encouraged to seek my advice.

As provided for in the Integrity Act, I authorized a Member to be a party to certain contracts with the Government, which otherwise would not be allowed, on the basis that they were unlikely to affect the Member's performance of public duties and they appeared to be in the public interest.

I responded to requests for advice about activities of ministerial staff, from both Ministers and concerned staff, although my jurisdiction under the Integrity Act is limited to Members of the Assembly. I also received inquiries from the public about conduct of senior officials who are not covered by this legislation. As noted in my last annual report, 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. I understand that standards of conduct for Government of Nunavut employees generally are under active inter-departmental review.

Accepting a new role under the Nunavut Elections Act, passed in 2002, I consulted with the Chief Electoral Officer, Justice officials and the RCMP about our respective responsibilities in enforcement of that Act. Discussions were commenced respecting a protocol which is required to be arranged among us.

Throughout the year, I have continued to benefit from my contacts with counterparts through the Canadian Conflict of Interest Network (CCOIN) and the Council on Governmental Ethics (COGEL). The CCOIN annual meeting in Regina and the international COGEL conference in Ottawa, as well as the annual conference of the Council of Canadian Administrative Tribunals in Ottawa, were welcome opportunities to share knowledge and experience of value to this office.

At a time when integrity in government and business has been much in the public mind, I have appreciated Members' conscientious attention to their ethical obligations and I am grateful for the co-operation of the Clerk and Assembly staff. It has been my pleasure now to know every Member who has served in the Legislative Assembly of Nunavut, and it has been a privilege to help them establish the culture of integrity to which they have committed themselves and their successors.

May 31, 2003
Robert Stanbury