
INTEGRITY COMMISSIONER OF NUNAVUT

**An Independent Officer of the
Legislative Assembly of Nunavut**

Position Profile



Legislative Assembly of Nunavut

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I. ENABLING LEGISLATION, PURPOSE AND MANDATE

The position of Integrity Commissioner of Nunavut is established pursuant to section 24 of the *Integrity Act*. The Integrity Commissioner fulfills a range of responsibilities under the *Integrity Act* and the *Nunavut Elections Act*.

The *Integrity Act*, which was passed in 2001, affirms in law the commitment of Members of the Legislative Assembly to favour the common good over private interests. It sets out a system of standards and accountability for the ethical performance of their duties. The Act provides that a Member of the Legislative Assembly shall not make a decision or participate in making a decision in the performance of his or her duties of office or otherwise exercise an official power or perform an official duty in the exercise of his or her office if the member knows or reasonably should know that in doing so there is an opportunity to further the member's private interest or improperly to further another person's private interest. The Act requires all Members to file, on an annual basis, a public disclosure statement that lists the nature and source of their family assets, income and liabilities.

The Integrity Commissioner provides advice to all Members of the Legislative Assembly concerning their obligations under the Act, and is required to meet with all Members on an annual basis. The Integrity Commissioner provides orientation sessions for newly-elected Members concerning their obligations under the Act. The Integrity Commissioner receives copies of Members' disclosure statements and approves blind trust arrangements. The Integrity Commissioner conducts reviews of alleged contraventions of the Act and reports his or her findings and recommendations to the Legislative Assembly. From time to time, the Integrity Commissioner may issue written guidelines and interpretive documents concerning matters arising under the legislation.

The *Nunavut Elections Act* establishes the framework under which territorial general elections and by-elections are conducted. The legislation provides that a protocol among the Chief Electoral Officer, the Royal Canadian Mounted Police, the Public Prosecution Service and the Integrity Commissioner must be arranged respecting the enforcement of the Act. The Integrity Commissioner is responsible for developing and entering into compliance agreements with persons concerning contraventions of the Act.

II. ACCOUNTABILITY TO THE LEGISLATIVE ASSEMBLY AND STATUTORY REPORTING REQUIREMENTS

The Integrity Commissioner is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly for a five-year term of office. The Integrity Commissioner holds office during good behaviour.

The Management and Services Board of the Legislative Assembly approves the remuneration and budgets of all independent officers of the Legislative Assembly. From time to time, the Management and Services Board may issue direction concerning the operations of offices of independent officers in respect to such areas as financial management, human resources management, contracting and procurement.

Under section 57 of the *Integrity Act*, the Integrity Commissioner is required to submit an annual report to the Speaker of the Legislative Assembly on the activities of the Integrity Commissioner during the preceding fiscal year. The annual report is tabled in the Legislative Assembly.

Under section 44 of the *Integrity Act*, the Integrity Commissioner is required to submit reports to the Speaker on reviews of alleged contraventions of the Act. These reports are tabled in the Legislative Assembly. The Act itself prescribes the process for the Legislative Assembly's consideration of such reports.

III. SPECIFIC ACCOUNTABILITIES

The following does not represent an exhaustive listing of the responsibilities of the Integrity Commissioner. Rather, these accountabilities are the primary indicators against which performance will be measured in assessing the overall success of the independent officer. The complete and prescriptive descriptions of the role, responsibilities, authorities and legal requirements of the position of Integrity Commissioner are contained in the *Integrity Act* and the *Nunavut Elections Act*.

- The Integrity Commissioner shall develop such forms and processes are required to fulfill his or her responsibilities under the *Integrity Act* and the *Nunavut Elections Act*.
- The Integrity Commissioner shall, on request, provide written or verbal advice to individual Members of the Legislative Assembly (MLAs) concerning their obligations under the *Integrity Act*.

- The Integrity Commissioner shall meet personally with each Member within 90 days of his or her election to the Legislative Assembly to review the Member's public disclosure statement and to provide advice on the Member's obligations under the *Integrity Act*. The Integrity Commissioner shall meet with the Member and, in certain circumstances, his or her spouse, on an annual basis in the manner prescribed by the *Integrity Act*.
- The Integrity Commissioner shall develop and deliver an effective orientation program for newly-elected Members of the Legislative Assembly concerning their obligations under the *Integrity Act*.
- The Integrity Commissioner shall develop and maintain a *Manual* for the use of Members of the Legislative Assembly concerning all relevant matters under the Act. The *Manual* shall contain such items as public disclosure forms and interpretive bulletins issued by the Integrity Commissioner.
- The Integrity Commissioner shall conduct reviews and make determinations concerning remuneration, gifts, benefits, contracts and trusts in the manner prescribed by sections 13-20 of the *Integrity Act*.
- The Integrity Commissioner shall conduct reviews and make reports concerning alleged contraventions of the *Integrity Act* in the manner prescribed by sections 36-47 of the *Integrity Act*.
- The Integrity Commissioner shall be a party to the enforcement protocol prescribed by section 226 of the *Nunavut Elections Act*.
- The Integrity Commissioner shall develop and enter into compliance agreements with persons as prescribed by sections 230-233 of the *Nunavut Elections Act*.
- The Integrity Commissioner shall maintain detailed statistics and records concerning the annual activities of his or her office.
- The Integrity Commissioner shall, pursuant to section 57 of the *Integrity Act*, prepare an annual report to the Legislative Assembly.
- The Integrity Commissioner shall, as appropriate, consult with and/or engage Elders for advice or assistance for purposes relating to *Inuit Qaujimajatuqangit* in the exercise and performance of the duties of the Integrity Commissioner.

- The Integrity Commissioner shall develop and make available information resources to assist the public in understanding the role of the Integrity Commissioner. These resources will be accessible to the public through an up-to-date website.

IV. BUDGET

The Management and Services Board of the Legislative Assembly approves the remuneration and budgets of all independent officers of the Legislative Assembly. From time to time, the Management and Services Board may issue direction concerning the operations of offices of independent officers in respect to such areas as financial management, human resources management, contracting and procurement.

Human Resources

The Integrity Commissioner has the authority to engage counsel, experts and other persons to carry out the functions of the Office. Certain administrative and technical functions, including maintenance of the Integrity Commissioner's website and translation of documents, will be provided by employees and/or contractors of the Office of the Legislative Assembly of Nunavut.

V. PROFESSIONAL DEVELOPMENT AND ASSOCIATIONS

The Integrity Commissioner will be an active member of the Canadian Conflict of Interest Network:

<http://ciec-ccie.qc.ca>

The Integrity Commissioner will participate in the network's annual meetings to remain current with developments and best practices in other Canadian jurisdictions. Costs related to the Integrity Commissioner's participation in the network will be paid by the Legislative Assembly. The Integrity Commissioner is expected to undertake independent reading in order to remain current with relevant literature in the fields of conflict of interest, ethics and parliamentary law.

VI. TERMS AND CONDITIONS

The Integrity Commissioner is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly for a five-year term of office. The Integrity Commissioner holds office during good behaviour. The Integrity Commissioner continues to hold office after the expiry of his or her term until reappointed, or until a successor is appointed.

The Integrity Commissioner is not a public servant within the meaning of the *Public Service Act*.

The Management and Services Board approves the remuneration for the position, which will be negotiated on a contractual basis with the successful applicant.

VII. COMPETENCIES

The demands of this position require skills and attributes that go far beyond those obtained simply through academic qualifications. In addition to the formal educational and professional certifications required for the role, the Integrity Commissioner must have the proven ability to apply a balanced, common sense approach to carrying out the duties of the position, while exercising sound judgment and demonstrating fairness, integrity and tolerance.

Credibility in the legal community is critical. The Integrity Commissioner must have an understanding of the constitutional and political context of the position's role and the ability to carry out its functions with the dignity befitting an independent officer of the Legislative Assembly of Nunavut.

1. Formal Qualifications and Credentials

- The Integrity Commissioner must be legally entitled to practice law. The Integrity Commissioner must have a degree in law from an accredited Canadian university.

2. Knowledge and Experience

- A thorough knowledge of administrative law, including the principles of natural justice in the conduct of investigations;
- A thorough understanding of financial concepts covered by the *Integrity Act*, including trust arrangements; and

- Working knowledge of the Canadian parliamentary system and an understanding of the unique characteristics of the Legislative Assembly of Nunavut.

3. Skills and Abilities

- Strong problem-solving skills, including a demonstrated ability to conduct fair and impartial investigations and hearings;
- Proven analytical and decision-making skills;
- Strong writing skills, including a demonstrated ability to prepare written judgements or similar documents; and
- Proficiency in the English language. Knowledge of the Inuit Language is a definite asset.