



# Legislative Assembly of Nunavut

APRIL 2021 - MARCH 2022

ANNUAL REPORT

OFFICE OF THE INTEGRITY COMMISSIONER

Katherine R. Peterson, K.C.  
Integrity Commissioner  
September 2022



## INTRODUCTION

Public confidence in the integrity of elected members of the Legislative Assembly is essential to the operation of the Assembly and the Government of Nunavut as a whole. Nunavummiut expect that elected members, in whom the public has placed their trust, will conduct themselves in a way that puts the public interest before any private interest of the member. Elected members must not use their position to benefit themselves, their family or any other person or business.

After the creation of Nunavut, the First Legislative Assembly passed the Integrity Act in 2001. The Act affirms in law the commitment of the members of the legislature to always serve the common good and to act with integrity. It establishes a system of standards and accountability for fulfilling that commitment. It creates the position of Integrity Commissioner, an independent officer of the Legislative Assembly. The main role of the Integrity Commissioner is to assist members of the Legislative Assembly (MLAs) in fulfilling their commitment to act with integrity by avoiding any contravention of the Integrity Act. In addition, the Integrity Commissioner is obliged to investigate any complaint that a Member has failed to meet his or her obligations under the Act and to report to the Legislative Assembly about any such review.

The specific obligations of elected members and Ministers is set out in Appendix A to this Report.

The Act requires the Integrity Commissioner to report annually to the Speaker and to the Legislative Assembly on his/her activities for the previous fiscal year. Accordingly, this report details activities during the period April 2021 to March 2022.

## **ROLE OF THE INTEGRITY COMMISSIONER**

The Integrity Commissioner is appointed by the Commissioner of Nunavut, on the recommendation of the Legislative Assembly. I was appointed on October 23, 2018 for a term of five years.

The Integrity Commissioner is an independent officer of the Legislative Assembly and cannot be removed from office except for cause or incapacity. He or she is responsible for impartially administering the Integrity Act. He or she has taken an oath to perform the duties of the office impartially and not to disclose any confidential information or advice except in accordance with the Integrity Act. Decisions made by the Integrity Commissioner are not subject to any appeal.

The main role of the Integrity Commissioner is to help members understand their obligations under the Integrity Act, to provide guidance to prevent conflicts of interest from arising, to properly deal with those conflicts that do arise and to provide advice and guidance regarding all other obligations under the Integrity Act. These other obligations include such matters as gifts and benefits which may be offered to a member, proper activities, and appropriate exercise of a member's duties of office and handling of confidential information. The Integrity Commissioner is an important resource for the MLAs. This advisory role is considered to be the most important function of the Integrity Commissioner.

Each member is required to meet with the Integrity Commissioner within ninety days of his or her election, and annually thereafter. The main purpose of the meeting is to review the contents of the member's Public Disclosure Statements, and to provide advice to members about their general and specific obligations under the Integrity Act. Often members use this initial meeting to review their personal situations and to obtain advice on a proactive basis.

## **ACTIVITIES DURING THE APRIL 2021 – MARCH 2022 YEAR**

### **Election Year**

This past year was an election year and accordingly, all elected members were required to meet with the Integrity Commissioner within 90 days of being elected. This past election saw 11 newly elected members to the Assembly.

In November 2021 a detailed day long orientation was provided by me to all elected members, whether or not they had served in the previous Assembly. All members attended this orientation and actively participated in discussions and questions regarding their ethical obligations. Following this orientation, I met with all but two elected members to review their specific situations, answer their questions and provide advice regarding these, and to explain the need for their Public Disclosure Statements.

### **Public Disclosure Statements**

All members of the Sixth Assembly filed their initial Public Disclosure Statements within the time specified by me.

The contents of the Form 1 Public Disclosure Statement are prescribed in the Act, and in addition to assets, liabilities, incomes, contracts, shareholdings, etc, the Statement includes details of any activity which is otherwise prohibited but which has been authorized by the Integrity Commissioner pursuant to the Act. The Disclosure Statements also include this information regarding family members. “Family” is defined in section 3 of the Integrity Act as being the member’s spouse and minor children and anyone who is related to the elected member, or his or her spouse, shares a residence with the member and is primarily dependent on the member or spouse for financial support.

During the past fiscal year, members filed a Supplementary Disclosure Statement (Form 2) or a Disclosure Statement of Gifts and Personal Benefits (Form 3), when required by the Integrity Commissioner or on the member's own initiative.

In addition to the general requirements regarding Public Disclosure Statements, those members who were chosen to hold Cabinet positions have specific obligations (see Appendix A). Ministers have a limited time to arrange their financial affairs to meet the requirements of the Act. A number of Cabinet Ministers sought and followed advice regarding these specific obligations.

All filed public disclosure statements are available for examination by members of the public at the Office of the Clerk of the Legislative Assembly upon appropriate arrangements being made for that purpose.

- 1. It is my recommendation that Public Disclosure Statements as well as Supplementary Disclosure Statements should be made more accessible to the public by the posting of electronic copies of these documents on the Integrity Commissioner's web site.**

As mentioned in Appendix A, Ministers have additional requirements regarding business and financial interests. One of these requirements is that a Minister entrust his or her business interests in a blind trust pursuant to a trust agreement with specified terms.

- 2. It is my recommendation that the Legislative Assembly consider an amendment to the Integrity Act which would oblige any Minister who is required to create a blind trust for business interests to disclose that fact, together with details of the particular business interest(s) affected. This would serve to bolster public confidence that no actions can be taken by a Minister to further his or her own private business interests.**

The Integrity Act does not set out any penalty or consequence for failing to file a Public Disclosure Statement or Supplementary Disclosure Statement. While it is possible for the Integrity Commissioner to institute a review under the Act (s. 40 and s. 36), it is preferable that there be specific consequences for failure to file required disclosure statements. Such an action could involve an administrative penalty, a stipulated statutory penalty, publication of such a breach of the Act, a Report to the Speaker to be tabled in the Assembly regarding any member(s) who have failed to file statements as required, or a combination of the above.

- 3. It is my recommendation that the Integrity Act be amended to provide penalties for the failure of an elected member to provide his or her initial Disclosure Statement following election to office, and subsequent annual Disclosure Statements and Supplementary Disclosure Statements.**

### **Annual Meetings with Integrity Commissioner**

Members are required under the Integrity Act to meet with the Integrity Commissioner once each year. This meeting can occur in person or by telephone. The purpose of the annual meeting is to review the contents of the Public Disclosure Statement made by the member and to discuss any other issues or concerns that the member may have.

As stated, in person meetings were conducted shortly after the election of members. Those who did not meet in person with me were contacted by telephone to address any issues specific to their situations.

## **Advice and Guidance for Members**

Any elected member of the Assembly can consult with the Integrity Commissioner at any time to obtain advice or guidance regarding the member's obligations under the Integrity Act. The consultations, and the advice given, whether verbal or in writing, are confidential, subject to a few specific exceptions. This allows members to speak openly and frankly about matters. The MLAs are encouraged to seek advice **before** acting. By asking for advice and guidance of the Integrity Commissioner, they can effectively avoid conflicts of interest or other contraventions of the Integrity Act from arising, and avoid any later formal investigation. A pro-active preventative approach is preferable. If a member requests the advice of the Integrity Commissioner in writing, and if the member follows the advice given by the Commissioner, there can be no complaint or sanction of the member in regard to the activity about which the member sought advice.

During the past fiscal year, many members sought the advice of the Integrity Commissioner, particularly **in advance** of an action or activity being contemplated by the member that he or she believed might possibly constitute a contravention of the Integrity Act. Most of these consultations were by e-mail, some by telephone. At times members were requested to provide documents or other information which would assist in providing advice. Without exception, members seeking advice provided information as requested and followed advice which was provided to them. Failure to follow advice sought from the Commissioner can result in the recommendation to the Assembly of sanctions to the member under the provisions of the Integrity Act.

The topics on which members sought advice were varied:

- possible conflict of interest (sections 8 and 15 of the Act);
- specific information to include/not include in public disclosure statements (section 5 and Forms 1, 2 and 3);
- the requirement to file a Supplementary Disclosure Statement;
- prohibition against receipt of additional remuneration, gifts or benefits connected to the performance of the member's duties of office (section 13);
- prohibition against additional remuneration outside of the member's duties of office, and whether such an activity can be authorized by the Integrity Commissioner as an exception;

- providing letters of support or references for individuals or members of the public;
- Involvement in volunteer or community activities;
- The reporting of travel or token gifts arising from the members' duties of office;

The most frequent areas for which advice was sought were the contents of Public Disclosure Statements, activities or circumstances that may give rise to a conflict of interest, and benefits, gifts or token gifts arising from a member's duties of office.

I reiterate that my communications with the individual MLAs in carrying out this advisory function are confidential in nature. Neither the request for advice, nor the advice given can be disclosed without the express agreement and consent of the member. This allows for a completely frank and open discussion of issues which the member communicates to the Integrity Commissioner.

### **Inquiry Role: Formal Investigations**

As stated earlier in this Report, the main role of the Integrity Commissioner is an advisory one, namely, assisting the MLAs to understand their obligations under the Integrity Act and providing guidance to avoid conflicts arising between public and private interests. While the focus is on prevention, the Integrity Commissioner also has an investigative role under the Act to determine whether an MLA has contravened the Act.

Allegations of an MLA's misconduct (i.e., a contravention of a specific provision of the Integrity Act) are received by the Integrity Commissioner and investigated and reported upon pursuant to a process detailed in sections 36-45 of the Act. In addition to an investigation arising from a complaint made in writing to the Integrity Commissioner, the Commissioner may him or herself commence an investigation if a matter has come to the attention of the Commissioner by some other means. The Commissioner has extensive powers granted by the legislation to compel the provision of documents and information, or to compel a person to attend for the purpose of providing information necessary for the conduct of the investigation.

Any member of the public can request that the Integrity Commissioner review an alleged contravention of the Integrity Act by an MLA. A complaint made to

the Integrity Commissioner which requests that the conduct of an MLA be investigated must be in writing and must be accompanied by a sworn affidavit. This is required by sections 36(2) and (3) of the Integrity Act.

If the nature of the complaint or initial evidence requires it, the Integrity Commissioner can conduct a hearing. For the purposes of such a hearing, the Integrity Commissioner can authorize searches, compel a person or persons to provide documents and compel the attendance of witnesses.

There is a class of senior public officials who are excluded from initiating a review by the Integrity Commissioner. These officials are listed in subsection 36(1.1) of the Act.

The Legislative Assembly itself can, by resolution, request a review by the Integrity Commissioner. The Premier can request a review with respect to a Minister.

Any report arising from an investigation or hearing by the Integrity Commissioner must be tabled by the Speaker in the Legislative Assembly once it is in session. The Assembly must then consider the report and vote to either accept the report in its entirety, including any recommended sanctions, or reject the report in its entirety.

The existence or lack of a complaint with the Office of the Integrity Commissioner remains confidential unless or until a report arising from such a complaint is tabled in the Legislative Assembly. This assists in ensuring that the complaint process does not become a political tool for improper purposes.

In March 2022 a matter was brought to my attention by the Premier regarding the conduct of Minister Lightstone respecting the appointment of the spouse of the Minister as acting Deputy Minister for a short period of time. The matter was initially raised in the House by Member Hickes and Member Savikataaq during Question Period. The Report regarding this review was tabled in the Legislative Assembly April 20, 2022 and a copy of the Report is available on the web site for the Legislative Assembly as tabled document 002-6(2). The Report found that Minister Lightstone was in contravention of the Integrity Act by appointing his spouse, who worked in the affected Department as acting Deputy Minister for a brief period while the Deputy Minister was scheduled to be on holiday. The Report recommended that Minister Lightstone acknowledge his actions and that the Legislative Assembly reprimand the Minister. Hansard is

the written record of all proceedings in the Legislative Assembly. Copies of Hansard may be viewed on the Legislative Assembly web site. The Hansard for April 20, 2022 reflects the tabling of this Report as well as the remarks and resignation from Cabinet of Minister Lightstone. Following the resignation of Minister Lightstone, a Leadership Forum was undertaken to choose a replacement for Minister Lightstone in cabinet (Member Craig Simailak).

During the course of my tenure as Integrity Commissioner, the elected members have not used the complaint process for political purposes, to attack other members, or for self advancement, as has sometime occurred in other jurisdictions. Members are to be applauded for their responsible attitudes in this regard and I encourage them to continue in this manner throughout their tenures as elected representatives.

In addition, it continues to be my observation that, generally speaking, elected members of the Assembly view their obligations under the Integrity Act seriously and that they take steps to ensure that the public can have confidence in their representation of the public's interests.

**OTHER ASSIGNMENTS REQUESTED BY THE  
MANAGEMENT AND SERVICES BOARD**

In addition to the statutory duties of the Integrity Commissioner described earlier in this Report, subsection 24 (2.1) of the Integrity Act provides further:

*24(2.1).The Integrity Commissioner may undertake any assignment the Integrity Commissioner considers appropriate that is requested by the Legislative Assembly or the Management and Services Board.*

• **Executive Assistants and Executive Secretaries**

The Management and Services Board (MSB) has given an additional assignment to the Integrity Commissioner in relation to the personal staff employed by each Minister of the Government of Nunavut (GN), i.e., executive assistants(EA) and executive secretaries (ES).

Each EA and ES, upon commencement of employment, signs a written contract with his or her Minister and the GN. In addition to the usual employment terms regarding duties, compensation and other benefits, there are provisions regarding conflict of interest. In order to avoid any real or perceived conflict of interest the EA or ES is required to make a confidential disclosure to the Integrity Commissioner within 30 days of commencing employment (and thereafter as appropriate) regarding the employee's business activities, personal holdings and volunteer and related outside activities in which GN policies or funds may be impacted. The contract provides that the Integrity Commissioner is to review the disclosure and to give direction for resolution of any perceived or actual conflict of interest.

In my last Annual Report I indicated that there were no disclosures nor advice sought from me by senior staff. During this most recent period, that situation has changed and advanced in some important ways. There have been inquiries from senior staff about possible conflict situations involving themselves, and in some instances, circumstances that could affect both the staff person and elected member for whom they work. In addition, there have been conversations with senior staff as to how these relationships can be enhanced,

and how supporting documents such as contracts and the Ministerial Procedures Manual can be amended to advance the important communication between the Office of the Integrity Commissioner and senior staff. In my view, this communication and relationship will be advanced further by in person meetings and orientations that will benefit both the affected staff and myself in terms of proactive advice and the development of tools and documents that entrench these practices. This practice existed previously and it would be beneficial to establish this process as part of the orientation of all new senior staff.

- 4. It is my recommendation that following all general elections, in addition to orientations provided to elected members, an orientation be provided to senior assistants to all members and that a review and enhancement of written policies, procedures and protocols affecting senior staff be continued and finalized.**

#### **• Deputy Heads**

Prior to 2014, Deputy Heads of government (Deputy Ministers and other senior government officials) were required to annually disclose in a confidential report to the Premier a statement of any current business activities or personal holdings or investments that may represent a conflict of interest, as well as volunteer or community positions or businesses pursued without remuneration. It was then for the Premier to determine whether any activities or holdings were in conflict with the Deputy Head's obligations to the Government of Nunavut, and to take action where necessary.

In 2014, the then Premier, the Honourable Peter Taptuna, requested the Management and Services Board (MSB) to authorize the Integrity Commissioner to take on an additional assignment in connection with these confidential disclosure statements. Under this assignment, authorized by the MSB in September 2014, the Premier can request that the Integrity Commissioner review and assess these confidential disclosure statements that are submitted to the Premier's office by the Deputy Heads. Following such review and assessment in each case, the Integrity Commissioner is to report any matter of concern, in confidence, to the Premier.

In recent years, I have initiated the request for provision of signed disclosure statements from deputy ministers and heads of public bodies through the Deputy Minister of the Department of Executive and Intergovernmental Affairs.

This request has received the prompt attention and assistance from that Deputy Minister.

I was in receipt of these signed confidential disclosure statements early in 2022 representing disclosures for the prior year. I did a review and assessment of each of these statements to assess whether there was any real, perceived or potential conflict of interest. No concerns arose as a result of this review.

### **· Independent Officers of the Legislative Assembly**

Also in 2014 the Management and Services Board (MSB) of the Legislative Assembly made a determination, with a view to consistency at the most senior level of government, to require the Clerk of the Legislative Assembly, and four Independent Officers of the Legislative Assembly (Languages Commissioner, Information and Privacy Commissioner, Representative for Children and Youth, and Chief Electoral Officer) to submit confidential disclosure statements (with respect to assets, liabilities, sources of income, GN contracts and outside activities to the Integrity Commissioner for his or her review. The MSB directed that the Integrity Commissioner then report any findings of concern to the MSB. The format of the confidential disclosure statement adopted is broadly consistent with the format of the public disclosure statement submitted by MLAs pursuant to the Integrity Act.

These annual confidential disclosure statements were received by me directly from all of the Independent Officers by the deadline communicated by me and represented activities and financial status during the prior year. No concerns arose as a result of my review of these statements. Results of the review of these statements are reported to the Management and Services Board through the Speaker of the Legislative Assembly.

From time-to-time Independent Officers have requested my advice as to situations and activities that could pose conflicts of interest or affect the prior Disclosure Statements filed. In my opinion, this is in accord with the overall responsibility of the Integrity Commissioner. In my view, it would be of benefit to clarify and confirm that it is the will of the Assembly that access to such advice is available to all Independent Officers. While this is not presently reflected in the Integrity Act or directives of the Management and Services Board, it would be a reasonable inclusion in the mandate of the Integrity Commissioner.

5. I recommend that the Management and Services Board issue a policy directive to Independent Officers of the Legislative Assembly that access to the Integrity Commissioner for advice regarding disclosure transparency and possible conflicts of interest is available and should be exercised when appropriate.

## NUNAVUT ELECTIONS ACT

Subsection 24(2) of the Integrity Act provides:

*24(2). The Integrity Commissioner shall perform the duties set out in this Act and the duties assigned to the Integrity Commissioner by any other Act.*

In the Elections Act, the legislature established a “diversion process” whereby a person charged with an offence under the Elections Act (for example, failure to file a required Financial Return with the Chief Electoral Officer) can avoid a formal prosecution in Court for such a summary conviction offence by entering into a voluntary Compliance Agreement with the Integrity Commissioner.

This is an assignment given to the Integrity Commissioner by the legislature and is unrelated to, and separate and apart from, the Integrity Commissioner’s main responsibilities under the Integrity Act, discussed earlier in this Report.

During the past year, arising from the election in October 2021, two distinct matters were referred to me suggesting possible breaches of the Elections Act. As at the date of this Report, those matters are still in the process of being resolved.

As I have indicated in my prior Report (2000 – 2001), the approach of handling Elections Act infractions in this way has much merit but is not without difficulties. As previously stated, the logistics are difficult. Law enforcement officers may not be aware of this process. Translated documents, such as Compliance Agreements, must be sent to the individuals who have not complied with provisions of the Elections Act. They have the right to have advice on whether to sign such an agreement, and the details of obligations contained in it. The availability of such advice can be difficult or non-existent. In addition, the requirements in a standard Compliance Agreement, such as publishing a public apology are not well understood and often beyond the financial and logistical means of the individual.

- 6. I recommend that the process of diversion from prosecution and provision of Compliance Agreements by candidates be reviewed with input from the Chief Electoral Officer, law enforcement authorities and public prosecutors, with a view to making recommendations to the Assembly regarding the continuation or amendment of this process.**

## **INQUIRIES FROM THE PUBLIC**

During this past fiscal year, I received inquiries from members of the public regarding the office of the Integrity Commissioner and its mandate and from government departments. While respecting the principle of confidentiality referenced earlier in this Report, I provided information and assistance as appropriate.

There continues to be some misapprehensions regarding the jurisdiction and role of the Integrity Commissioner. Understandably, it is often assumed that the Integrity Commissioner has the power or authority to investigate matters that may be described as a complaint or concern regarding ethical conduct generally

of an elected member of the Assembly. However, the authority accorded to the Integrity Commissioner is confined to those matters specifically set out in the Integrity Act. These are financial disclosure, conflicts of interest, not using the position of MLA to influence decisions or proceeding by other bodies such as courts or tribunals, not disclosing or using insider information to advance the position of the MLA, his or her family or associates, not lobbying for the benefit of another for remuneration. While I have previously considered in a positive way the expansion of the mandate of the Integrity Commissioner to include breaches of the Members' Code of Conduct (as opposed to only those issues set out in the Integrity Act), it was the experience of the Northwest Territories during the past year in this regard that, while instructive, such an expanded role was both difficult and expensive. If the mandate of the Integrity Commissioner continues to be interpreted and exercised expansively, such a formal change to include the Code of Conduct is much less compelling. It is my opinion, having reviewed the experience of the NWT in the Norn Inquiry, that the current Nunavut Integrity Act adequately addresses the ethical responsibilities of elected members without amendment.

## **INTERACTION WITH OTHER COMMISSIONERS**

As Integrity Commissioner for Nunavut, I belong to a national network of Commissioners with similar mandates in the other northern territories, the provinces, the federal House of Commons and the federal Senate. It is called the Canadian Conflict of Interest Network, or CCOIN for short. This group of Conflict of Interest Commissioners, Ethics Commissioners and Integrity Commissioners normally meets annually, usually in September, and keeps in close contact throughout the year to share common experiences, challenges and best practices to assist each other with their duties of office. This year, two meetings, one in September 2020 and one in March 2021 were held virtually. In addition to this annual meeting, throughout the year Commissioners share with one another reports and decisions made in their respective jurisdictions.

A data base of decisions from these bodies is maintained by the Parliamentary Office of the Conflict of Interest and Ethics Commissioner. I have utilized access to this resource to advise members of the Nunavut Legislative Assembly. I have further benefitted from the advice and perspective of my provincial, territorial and federal counterparts who unfailingly share freely of their time, experience and wisdom. I wish to acknowledge this ongoing collegial and professional support which has assisted me in the conduct of my duties.

<p style="text-align: center;"><b>LEGISLATIVE STAFF AND FACILITIES</b></p>
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As in prior years, staff of the Legislative Assembly, particularly the Office of the Clerk, have provided invaluable assistance and support. I would like to express my gratitude for the time and effort so generously provided. It has facilitated the fulfilment of my responsibilities in countless ways.

Respectfully submitted

Katherine R. Peterson, K.C.

Integrity Commissioner

# **APPENDIX A**

## **I PRINCIPLES SET OUT IN THE INTEGRITY ACT**

The founding principles of the Integrity Act are as follows:

- integrity is the first and highest duty of elected office;
- 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;
- 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; and
- 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.

Nunavummiut expect their MLAs to act with openness, objectivity and impartiality. The MLA's duty to act in the public interest supersedes the MLA's private interest.

## **II OBLIGATIONS OF ELECTED MEMBERS AND MINISTERS**

The Integrity Act describes the MLA's ethical obligations in these general terms:

(a) perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member;

(b) refrain from accepting any remuneration, gift or benefit, the acceptance of which might erode public confidence and trust in the integrity, objectivity or impartiality of the member, and in all other respects act in a manner that will bear the closest public scrutiny;

(c) arrange his or her private affairs in conformity with the provisions of the Act and act generally to prevent any conflict of interest from arising; and

(d) make all reasonable efforts to resolve any conflict of interest that may arise in favour of the public interest.

The goal of most of the provisions in the Act is to minimize the possibility of conflicts arising between public and private interests.

The Act imposes certain specific obligations and prohibitions upon each elected MLA:

- obligation to annually file a Public Disclosure Statement, describing the member's assets, liabilities, sources of income, etc.
- obligation to file Supplementary Disclosure Statements or Disclosure Statement of Gifts and Benefits as the circumstances require
- each member must meet annually with the Integrity Commissioner to review the member's responsibilities under the Integrity Act
- members are not allowed to receive "additional" remunerations, gifts or benefits connected to the performance of the member's duties of office
- Members are not allowed to have contracts with the Government of Nunavut (GN) or any of its public agencies
- Members must avoid, and declare, any conflict of interest

- Members are not allowed to use insider information, or information that they have confidentially because of their position as an elected member
- Members must not use their position as a elected member to influence decisions by other organizations or persons
- Members may not engage in paid lobbying

In addition to these duties which apply to all elected Members, those Members who are chosen to serve as a **Cabinet Minister** have additional duties and prohibitions. These are:

A minister shall not:

- Engage in employment or the practice of a profession;
- Engage in the management of a business carried on by a corporation;
- Carry on business through a partnership, sole proprietorship or private company;
- Hold an office or directorship, unless holding the office or directorship is one of the Minister's duties as a Minister, or the office or directorship is in a social club, religious organization or political party;
- Hold or trade in securities or commodities.

A Minister may maintain an interest in or ownership of a business if that interest is placed in a blind trust. This means that the Minister has no knowledge about or ability to make decisions about the running of the business.

## **APPENDIX B**

### **RECOMMENDATIONS**

- 1. It is my recommendation that Public Disclosure Statements as well as Supplementary Disclosure Statements should be made more accessible to the public by the posting of electronic copies of these documents on the Integrity Commissioner's web site.**
- 2. It is my recommendation that the Legislative Assembly consider an amendment to the Integrity Act which would oblige any Minister who is required to create a blind trust for business interests to disclose that fact, together with details of the particular business interest(s) affected. This would serve to bolster public confidence that no actions can be taken by a Minister to further his or her own private business interests.**
- 3. It is my recommendation that the Integrity Act be amended to provide penalties for the failure of an elected member to provide his or her initial Disclosure Statement following election to office, and subsequent annual Disclosure Statements and Supplementary Disclosure Statements.**
- 4. It is my recommendation that following all general elections, in addition to orientations provided to elected members, that an orientation be provided to senior assistants to all members and that a review and enhancement of written policies, procedures and protocols affecting senior staff be continued and finalized.**
- 5. I recommend that the Management and Services Board issue a policy directive to Independent Officers of the Legislative Assembly that access to the Integrity Commissioner for advice regarding disclosure transparency and possible conflicts of interest is expected and should be exercised when appropriate.**

- 6. I recommend that the process of diversion from prosecution and provision of Compliance Agreements by candidates be reviewed with input from the Chief Electoral Officer, law enforcement authorities and public prosecutors, with a view to making recommendations to the Assembly regarding continuation or amendment of this process.**