

Annual Report 2017

Commissioner for Legislative Standards



November 21, 2017

Honourable Perry Trimper
Speaker
House of Assembly
Main Floor, East Block
Confederation Building
St. John's, NL

Dear Speaker:

I am pleased to present this Report of the Commissioner for Legislative Standards pursuant to Section 35 of the *House of Assembly Act - Part II Conflict of Interest*.

Copies of this Report, as well as those from previous years, in addition to being available at the Office of the Commissioner, are also available through our web site at www.legislativestandardscomm.gov.nl.ca. The site also contains links to other jurisdictions.

Sincerely yours,



Bruce Chaulk
Commissioner for Legislative Standards

Introduction

This report covers the period January 1, 2017 to December 31, 2017.

Member Consultations

The Commissioner's Office regularly deals with requests from members seeking clarification, interpretation or guidance respecting the obligations of the member under conflict of interest legislation and/or the member's code of conduct. In accordance with section 40(3) of the *House of Assembly Act*, an opinion offered by this office to a particular member is privileged. The member may, if they so choose, release a copy of such an opinion but the Office of the Commissioner may only do so with the consent of the member in writing.

As such, member consultations and opinions offered can only be referenced in this report in a manner that respects the confidential nature of that activity. Without referencing dates or specific issues, the cooperation of the members involved is acknowledged and their desire to ensure their compliance with the provisions of the legislation is appreciated.

Referred Questions - Reports

The Commissioner's Office may also receive a request from a member to investigate and report on the activity of another member with respect to conflict of interest provisions of the *House of Assembly Act* and/or the *House of Assembly, Accountability, Integrity and Administration Act*. In such a case, the findings of the Commissioner are not privileged and would typically result in a report to the member involved and to the House itself.

In January of 2017 the Commissioner's office received a request from MHA Paul Davis (MHA-Topsail Paradise) for an opinion on a matter regarding the alleged breach of the Code of Conduct by MHA Colin Holloway (MHA – Terra Nova). The report on that matter was tabled in the House of Assembly May 30, 2017. The link for the report is as follows:

<https://www.legislativestandardscomm.gov.nl.ca/reports/HollowayReport.pdf>

Disclosure Statements

Paragraph 36(1)(b) of the Act requires every elected member or appointed minister to file a Disclosure Statement on or before April 1 of each calendar year. In addition, Paragraph 36(1)(c) requires every elected member or appointed minister to file a Disclosure Statement within 60 days of his/her election/appointment.

Once filed, these disclosure statements are reviewed by the Commissioner and a Public Disclosure Statement is prepared for the signature of the member. The review process can in many cases take a considerable amount of time as it often involves back and forth communication between the member and the Commissioner. In some cases the Commissioner may recommend that a member place some or all of their business interests in a blind trust. As a result of a cabinet shuffle, two members were no longer required to maintain a blind trust. One new Cabinet Minister was required to establish a blind trust.

All members submitted the required statements for the report period in compliance with the Act. The resultant Public Disclosure Statements are on file in the Commissioner's office for public inspection.

There was one by-election held on November 21, 2017 that resulted in the election of a new member. The statement for that member was due in January 2018.

Public Office Holder Appeals

During the year, there were no appeals received from public office holders in accordance with s.17 of the *Conflict of Interest Act, 1995*.

Conferences/Meetings

Annual Conferences and meetings provide Commissioners with an opportunity to exchange information on issues of common interest and review legislative and regulatory differences and trends. In that regard, the Commissioner attended the Annual Conference of the Canadian Conflict of Interest Network (C-COIN) held in Charlottetown in September of 2017.

