

# Annual Report 2010-2012

## Commissioner for Legislative Standards



December 17, 2012

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

Dear Speaker:

I am pleased to present the 2012 Annual Report of the Commissioner for Legislative Standards pursuant to Section 35 of the House of Assembly Act - Part II Conflict of Interest.

Please note, this report covers the period **April 1, 2010** to **March 31, 2012** and includes an update on activities of the Commissioner's Office prior to the date of my own appointment as Commissioner on May 26, 2011.

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 online at [www.legislativestandardscomm.gov.nl.ca](http://www.legislativestandardscomm.gov.nl.ca). The site also contains links to other jurisdictions.

Sincerely yours,



**Victor A. Powers**  
Commissioner for Legislative Standards

## Introduction

This report covers the period April 1, 2010 to March 31, 2012.

Mr. Paul Reynolds, the previous Commissioner, passed away in April of 2011. Due to his illness he was unable to complete a report on the activities of this office for the period April 1, 2010 to March 31, 2011.

Upon the appointment of Victor Powers as the Commissioner on May 26, 2011, the Commissioner was able to review files and working materials respecting the reporting period ending in March of 2011 and the period from April 1, 2011 to May 25, 2011.

The examination of these files indicated all members were compliant with the legislation for and during these periods. In addition, there had been no formal requests or applications from any member, the Honourable Premier or the House of Assembly to investigate any possible contraventions of the Act.

Mr. Reynolds had completed reviews related to the appeal process for government employees under the Public Service conflict of interest legislation. The communication of the Commissioner's findings to the appeal stakeholders was completed by the current Commissioner.

## Disclosure Statements

Paragraph 36(1) (b) of the Act requires every elected member to file an Annual Disclosure Statement before April 1 of each calendar year. In addition, Paragraph 36(1) (c) requires every elected member to file a full disclosure statement within 60 days of his/her election.

As 2011 was a general election year, any member who was returned to the House of Assembly as a result of the general election was required to file two disclosure statements for the year, one at April 1, 2011 another at December 11, 2011.

All members submitted the required statements in compliance with the Act, although in many cases, significant delays were experienced. The resultant Public Disclosure Statements are on file in the Commissioner's office for public inspection.

It appeared that these delays were the result of confusion respecting the requirement for many members to complete two filings instead of one. The issue was further complicated by the fact that, with respect to the April 2011 filings, the process also involved the completion of files that had been initiated by the previous Commissioner.

Having said this, tardiness with respect to the member filings is an issue that has been addressed in many of the previous Commissioner's reports.

On that note, the importance for all members to submit future required disclosure statements in a timely manner must be emphasized.

## **Member Consultations**

From May 26, 2011 onward, several requests were received from members seeking clarification, interpretation or guidance respecting the obligations of the member under conflict of interest legislation or the member's code of conduct.

Per section 40(3) of the House of Assembly Act, such opinions are privileged, but may be released by the member or with the consent of the member in writing.

The Commissioner wishes to acknowledge the cooperation of the members involved and the members desire to ensure their own compliance with the provisions of the legislation.

## **Investigations**

During the reporting period covered there were no formal requests or applications from any member, the Honourable Premier or the House of Assembly to investigate any possible contravention of the Act by a member.

## **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. During the year, the Commissioner was not able to attend the annual conference for Canadian Commissioners in September 2011 in Victoria, BC. This was due to election related commitments in the Commissioner's dual role as Chief Electoral Officer. The Commissioner expects to attend the September 2012 conference in Fredericton, NB.