

Annual Report 2018

Commissioner for Legislative Standards



October 3, 2019

Honourable Scott Reid
Speaker - Acting
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, 2018 to December 31, 2018.

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.

During the year, the Premier requested that the Commissioner issue an opinion regarding the activities of a company owned by the Premier that had dealings with Newfoundland and Labrador Housing. The Premier released the opinion and gave the Commissioner permission to release the opinion publicly. The link for the report is as follows:

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

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.

During the year the Commissioner's office received five requests from three members for an opinion regarding the alleged breach of the Code of Conduct by MHA Eddie Joyce (Humber – Bay of Islands) and MHA Dale Kirby (Mount Scio). The reports were sent to the Management Commission and were tabled in the Legislature. The links for the reports are as follows:

<https://www.legislativestandardscomm.gov.nl.ca/reports/JoyceReport3.pdf>

<https://www.legislativestandardscomm.gov.nl.ca/reports/JoyceReport2.pdf>

<https://www.legislativestandardscomm.gov.nl.ca/reports/JoyceReport1.pdf>

<https://www.legislativestandardscomm.gov.nl.ca/reports/KirbyReport2.pdf>

<https://www.legislativestandardscomm.gov.nl.ca/reports/KirbyReport1.pdf>

Subsequent to the reports being tabled in the legislature, the Commissioner was requested to appear before the legislature to speak and to respond to questions from the Members about the processes followed in the reports.

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.

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.

During the year there was one by-election held on September 20, 2018 that resulted in the election of a new member. The statement for that member was received on time.

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.

Presentations

During the year, the Commissioner was invited to make a presentation to the Standing Committee on Ethics and Conflict of Interest for Senators of Canada.

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 hosted the Annual Conference of the Canadian Conflict of Interest Network (C-COIN) held in St. John's from September 5th to 7th, 2018. In addition, the Commissioner attended the "Building Trust in Government 2018" – Public Sector Ethics Conference in Toronto.