

**NORTHWEST TERRITORIES
CONFLICT OF INTEREST COMMISSIONER**

**ANNUAL REPORT
TO THE LEGISLATIVE ASSEMBLY
FOR 2015**

David Phillip Jones, Q.C.

31 December 2015

Northwest Territories
Conflict of Interest Commissioner

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This is my second Annual Report as the Conflict of Interest Commissioner, and covers the period from the end of my last report (September 30, 2014). Section 99 of the *Legislative Assembly and Executive Council Act*, S.N.W.T. 1999, c. 22 (the "Act"), requires that an annual report be submitted "during each year".

A. JURISDICTION OF THE COMMISSIONER

The Conflict of Interest Commissioner receives its authority under Part 3 of the Act.

1. Disclosure Statements

- Section 87 of the Act requires Members of the Legislative Assembly to make an annual private disclosure of their private interests (including the private interests of their immediate families) by filing with me a Disclosure Statement detailing specifics of income, assets, liabilities and financial interests.
- Section 87(1) of the Act specifies the deadline by which a Member must file the Disclosure Statement with me (namely, the anniversary of the 60th day after the commencement of the first sitting of the Legislative Assembly after the election of the Member—which was 27 December 2013). I received Disclosure Statements from all Members, although three were late (perhaps because of confusion over the holiday period).
- Section 88 of the Act requires the Members to meet with me following the filing of their Disclosure Statements to ensure that adequate disclosure has been made and to receive advice from me with respect to their obligations under the Act. I met with the Members in February 2015 in Yellowknife and I am satisfied that each Member made adequate disclosure in his or her respective Disclosure

Statement. I believe the Members have a satisfactory understanding of their obligations under the Act.

- Section 89 outlines my responsibility to prepare a public disclosure statement for each member who has provided a Disclosure Statement. A supplementary public disclosure statement is required where a member has provided a Supplementary Disclosure Statement. The public disclosure statements for the Members were completed by me and filed in the Registry maintained for this purpose at the Legislative Library in Yellowknife. One Supplementary Disclosure Statement was subsequently received and a corresponding supplementary public disclosure statement was also filed in the Registry.
- Section 90 provides that the Conflict of Interest Commissioner shall destroy any disclosure statements filed by former Members six years after the person ceased to be a Member (with certain exceptions, none of which is applicable). Over the course of this year, I have performed this task, both with respect to the public disclosure statements filed at the Legislative Library and with respect to the private disclosure statements contained in the Commissioner's files. With the end of the 17th Assembly in October 2015, I have diarized this task for 2021 for the destruction at that time of the disclosure statements of those Members who were not re-elected in 2015.
- Sections 97 and 98 permit the Speaker, Premier, Members or former members to request written advice and recommendations from the Conflict of Interest Commissioner on any matter respecting conflicts of interest and obligations under Part 3 (Conflict of Interest) of the Act. Because information provided and relating to the requests and any advice and recommendations of the Conflict of Interest Commissioner are confidential, I am not at liberty to provide any details about such requests. However, I am always available to respond to such requests.

2. Authorized Exceptions

- Under section 85(4), I may authorize a member, corporation owned or controlled by the Speaker or a Minister or his or her immediate family, or former member to accept an appointment, benefit, contract or employment, or to engage in an activity that they may otherwise be prohibited from accepting or engaging in, subject to such conditions as I consider appropriate to impose, provided that I am satisfied that the contract or activity is fair and reasonable and not contrary to the public interest.
- I have not been called upon to make any such determinations during the past year.

3. Extensions of time

Please see my report to the Speaker dated September 20, 2015 with respect to the late filing of Disclosure Statements for 2015 by three Members.

4. Dismissed complaints

No Member or former member was the subject of a complaint during the period covered by this report, so no such complaint was dismissed by me under section 102(1)(a) of the Act.

B. ELECTIONS

Elections for Members of the Legislative Assembly were held on November 23, 2015, and (as is the practice in the NWT's consensual mode of government) elections for Premier and Cabinet Ministers took place on December 16 and 17, 2015.

I provided advice to several Members about the restrictions in section 83.1 through 83.7 that would apply to them if they were not re-elected, and subsequent to the election have provided similar advice to several former Members.

After the election of the Cabinet Ministers, I reviewed the disclosure statements of those who were returning Members, and requested those who are new Members to complete disclosure statements so that I could determine whether there might be any apparent conflicts of interest or other requirements that would need to be addressed in their taking up Ministerial office.

I have made arrangements to be available to meet with Members in February 2016 as they prepare to file their Disclosure Statements.

C. ACKNOWLEDGMENTS

I would like to publicly thank Tim Mercer, Clerk of the Legislative Assembly, and Cynthia James, the Members' Secretary, for their very able, willing, effective and cheerful assistance to me—and to Members and Ministers—in the administration of the conflict of interest legislation.

I would also like to thank my assistant, Linda Volz, in my office in Edmonton for her support to me in performing this function.

Finally, I appreciate the confidence shown in me in performing this task.

D. CONTACT INFORMATION

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All of which is respectfully submitted this 31st day of December 2015 by:



David Phillip Jones, Q.C.
Conflict of Interest Commissioner