

Annual Report 2013-2014

Commissioner for Legislative Standards



October 30, 2015

Honourable Wade Verge
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.gov.nl.ca/conflictcommissioner. The site also contains links to other jurisdictions.

Sincerely yours,



Victor A. Powers
Commissioner for Legislative Standards

Introduction

This report covers the period from my last report to the end of December 2014. The key reason for making this change from a fiscal year end to a calendar year end basis is to give more effect when reporting on member's most recent filings.

By way of explanation, in years other than election years, April 1 is the deadline established for members to file their annual disclosure statements with this office. In past years, a report prepared on a fiscal year basis, i.e. up to March 31 of a given year would be referencing member annual disclosure statements as of the previous April 1. Reporting on a calendar year basis would mean the report would actually reference the member filings for that year.

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 this office 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, I do wish to acknowledge the cooperation of the members involved and I applaud their desire to ensure their own compliance with the provisions of the legislation

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 Member's Code of Conduct. 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 this regard, In September 2012 the Commissioner's office received a request from MHA Yvonne Jones for an opinion on a matter regarding the involvement of MHA David Brazil with an Adult Basic Education Program in his district. My report on that matter was tabled in the House of Assembly in November of 2013.

In September of 2013 the Commissioner's office received a request from MHA Lorraine Michael for an opinion on a matter regarding the involvement of MHA Kevin O'Brien with a community sponsored event in his district. My report on that matter was tabled in the House of Assembly in April of 2014.

Copies of these reports are available for viewing on the House of Assembly website under the Publications/House of Assembly/Tabled Documents tab.

Disclosure Statements

Paragraph 36(1) (b) of the Act requires every elected member or appointed minister to file an Annual 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 full disclosure statement within 60 days of his/her election/appointment.

Once filed, these disclosure statements are reviewed by the Commissioner and a Public Disclosure Document 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.

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, I was pleased to be able to attend the annual conference for Canadian Commissioners held in Ottawa in September of 2013 and in Winnipeg in September 2014.