

**NORTHWEST  
TERRITORIES**

**CONFLICT OF  
INTEREST COMMISSIONER**

Gerald L. Gerrand, Q.C.

**ANNUAL REPORT  
2007**





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THE CONFLICT OF INTEREST COMMISSIONER  
FOR THE NORTHWEST TERRITORIES

This is my Annual Report for the year 2007 as Conflict of Interest Commissioner for the Northwest Territories. The requirement for the submitting of this report to the Speaker is found in section 99 of the *Legislative Assembly and Executive Council Act*, S.N.W.T. 1999, c.22 (“the Act”).

**Disclosure Obligations of the Members of Legislature**

The disclosure process is a cornerstone to every conflict of interest scheme in Canada that is a subject of legislative enactment. The conflict of interest provisions set forth in the Act that outline the disclosure obligations of Members of the Legislature are similar to the provisions in comparable legislation in the other territories, provinces and federal government.

Each Member prepared and filed with me a disclosure statement in 2007 as required by the Act in a timely fashion. The statements revealed to me the property ownership and financial affairs of the Member, which information is provided to me on a confidential basis.

As contemplated by Section 88 of the Act, arrangements were made by each Member to meet with me, review the contents of his/her private disclosure statement and discuss the Member’s obligations under the Act. The meetings with each of the Members took place at the Legislative Building in Yellowknife during the three-day period of February 12, 13 and 14, 2007. As a result of these meetings, I was satisfied that each of the Members had

a basic understanding of his/her obligations under the conflict of interest provisions of the Act.

A Public Disclosure Statement for each Member was prepared by me as required by Section 89 of the Act. Each of these statements was duly filed in mid-April, 2007, with the Director of the Legislative Library where the register of Members' Public Disclosure statements is maintained. The register is available for public inspection as contemplated by Section 89 (3) of the Act.

#### **Yellowknife Bar Association**

I accepted an invitation to speak to the Yellowknife Bar Association in mid-May, 2007. Being a lawyer myself who has retired from a lengthy period of legal practise, I was pleased to meet with and speak to a gathering of Yellowknife lawyers who practise in the private and public domain. I took the opportunity to outline the nature of the work I do as Conflict of Interest Commissioner and Ethics Counsellor to the Public Service of the Northwest Territories as well as the obligations of Members under the Act.

#### **Complaint Respecting the Conduct of Bobby Villeneuve, Member for Tu Nedhe**

In August and September of 2007, I conducted an investigation regarding certain matters of conduct of the then Member of the Legislature for Tu Nedhe, Bobby Villeneuve ("Villeneuve"). The investigation was prompted by a multi-page complaint filed with me by the Board of Management of the Legislative Assembly of the Northwest Territories (the "Complainant") in mid-August, 2007.

The complaint alleged that Villeneuve had completed and filed inaccurate statutory declarations respecting his ordinary place of residence which resulted in Villeneuve receiving many thousands of dollars in indemnities and allowances to which he was not entitled, thereby breaching the provisions of Sections 75(a) and (b) of *The Legislative Assembly and Executive Council Act* ("the Act").

I initially concluded that the complaint was properly filed and that I had jurisdiction under the Act. After appropriate notice to Villeneuve and the Complainant, I carried out an investigation of the issues.

In the course of the investigation, I questioned Villeneuve, who agreed that my questions and his answers be audio taped for accuracy. Additionally, I interviewed other persons who had knowledge of the relevant circumstances.

All documents that related to the complaint were examined by me, including statutory declarations completed by Villeneuve, records of payment of indemnities and allowances to Villeneuve and records of residency of Villeneuve for the subject period of time.

Additionally I had available to me the Audit Reports of the Audit Bureau of the Government of the Northwest Territories respecting several Members of the Legislative Assembly, including Villeneuve. After meeting with officials of the Audit Bureau and after examining the voluminous results of the audit, I adopted the factual conclusions of the Audit Bureau as accurate. The major factual conclusion of the Audit Bureau was that Villeneuve was physically present in Yellowknife, living in his Yellowknife residence for 862 days of the 1316 days he was a Member of the Legislative Assembly up to June 30, 2007.

On the basis of all the documentary and oral information available to me, including the recollections of Villeneuve, I concluded that Villeneuve's ordinary place of residence

during the period he served as a Member was Yellowknife, that the Statutory Declarations he had completed and filed in this regard were inaccurate and that a Sole Adjudicator would probably determine that Villeneuve's actions constituted a breach of Sections 75(a) and (b) of the Act.

By reason of the fact that Villeneuve was not re-elected in the general election of October 1, 2007, and the then prevailing statutory provisions (now amended), no further proceedings were taken under the Act against Villeneuve.

**Statement Pursuant to Section 99(1)(b) of the Act**

There were no authorizations requested of me by any Member to permit the acceptance by any Member of a contract that would otherwise have been prohibited by the Act.

**General Election of October 1, 2007**

As established by statute, an election was held October 1, 2007, to select the nineteen individuals to act as Members in the Legislature of the Northwest Territories for the ensuing four years. Six of those elected are new Members, namely, Wendy Bisaro, Glen Abernethy, Jackie Jacobson, Tom Beaulieu, Bob Bromley and the Honourable Bob McLeod. The remaining thirteen were Members who are re-elected.

Members were provided with a detailed written outline of their requirements under the conflict of interest provisions of the Act. On October 30, 2007, I was provided with the opportunity of meeting with and speaking to the Members. At that time I reviewed with the Members their several statutory obligations respecting conflicts of interest and answered their questions.



I had the opportunity at this time, to meet individually with all newly elected Members and several re-elected Members to discuss particular situations and provide advice. Some Members were able to commence the completion of their Private Disclosure Statements at these meetings.

Steps were taken at this time to initiate the disclosure process. Following an election, Members are required to file with me a Disclosure Statement within 60 days after the commencement of the first session of the Legislative Assembly. That date was identified as December 17, 2007.

Regrettably, two Members failed to file their Disclosure Statements with me within the required time period, Mr. Robert C. McLeod and Mr. Jackie Jacobson. The action taken by me in this regard will be reported upon in the Annual Report prepared for the year 2008.

I wish to thank those that serve in the office of the Clerk of the Assembly for their gracious assistance in so many areas throughout the year 2007. Many secretarial chores were carried out by Tanis Sterling and her staff, which were essential to my completing tasks properly and on time. Different arrangements have been made for my secretarial assistance in the future, which will be remarked upon in another portion in this report but I wish to express my appreciation for the kind help provided to me in the year 2007.

### **Move to the Legislative Assembly Building**

Steps were initiated in 2007 for a variety of reasons to physically move the office of the Conflict of Interest Commissioner from the ground floor of the Laing Building to the second floor of the Legislative Assembly Building.

The move to the Legislative Building was sufficiently advanced in October of 2007 to permit me to conduct meetings in that building with Members following the election as more particularly referred to in another portion of this Report.

Arrangements have been made for me to have the assistance of Verna Currimbhoy, Members' Secretary, whose work station is conveniently situated down the hall from the office I presently occupy.

The move to the Legislative Building results in all records and files being in close proximity to the Members and provides easy access between myself and the Members. I am satisfied that the physical location of the office in no way detracts from the independence of my position as an officer of the Legislature.

All of which is respectfully submitted.

Dated this 27<sup>th</sup> day of May, 2008.

  
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Gerald L. Gerrand, Q.C.  
Conflict of Interest Commissioner