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Northwest Territories Legislative Assembly
 Conflict of Interest Commission

April 19, 1996

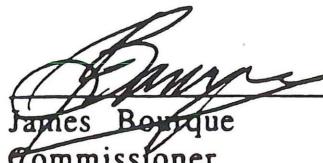
Honourable Sam Gargan
 Speaker of the Legislative Assembly
 Legislative Assembly Building
 Government of the Northwest Territories
 PO Box 1320
 Yellowknife NT
 X1A 2L9

Dear Mr. Speaker:

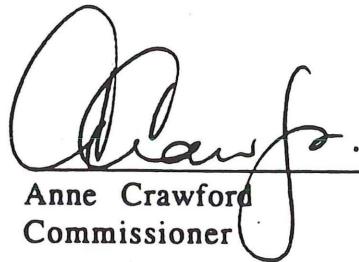
In accordance with Part III of the Legislative Assembly and Executive Council Act, the Conflict of Interest Commission hereby submits its Annual Report. This report covers the period from April 16, 1995 to April 15, 1996.

We are pleased to state that during the period reported upon there were no allegations of conflict against any member. Once again, please convey the thanks and appreciation of the Commission to all members and staff for their co-operation and support.

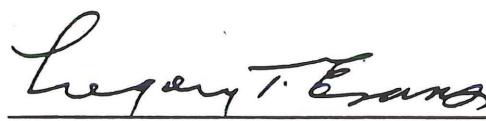
Conflict of Interest Commission:



 James Bourque
 Commissioner



 Anne Crawford
 Commissioner



 Gregory T. Evans
 Commissioner



 E.N. (Ted) Hughes
 Commissioner



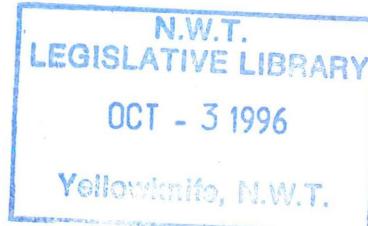
 Joel Fournier
 Chief Commissioner


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COMMISSION'S REMARKS

We are pleased to report that the past reporting year was free from any allegations of conflict of interest against any member. Consequently, we are of the view that the purpose of the legislation is being achieved, that is, ensuring that members are cognizant of the standards of conduct that is required of them; an awareness by them of the assistance that can be obtained from the commission to enable them to meet these standards and an acceptance by the general public that these standards are being met. Hopefully, by achieving and maintaining these goals, confidence in the honesty and integrity of elected officials will be reinforced.

In our last annual report we commented on the potential for abuse of the complaint filing provision of the Act. We feel it is worth restating that comment here.

"The commission is cognizant of the potential for abuse of the complaint filing provision of the Act which is very broad.
Section 80(1) states:

'Any person who believes on reasonable grounds that a member has contravened any provision of this part may file a written complaint with the Clerk.' (emphasis added)

The commissioners are reluctant to interpret this section in a manner that would dissuade citizens who have a genuine belief that a member has breached the provisions of the Act, from filing a complaint. On the other hand, we very much appreciate that frivolous and/or purely political allegations may be made from time-to-time and we are aware of the substantial costs involved once the process has been initiated. Consequently, we will be deliberating this issue in detail at our next annual meeting with a view to recommending a satisfactory solution to the problem."

In our discussions we thought it best to maintain the current wording, at least for

the immediate future. We were concerned that the likelihood of a frivolous complaint arising was greater during the election period than at any other time. Obviously, this failed to occur. As a result and since there have been no complaints for more than a year, we recommend maintaining the status quo.

GENERAL

a. Annual Meeting

As required by the Act, the Commission held its annual meeting in Yellowknife on Tuesday, July 18, 1995. The Commission once again acknowledges, with thanks, the hospitality and assistance of the Speaker and Clerk in providing it with meeting rooms and administrative services.

The Commissioners spent much of their time deliberating the implementation of amendments to Part III of the Legislative Assembly and Executive Council Act. As well, the issues raised by the panel during the recent Public Inquiry were revisited, (more of which will follow under the heading *Suggestions for amendments to Part III of the Legislative Assembly and Executive Council Act*. As already mentioned the potential problem of frivolous complaints was thoroughly discussed. A general discussion of conflict issues in other jurisdictions followed, led by the Honourable Greg Evans of Ontario and the Honourable E.N. (Ted) Hughes of B.C.

b. Assistance to members regarding disclosure statements

We are pleased to report that the Chief Commissioner was available to all members during the week of December 9 - 15, 1995 to answer any questions pertaining to conflict of interest provisions and to assist them in completing their disclosure statements. We are of the view that by assisting members in this way many potential problems can be avoided. The Chief Commissioner advised that nearly all members took advantage of the opportunity to meet with him resulting by and large, with accurate and timely filing of disclosure statements. While it is not a requirement of the legislation, we urge the continuance of this practice whenever filing of documents pursuant to Section 77 takes place.

c. **Section 79.2 Requests for opinions**

One of the recent amendments to the Act to be implemented was section 79.2(1) which states:

"A member may request the Chief Commissioner to give written advice and recommendations on any matter respecting obligations of the members under this Part."

This amendment is, in our view, singularly important in enabling members, particularly ministers, to seek and obtain the advice they need to arrange their affairs in a manner that meets all the requirements of the Act. The Chief Commissioner gave detailed written advice and recommendations to four members, all of which were subsequently complied with. Accordingly, those members, provided they have met the requirement of divulging all material facts, have the protection afforded by the legislation.

d. **Section 79.1 Requests for Extensions**

Another recent amendment to the Act is contained in Section 79.1. This section provides

"Where a provision of this Part requires a member to do anything within a specified period of time, the Chief Commissioner may, on the written request of the member, extend the time so provided by such additional number of days as the Chief Commissioner considers to be reasonable in the circumstances."

Seven members took advantage of these provisions by requesting extensions, all of which were granted. Pursuant to Section 79.3(1)(c) the Commission in its Annual Report is required to identify any member who obtains an extension of time under S.79.1 and indicate the requirement in respect of which the extension has been given. The following are the members who requested extensions and the requirement:

1. Honourable John Todd Filing disclosure statements

2.	Honourable Kelvin Ng	Filing disclosure statements
3.	Honourable Charles Dent	Filing disclosure statements
4.	Honourable Stephen Kakfwi	Filing disclosure statements
5.	Honourable Jim Antoine	Filing disclosure statements
6.	Mr. Roy Erasmus	Filing disclosure statements
7.	Mr. James Rabesca	Filing disclosure statements

In each case, the Chief Commissioner was of the view that the duration of the extension sought was reasonable as was the reason for requiring it.

e. **Section 79.3(a)(ii) Failure to file Disclosure Statements**

Section 79.3(a)(ii) requires the Commission in its Annual Report to identify any member who has failed to file a disclosure statement before the Annual Report is submitted where the report is submitted more than 45 days after the time permitted for filing disclosure statements in Section 77(1). As of April 15, 1996 Mr. Mark Evaloarjuk had not filed his disclosure statement.

f. **Suggestions for amendments to Part III of the Legislative Assembly and Executive Council Act**

During the Commission of Inquiry carried out in March of 1995 it became apparent that some of the difficulties that led to the filing of the initial allegations of conflict in that case could have been avoided had a requirement for ongoing disclosure been contained in the legislation. The Commission of Inquiry expressed it this way:

"The other amendment , if one is going to be made, that we think would be of assistance is the provision that is in section 12(6) of the British Columbia statute and that is in a number of others across the country, reading this way:
'After filing a disclosure statement, the Member shall continue to disclose any material change in the assets, liabilities and financial interests of the member, the Member's spouse and minor children and private corporations controlled by any of them by filing a statement of material change with the Commissioner within 30 days of the material change.' "

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The commissioners continue to urge the Assembly to take the necessary steps to amend the legislation to rectify this situation.

APPENDIX "A"

There was, however, rent from a previous tenant received in 1993 that should have been disclosed in 1994 and it was not disclosed. It was only disclosed in 1995. We have looked at the four filings by Mr. Morin since the statute came into operation in 1992, 1993, 1994 and 1995. As necessary as this legislation is, neither it nor the forms that are required to be filled out each year are easy for the non-legally trained person to work with.

We believe that this legislation has a serious void that, if corrected by the Legislature, would be of great help to Members and would ensure the spirit and intention of the Act is being observed.

There is a provision in nearly all other jurisdictions in the country that have conflict of interest legislation and we believe should have a significant place in the Northwest Territories statute. In British Columbia it reads as follows: 12(3) "After filing a disclosure statement, the Member and the Member's spouse, if the spouse is available, shall meet with the Commissioner to ensure that adequate disclosure has been made and to obtain advice from the Commissioner on the Member's obligations under the Act, and the Commissioner may recommend the manner by which the Member will comply with those obligations."

We recommend that the Legislature of the Northwest Territories enact a similar provision with the responsibility to meet annually with each Member to rest with the Chief Commissioner, or a Commissioner designated by him. We feel if that were to come to pass, some of the problems that have existed in this case would never have arisen. We're conscious of the fact that a number of amendments to this Act have already been passed by the current Legislature to become effective on the day of dissolution. While we understand that the Legislature is still in session, we think that this and one other amendment we're going to mention, are not complicated and should receive consideration for swift passage so they can be part of the total package that comes into effect on dissolution day. But, of course, we are quick to acknowledge that that is a decision for others and not for us, and that is only a comment or a recommendation, if you like, from us.

As we look at Mr. Morin's four returns, we believe he would have benefitted from such a provision and we believe it likely most, if not all, other Members would have been in the same position. The other amendment, if the one is going to be made, that we think would be of assistance is the provision that is in section 12(6) of the British Columbia statute and that is in a number of others across the country, reading this way: "After filing a disclosure statement, the Member shall continue to disclose any material change in the assets, liabilities and financial interests of the Member, the Member's spouse and minor children and private corporations controlled by any of them by filing a statement of material change with the Commissioner within 30 days of the material change."

APPENDIX "B"

"PART III

CONFLICT OF INTEREST

65. (1) In this Part,

"Commission"
"commission"

"Commission" means the Conflict of Interest Commission established under subsection 79(1);

"department"
"ministère"

"department" means a department as defined in the *Financial Administration Act* and a public agency as defined in the *Financial Administration Act*;

"dependent child"
"enfant à charge"

"dependent child" means any child of a member who resides with the member and is under the age of 19 years;

"spouse"
"conjoint"

"spouse" includes a person who is married to a member and a person with whom the member is living in a conjugal relationship outside marriage, but does not include a person to whom a member is married if the member and that person are separated.

Controlling interest in a corporation

(2) For purposes of this Part, a person or group of persons holds a controlling interest in a corporation if that person or group of persons exercises direction over, or directly or indirectly owns, shares of the corporation carrying more than 10% of the voting rights attached to all outstanding shares of the corporation.

Conflict of interest

66. (1) For the purposes of this Part, a member has a conflict of interest when the member, or the spouse or a dependent child of the member, has significant private interests that afford the member, or the spouse or dependent child of the member, the opportunity to directly or indirectly benefit from the performance of any of the duties of office of the member.

Exception

(2) A member does not have a conflict of interest under subsection (1) in relation to an interest that

- (a) benefits the member or the spouse or a dependent child of the member as one of a broad class of persons;
- (b) is conferred as

"PARTIE III

CONFLIT D'INTÉRÊTS

65. (1) Les définitions qui suivent s'appliquent à la présente partie.

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«commission» La commission sur les conflits d'intérêt créée en vertu du paragraphe 79(1).
"commission"
"Commission"

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«conjoint» S'entend en outre de la personne avec qui le député vit dans une union extra-conjugale ou avec qui il est marié, à l'exclusion toutefois de la personne avec qui le député est marié s'ils sont séparés.
"conjoint"
"spouse"

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«enfant à charge» Tout enfant du député qui habite avec le député et qui est âgé de moins de 19 ans.
"enfant à charge"
"dependent child"

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«ministère» S'entend d'un ministère au sens de la *Financial Administration Act* (Loi sur la gestion des finances publiques) et d'un organisme public au sens de la *Financial Administration Act* (Loi sur la gestion des finances publiques).
"ministère"
"department"

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(2) Pour l'application de la présente partie, une personne ou un groupe de personnes détient le contrôle d'une personne morale lorsque cette personne ou ce groupe de personnes a le contrôle ou détient, directement ou indirectement, des actions émises par la personne morale qui emportent plus de 10 % des droits de vote afférents à toutes les actions en circulation de la personne morale.
Contrôle d'une personne morale

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66. (1) Pour l'application de la présente partie, il y a conflit d'intérêts lorsque le député, son conjoint ou un enfant à charge du député détient des intérêts privés appréciables grâce auxquels il ou elle pourrait se trouver en mesure d'obtenir des avantages, directs ou indirects, du fait même de l'exercice des fonctions de député.
Conflit d'intérêts

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(2) Il n'y a toutefois pas conflit d'intérêts aux termes du paragraphe (1) relativement à un intérêt qui :

Exception

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- a) profite au député, à son conjoint ou à un enfant à charge du député au titre de son appartenance à une vaste catégorie sociale;
- b) est accordé :

- (i) à titre d'indemnité, d'allocation ou

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**Exempt
interests**

<ul style="list-style-type: none"> (i) an indemnity, allowance or expense paid to members under this Act, or to Ministers by directive of the Executive Council, or (ii) a benefit paid to recipients under the <i>Legislative Assembly Retiring Allowances Act</i> or the <i>Supplementary Retiring Allowances Act</i>; (c) is an exempt interest of the member or of the spouse or a dependent child of the member; or (d) is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member in the performance of the duties of office of the member. 	<ul style="list-style-type: none"> de remboursement d'une dépense aux députés en vertu de la présente loi ou aux ministres en vertu des directives du Conseil exécutif, (ii) à titre de prestations en vertu de la <i>Legislative Assembly Retiring Allowances Act</i> (Loi sur les prestations de retraite des députés de l'Assemblée législative) ou de la <i>Supplementary Retiring Allowances Act</i> (Loi sur les allocations supplémentaires de retraite); c) est un intérêt exempté du député, de son conjoint ou d'un enfant à charge du député; d) est de par sa nature tellement éloigné ou de si peu d'importance qu'il ne peut être perçu comme pouvant influencer le député dans l'exercice de ses fonctions. 	5 10 15 20
<p>(3) An interest in any of the following is an exempt interest for the purposes of paragraph (2)(c):</p> <ul style="list-style-type: none"> (a) assets, liabilities and financial interests having a value of less than \$10,000; (b) a source of income that pays less than \$1000 in a 12 month period; (c) cash on hand or on deposit with a chartered bank, trust company, credit union or other financial institution in Canada that is lawfully entitled to accept deposits; (d) personal property used for transportation or for household, educational, recreational, social or aesthetic purposes; (e) bonds, investments and securities of fixed value issued or guaranteed by any government in Canada or by an agency of any such government; (f) an investment in open-ended mutual funds; (g) guaranteed investment certificates or other similar financial instruments; (h) annuities and life insurance policies; (i) any registered retirement savings plan, pension plan or employee benefit plan that is not self-administered; (j) pension rights; (k) support payments; (l) a liability to a financial institution referred to in paragraph (c), where the liability relates to assets referred to in paragraphs (d) to (j). 	<p>(3) Pour l'application de l'alinéa 2c), les intérêts exemptés sont les suivants :</p> <ul style="list-style-type: none"> a) les biens, dettes et intérêts financiers dont la valeur est inférieure à 10 000 \$; b) toute source de revenu, si ce revenu est inférieur à 1 000 \$ au cours d'une période de 12 mois; c) l'avoir en argent comptant ou en dépôt dans une banque à charte, société de fiducie, caisse de crédit ou autre institution financière au Canada légalement habilitée à recevoir des dépôts; d) les biens meubles à usage domestique, éducatif, social, décoratif, récréatif ou de transport; e) les obligations, placements ou titres à valeur fixe émis ou garantis par tout gouvernement au Canada ou l'un de ses organismes; f) les placements dans des sociétés d'investissement à capital variable ou dans des fonds mutuels; g) les certificats de placement garantis ou autres effets financiers semblables; h) les rentes et les polices d'assurance-vie; i) tout régime enregistré d'épargne-retraite, régime de pension ou régime de prestations aux employés qui n'est pas autogéré; j) les droits à pension; k) les pensions alimentaires; l) les éléments de passif dus à une institution financière visée à l'alinéa c), 	Intérêts exemptés 25 30 35 40 45 50 55

		lorsque ces éléments de passif sont liés aux éléments d'actifs visés aux alinéas d) à j).
	OBLIGATIONS OF MEMBERS	5
Obligations of members	<p>67. Each member shall</p> <ul style="list-style-type: none"> (a) perform his or her duties of office and arrange his or her private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the member; (b) refrain from accepting any remuneration, gift or benefit the acceptance of which might erode public confidence and trust in the integrity, objectivity or impartiality of the member, and in all other respects act in a manner that will bear the closest public scrutiny; (c) arrange his or her private affairs in conformity with the provisions of this Part and act generally to prevent any conflict of interest from arising; and (d) make all reasonable efforts to resolve any conflict of interest that may arise in favour of the public interest. 	
Insider information	<p>68. (1) A member shall not use or share information that is gained in the execution of an office of the member and that is not available to the general public to further or seek to further, directly or indirectly, the private interests of the member or of the spouse or a dependent child of the member.</p> <p>(2) A member shall not use an office of the member to seek to influence a decision made by another person to further the private interests of the member or of the spouse or a dependent child of the member.</p>	30
Influence		35
Withdrawal from meeting by member	<p>69. (1) A member who has a conflict of interest in a matter that is before the Legislative Assembly, the Management and Services Board or the Executive Council, or before a committee of the Legislative Assembly or the Executive Council, shall, if present at a meeting considering the matter,</p> <ul style="list-style-type: none"> (a) disclose the general nature of the conflict of interest; and (b) withdraw from the meeting without voting or participating in the consideration of the matter. 	45
	<p>67. Les obligations suivantes incombent au député :</p> <ul style="list-style-type: none"> a) s'aquitter des devoirs de sa charge et régler ses affaires privées de manière à assurer la confiance du public en son intégrité, son objectivité et son impartialité; b) ne pas accepter de rémunération, de don ou d'avantage susceptible de miner la confiance du public en son intégrité, son objectivité et son impartialité, et agir d'une manière qui soutienne l'examen public le plus minutieux; c) gérer ses affaires privées en conformité avec les dispositions de la présente partie et de la présente loi, et agir, en général, de façon à éviter tout conflit d'intérêts; d) s'efforcer le plus possible de résoudre, en faveur de l'intérêt public, tout conflit d'intérêts éventuel. 	10
	<p>68. (1) Le député ne peut se servir des renseignements qu'il obtient dans l'exercice de sa charge et qui ne sont pas accessibles au grand public pour favoriser ou chercher à favoriser, même indirectement, ses intérêts privés, ceux de son conjoint ou ceux d'un de ses enfants à charge.</p> <p>(2) Le député ne peut se servir de sa charge pour chercher à influencer une décision prise par une autre personne en faveur de ses intérêts privés, de ceux de son conjoint ou de ceux d'un de ses enfants à charge.</p>	40
	<p>69. (1) Le député qui a un conflit d'intérêts dans une affaire qui est devant l'Assemblée législative, le Bureau de régie et des services, le Conseil exécutif, ou devant un comité de l'Assemblée législative ou du Conseil exécutif, est tenu, s'il est présent à la réunion où l'affaire est étudiée :</p> <ul style="list-style-type: none"> a) de divulguer la nature générale du conflit d'intérêts; b) de se retirer de la réunion sans exercer son droit de vote ou sans participer à l'étude de l'affaire. 	50

Disclosure by Speaker	<p>(2) Where the Speaker has a conflict of interest in any matter relating to the performance of the duties of the Speaker, the Speaker shall</p> <ul style="list-style-type: none"> (a) disclose the general nature of the conflict of interest to the Management and Services Board; (b) delegate to the Deputy Speaker the responsibility to perform the duties of the Speaker in respect of the matter; and (c) refrain at all times from attempting to influence any decision in respect of the matter. 	<p>(2) Le président qui a un conflit d'intérêts dans une affaire qui concerne l'exercice de ses fonctions doit :</p> <ul style="list-style-type: none"> a) divulguer la nature générale du conflit d'intérêts au Bureau de régie et des services; b) déléguer au président adjoint la responsabilité de s'acquitter des fonctions du président en ce qui concerne l'affaire; c) s'abstenir en tout temps de tenter d'influencer une décision relative à l'affaire. 	Divulgation du président 5
Disclosure by Minister	<p>(3) A Minister who has a conflict of interest in any matter relating to the performance of the duties of the Minister shall</p> <ul style="list-style-type: none"> (a) disclose the general nature of the conflict of interest to the Executive Council; (b) delegate to a Minister designated by the Government Leader the responsibility to perform his or her duties in respect of the matter; and (c) refrain at all times from attempting to influence any decision in respect of the matter. 	<p>(3) Le ministre qui a un conflit d'intérêts dans une affaire qui concerne l'exercice de ses fonctions doit :</p> <ul style="list-style-type: none"> a) divulguer la nature générale du conflit d'intérêts au Conseil exécutif; b) déléguer au ministre désigné par le chef du gouvernement la responsabilité de s'acquitter des fonctions du ministre en ce qui concerne l'affaire; c) s'abstenir en tout temps de tenter d'influencer une décision relative à l'affaire. 	Divulgation du ministre 10 15
Lobbying	<p>70. A member shall not make representations for remuneration on behalf of any person, with respect to</p> <ul style="list-style-type: none"> (a) the awarding of a contract by the Government of the Northwest Territories or a department; (b) the extension of a benefit to a person by the Government of the Northwest Territories or a department; or (c) any other matter that relates directly or indirectly to the performance of the duties of office of the member. 	<p>70. Le député ne peut faire de représentations pour le compte d'autrui en échange d'une rémunération, en ce qui concerne :</p> <ul style="list-style-type: none"> a) l'octroi d'un contrat par le gouvernement des Territoires du Nord-Ouest ou par un ministère; b) la prolongation d'un avantage conféré à une personne par le gouvernement des Territoires du Nord-Ouest ou par un ministère; c) toute autre affaire qui est liée directement ou indirectement à l'exercice des fonctions du député. 	Lobbying 30 35
Contracts held by member	<p>CONTRACTS AND FINANCIAL INTERESTS</p> <p>71. (1) A member shall not hold or enter into any contract with the Government of the Northwest Territories, or with a department.</p>	<p>CONTRATS ET INTÉRÊTS FINANCIERS</p> <p>71. (1) Un député ne peut détenir ni conclure un contrat avec le gouvernement des Territoires du Nord-Ouest ou avec un ministère.</p>	Contrats détenus par un député 40 45 50
Contracts held by spouse or dependent children	<p>(2) A spouse or dependent child of a member may hold or enter into a contract with the Government of the Northwest Territories or a department other than a contract for or on behalf of the member.</p>	<p>(2) Le conjoint ou l'enfant à charge du député peut détenir ou conclure un contrat avec le gouvernement des Territoires du Nord-Ouest ou un ministère, autre qu'un contrat pour ou au nom du député.</p>	Contrats détenus par le conjoint ou les enfants à charge 55

Time for compliance	(3) Within 60 days of the commencement of the first session of the Legislative Assembly after the election of a member to the Legislative Assembly, the member shall ensure that his or her personal affairs are so arranged that there is no contravention of this section.	Délai	5
Disclosure report	72. (1) A member shall file a disclosure report with the Clerk where a contract is held or entered into between the Government of the Northwest Territories or a department and <ul style="list-style-type: none"> (a) a corporation in which the member has a controlling interest; or (b) a corporation in which a corporation referred to in paragraph (a) has a controlling interest singly or collectively with the member or any other corporation referred to in paragraph (a). 	Rapport de divulgation	10
Content and time of filing of disclosure report	(2) A disclosure report filed under subsection (1) must <ul style="list-style-type: none"> (a) indicate the nature and value of the contract and the circumstances under which the contract was entered into; and (b) be filed <ul style="list-style-type: none"> (i) within 60 days of the commencement of the first session of the Legislative Assembly after the election of the member to the Legislative Assembly, where the member holds the contract at the commencement of that session, or (ii) within 30 days of the entering into of a contract, where the contract is entered into after the commencement of the session referred to in subparagraph (i). 	Contenu du rapport et délai	20
Outside interests	73. (1) The Speaker or a Minister shall not, except as may be required as a duty of office, <ul style="list-style-type: none"> (a) engage in employment or in the practice of a profession; (b) carry on a business, other than managing routine personal financial interests; or (c) hold an office or directorship in any organization other than a social club, religious organization or political party. 	Intérêts extérieurs	40
	(3) Le député s'assure que ses affaires personnelles sont conformes aux exigences du présent article dans les 60 jours qui suivent le début de la première session de l'Assemblée législative qui suit son élection.		55

Spouse or dependent children of Speaker or Minister	(2) The Speaker or a Minister shall ensure that his or her spouse or dependent children do not hold or enter into a contract, including a contract of employment, with any department of the Government of the Northwest Territories for which the Speaker or the Minister is responsible.	Conjoint ou enfants à charge du président ou du ministre	5
Corporation controlled by Speaker or Minister	(3) The Speaker or a Minister shall ensure that no contract is held or entered into between a department for which the Speaker or the Minister is responsible and	Personne morale contrôlée par le président ou le ministre	10
	(a) a corporation in which the Speaker or the Minister or the spouse and dependent children of the Speaker or the Minister individually or collectively have a controlling interest; or		15
	(b) a corporation in which a corporation referred to in paragraph (a) has a controlling interest singly or collectively with the Speaker or the Minister and the spouse and dependent children of the Speaker or the Minister or any other corporation referred to in paragraph (a).		20
Time for compliance	(4) Within 60 days after being elected as Speaker or appointed as a Minister, the Speaker or Minister shall ensure that his or her personal affairs are so arranged that there is no contravention of this section.	Délai	25
Contracts with former Speaker or Minister	74. (1) Where a former member served as Speaker or as a Minister within 12 months before ceasing to hold office as a member, the former member shall not, unless 12 months have passed from the day the former member ceased to hold office as a Speaker or as a Minister,	Contrat avec un ancien président ou ministre	35
	(a) accept a contract with any department for which the former member was responsible in his or her capacity as Speaker or as a Minister during the 12 months before he or she ceased to hold office as Speaker or as a Minister; or		40
	(b) make representations, for remuneration, on behalf of any person, with respect to a contract with any department for which the former member was responsible in his or her capacity as Speaker or as a Minister during the 12 months before he or she ceased to hold office as Speaker or as a Minister.		45
	74. (1) L'ancien député qui a agi à titre de président ou de ministre dans les 12 mois qui ont précédé la date où il a cessé d'exercer ses fonctions de député, ne peut, à moins que 12 mois ne se soient écoulés à compter de la date où il a cessé d'exercer ses fonctions de président ou de ministre :		50
	a) accepter un contrat avec un aucun ministère dont il a été responsable en sa qualité de président ou de ministre pendant les 12 mois qui ont précédé la date à laquelle il a cessé d'exercer ses fonctions de président ou de ministre;		55
	b) faire, pour le compte d'autrui et en échange d'une rémunération des représentations en ce qui concerne un contrat avec aucun ministère dont il a été responsable en sa qualité de président ou de ministre pendant les 12 mois qui ont précédé la date à laquelle il a cessé d'exercer ses fonctions de président ou de ministre.		

Offence	(2) A former member who contravenes subsection (1) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$5,000.	Infraction	5
Defence	(3) A former member is not guilty of an offence under this section if he or she establishes that the contravention of this section was trivial or was committed through inadvertance or by reason of an error in judgment made in good faith.	Défense	10
Exempt contracts	75. (1) Sections 71 to 73 and paragraph 74(1)(a) do not apply to a contract for the provision to the member or to the spouse or dependent children of the member of (a) accommodation; and (b) any service, commodity, subsidy, loan or other benefit that the member or the spouse or dependant of the member is entitled to receive as one of a broad class of persons.	Contrats exemplés	15
<i>Idem</i>	(2) Sections 71 and 72 and paragraph 74(1)(a) do not apply to a contract (a) where the value of any consideration to be received under the contract from the Government of the Northwest Territories or a department does not exceed \$1000; or (b) for the provision of services routinely required by individual members of the public.	Idem	25
	GIFTS AND BENEFITS		
Fees, gifts and benefits	76. (1) A member shall not accept any remuneration, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office.	Rémunérations, dons et avantages	40
Exception	(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.	Exception	45
Property of office	(3) Any gift referred to in subsection (2) having a value exceeding \$400 is the property of the Legislative Assembly or the Government of the Northwest Territories, and shall not be	Propriété de l'Assemblée législative	55

	retained by the member at the expiry of his or her term of office.	
Disclosure of benefit	(4) Where a member receives a personal benefit referred to in subsection (2) having a value exceeding \$400, the member shall, within 30 days after receiving the personal benefit, file with the Clerk a disclosure report indicating the nature and source of the benefit and the circumstances under which it was given or accepted.	Divulgation d'un avantage 5
Disclosure of gifts	(5) Where in any year the member receives from one source two or more gifts each having a value less than \$400, the member shall, if the aggregate value of the gifts received in the year exceeds \$400, file with the Clerk within 30 days after the end of the year a disclosure report indicating the nature and source of the gifts, and the circumstances under which the gifts were received.	Divulgation d'un don 15
	DISCLOSURE	25
Disclosure statement	77. (1) A member shall file with the Clerk a disclosure statement in a form established by the Management and Services Board within 60 days after <ul style="list-style-type: none"> (a) the commencement of the first session of the Legislative Assembly after the election of the member; and (b) each anniversary of the day referred to in paragraph (a). (2) A disclosure statement must contain a report of <ul style="list-style-type: none"> (a) the source and amount of any income received by the member and the spouse and dependent children of the member <ul style="list-style-type: none"> (i) in the 12 months preceding the filing of a disclosure statement under paragraph (1)(a), in the case of a disclosure statement filed under paragraph (1)(a), or (ii) for the period following the filing of the previous disclosure statement, in the case of a disclosure statement filed under paragraph (1)(b); (b) all assets, liabilities and financial interests of the member and the spouse and dependent children of the member; and (c) all interests of the member and the spouse and dependent children of the member at the expiry of his or her term of office. 	État de divulgation 30
Content of disclosure statement		Contenu de l'état de divulgation 40
		45
		50
		55
	ne peut être gardé par le député à l'expiration de son mandat.	
	(4) Le député qui reçoit un avantage personnel visé au paragraphe (1) dont la valeur est supérieure à 400 \$ dépose auprès du greffier, dans les 30 jours qui suivent la date à laquelle l'avantage a été reçu, un rapport de divulgation indiquant la nature et la provenance de l'avantage ainsi que les circonstances dans lesquelles il a été remis et accepté.	
	(5) Le député qui reçoit au cours d'une année, d'une même source, deux dons ou plus dont la valeur est inférieure à 400 \$ chacun doit, si la valeur globale des dons reçus dans l'année est supérieure à 400 \$, déposer auprès du greffier, dans les 30 jours qui suivent la fin de l'année, un rapport de divulgation indiquant la nature et la provenance des dons ainsi que les circonstances dans lesquelles ils ont été reçus.	
	DIVULGATION	
	77. (1) Le député dépose auprès du greffier un état de divulgation dans la forme prescrite par le Bureau de régie et des services dans les 60 jours qui suivent : <ul style="list-style-type: none"> a) le début de la première session de l'Assemblée législative qui suit l'élection du député; b) chaque date anniversaire du jour visé à l'alinéa a). (2) L'état de divulgation fait état : <ul style="list-style-type: none"> a) de la provenance et du montant de tout revenu reçu par le député, son conjoint et ses enfants à charge : <ul style="list-style-type: none"> (i) dans le cas d'un état de divulgation déposé en vertu de l'alinéa (1)a), au cours des 12 mois qui ont précédé le dépôt de l'état de divulgation, (ii) dans le cas d'un état de divulgation déposé en vertu de l'alinéa (1)b), au cours de la période qui a suivi le dépôt de l'état précédent; b) de l'actif, du passif et des intérêts financiers du député, de son conjoint et de ses enfants à charge; c) des intérêts du député, de son conjoint et de ses enfants à charge dans une personne morale ou une société de personnes, y compris un état qui fait mention : 	

	member in any corporation or partnership, including a statement identifying	(i) de toute personne morale dont le député, son conjoint et ses enfants à charge ont le contrôle, individuellement ou collectivement,	5
	(i) any corporation in which the member and the spouse and dependent children of the member individually or collectively have a controlling interest, and	(ii) de toute personne morale dont une personne morale visée au sous-alinéa (i) a le contrôle, séparément ou collectivement avec le député, son conjoint et ses enfants à charge, et toute autre personne morale visée au sous-alinéa (i).	10
	(ii) any corporation in which a corporation referred to in subparagraph (i) has a controlling interest singly or collectively with the member and the spouse and dependent children of the member and any other corporation referred to in subparagraph (i).		15
Acquisition and disposition of assets	(3) Where, during the period that commences with the filing of a disclosure statement and ends with the filing of the next subsequent disclosure statement, a member or the spouse or dependent child of the member, (a) acquires and disposes of an asset or financial interest referred to in paragraph (2)(b), (b) incurs and discharges a liability referred to in paragraph (2)(b), or (c) acquires and disposes of an interest in a corporation or partnership referred to in paragraph (2)(c), the member shall ensure that the next subsequent disclosure statement contains a report of the acquisition and disposition of the asset, financial interest or interest, or of the incurring and discharge of the liability.	(3) Le député s'assure que son état de divulgation subséquent fait état de l'acquisition et de l'aliénation d'un bien, d'un intérêt financier ou d'un intérêt, ou du fait qu'une dette fut contractée et acquittée, lorsque, pendant la période débutant à la date du dépôt de l'état de divulgation et se terminant à la date du dépôt de l'état de divulgation subséquent, le député, son conjoint ou un enfant à charge du député : a) acquiert et aliène un bien ou un intérêt financier visé à l'alinéa (2)b); b) contracte et acquitte une dette visée à l'alinéa (2)b); c) acquiert et aliène un intérêt dans une personne morale ou une société de personnes visée à l'alinéa (2)c).	20 25 35
Exception	(4) Notwithstanding subsections (2) and (3), a disclosure statement need not contain a report of (a) any interest in real property that is primarily for the residential or recreational use of the member or the spouse or a dependent child of the member; and (b) an exempt interest within the meaning of subsection 66(3).	(4) Malgré les paragraphes (2) et (3), un état de divulgation peut ne pas faire état : a) d'un intérêt dans des biens immeubles à usage essentiellement d'habitation ou de loisir pour le député, son conjoint ou un enfant à charge du député; b) d'un intérêt exempté au sens du paragraphe 66(3).	40 45
Limitation on disclosure of disclosure statement	(5) Subject to section 78 and subsections 81(2) and 82(4), and notwithstanding any other Act, the Clerk shall not make a disclosure statement filed with the Clerk available for inspection by any person other than the member who filed the disclosure statement nor reveal the contents of a disclosure statement to any person other than the member who filed the disclosure	(5) Sous réserve de l'article 78 et des paragraphes 81(2) et 82(4), et malgré toute autre loi, le greffier ne peut, à l'exclusion du député qui a déposé l'état de divulgation, mettre à la disposition du public pour fins de consultation l'état de divulgation déposé auprès du greffier ou révéler le contenu de l'état de divulgation à une personne autre que le député qui a déposé	50 55

	statement.	
Public disclosure statement	78. (1) The Clerk shall prepare a public disclosure statement containing all information provided by a member under sections 72, 76 and 77 except	État de divulgation publique 5
	(a) the amount of the income of the member or the spouse or dependent children of a member reported under paragraph 77(2)(a); (b) the value of the assets, liabilities and financial interests reported under paragraph 77(2)(b); and (c) the value of any interest in a corporation or partnership reported under paragraph 77(2)(c).	
Register	(2) The Clerk shall prepare a register containing public disclosure statements prepared under subsection (1), and shall	Registre 20
	(a) make that register available for examination by the public; and (b) mail or otherwise transmit a copy of any public disclosure statement contained in the register to any person who requests a copy of the statement.	25
	ENFORCEMENT	30
Conflict of Interest Commission	79. (1) A Conflict of Interest Commission is established consisting of not fewer than five and not more than nine commissioners.	Commission sur les conflits d'intérêts 35
Appointment of commissioners and designation of Chief Commissioner	(2) The Management and Services Board shall	Nomination des commissaires et du commissaire en chef 40
	(a) appoint commissioners to hold office during good behaviour for a term of five years; and (b) designate a commissioner to serve as Chief Commissioner.	45
Commissioners not in public service	(3) A commissioner may not be a member of the public service.	Fonction publique 50
Delegation	(4) The Chief Commissioner may delegate any of his or her powers or duties to another commissioner.	Délégation de ses pouvoirs et fonctions à un autre commissaire. 55
Liability	(5) A commissioner is not liable for loss or damage caused by anything done or not done in good faith in the performance of the duties or in the exercise of the powers of the commissioner.	Immunité pour les actes accomplis ou les omissions commises de bonne foi dans l'exercice de ses attributions. 60

Complaint	80. (1) Any person who believes on reasonable grounds that a member has contravened any provision of this Part may file a written complaint with the Clerk.	80. (1) Quiconque a des motifs raisonnables de croire qu'un député a enfreint une disposition de la présente partie peut déposer auprès du greffier une plainte écrite.	5
Forwarding of complaint by Clerk	(2) The Clerk shall provide a copy of the complaint to the member complained of and the Chief Commissioner.	(2) Le greffier fournit une copie de la plainte au député concerné et au commissaire en chef.	10
Investigation	81. (1) The Chief Commissioner shall investigate a complaint and shall, after the investigation, (a) dismiss the complaint, where the Chief Commissioner determines (i) that the complaint does not disclose a contravention of this Part, (ii) that a contravention of this Part was trivial or was committed through inadvertence or by reason of an error of judgment made in good faith, or (iii) that the member took all reasonable measures to prevent a contravention of this Part; or (b) designate three commissioners as a Commission of Inquiry to conduct a hearing into the complaint.	81. (1) Le commissaire en chef mène une enquête relativement à la plainte et doit, selon le cas, suite à son enquête : a) rejeter la plainte lorsque le commissaire en chef détermine : (i) que la plainte ne démontre pas une contravention à la présente partie, (ii) que la contravention à la présente partie est futile ou a été perpétrée par inadvertance ou à la suite d'une erreur de jugement commise de bonne foi, (iii) que le député a pris toutes les mesures nécessaires afin d'éviter une contravention à la présente partie; b) désigner trois commissaires qui formeront un commission d'enquête afin de tenir une audience relativement à la plainte.	15 20 25 30
Powers of Chief Commissioner	(2) In the conduct of an investigation the Chief Commissioner may (a) require the Clerk to produce a disclosure statement received by the Clerk under subsection 77(1); (b) compel any person to produce any document or other thing; and (c) make such inquiries as he or she considers necessary.	(2) Lors de la conduite d'une enquête, le commissaire en chef peut : a) ordonner au greffier de produire l'état de divulgation reçu en vertu du paragraphe 77(1); b) contraindre une personne à produire des documents ou des pièces; c) effectuer les recherches qu'il estime nécessaires.	Pouvoirs du commissaire en chef 35 40
Natural justice	(3) The Chief Commissioner shall conduct an investigation in accordance with the principles of natural justice.	(3) Le commissaire en chef mène une enquête en conformité avec les principes de justice naturelle.	45
Hearing	82. (1) A Commission of Inquiry shall, after giving reasonable notice to the member complained of and the complainant, conduct a hearing into the complaint.	82 (1) La commission d'enquête doit, après avoir donné un avis suffisant au député concerné et au plaignant, tenir une audience relativement à la plainte.	Audience 50
Evidence of member	(2) The member complained of may not refuse to give evidence at the hearing.	(2) Le député concerné ne peut refuser lors de l'audience de fournir des éléments de preuve.	Preuve du député 55
Hearing in public	(3) A hearing shall be conducted in public unless the Commission of Inquiry considers that it is necessary in the public interest to conduct	(3) L'audience est publique à moins que la commission d'enquête ne soit d'avis qu'il est préférable, dans l'intérêt public, de tenir	Audiences publiques 60

Powers of
Commission
of Inquiry

the hearing *in camera*.

Natural
justice

Disposition of
complaint by
Commission
of Inquiry

(4) In the conduct of a hearing a Commission of Inquiry

- (a) may require the Clerk to produce a disclosure statement received by the Clerk under subsection 77(1);
- (b) has the powers of a Board under the *Public Inquiries Act*; and
- (c) is not subject to technical rules of evidence.

(5) A Commission of Inquiry shall conduct a hearing in accordance with the principles of natural justice.

83. (1) After conducting a hearing, the Commission of Inquiry shall, in a report submitted to the Speaker, advise that

- (a) the complaint is dismissed, where the Commission of Inquiry has determined
 - (i) that the complaint does not disclose a contravention of this Part,
 - (ii) that a contravention of this Part was trivial or was committed through inadvertence or by reason of an error of judgment made in good faith, or
 - (iii) that the member took all reasonable measures to prevent a contravention of this Part; or
- (b) the Commission of Inquiry has found the member to be guilty of contravening a provision of this Part, and is recommending to the Legislative Assembly that one or more of the following punishments be imposed on the member:
 - (i) a reprimand,
 - (ii) a fine in an amount not exceeding \$10,000 established by the Commission of Inquiry,
 - (iii) an order requiring the member to make restitution, in an amount determined by the Commission of Inquiry, to the Government of the Northwest Territories or to an agency or corporation of the Government of the Northwest Territories of any gain realized by the member or the spouse or a dependent child of the member by participating in a transaction in

l'audience à huis clos.

(4) Lors de la tenue d'une audience, la commission d'enquête :

- a) peut ordonner au greffier de produire l'état de divulgation reçu en vertu du paragraphe 77(1);
- b) a les pouvoirs d'une commission en vertu de la *Public Inquiries Act* (Loi sur les enquêtes publiques);
- c) n'est pas assujetti aux règles techniques de preuve.

(5) La commission d'enquête tient Justice 15 l'audience en conformité avec les principes de naturelle justice naturelle.

83. (1) Après avoir tenu une audience, la commission d'enquête fait rapport au président et, selon le cas :

- a) propose que la plainte soit rejetée, lorsque la commission d'enquête détermine :
 - (i) que la plainte ne démontre pas une contravention à la présente partie,
 - (ii) que la contravention à la présente partie est futile ou a été perpétrée par inadvertance ou à la suite d'une erreur de jugement commise de bonne foi,
 - (iii) que le député a pris toutes les mesures nécessaires afin d'éviter une contravention à la présente partie;
- b) établit que la commission d'enquête a trouvé le député coupable d'avoir enfreint une disposition de la présente partie et recommande à l'Assemblée législative d'imposer une ou plusieurs des sanctions suivantes :
 - (i) blâme,
 - (ii) amende maximale de 10 000 \$ dont elle fixe le montant,
 - (iii) ordonnance qui réclame que le député restitue un montant fixé par la commission d'enquête, représentant les bénéfices réalisés par le député, son conjoint ou un enfant à charge du député qui a pris part à une opération en contravention à une disposition de la présente partie, en faveur du gouvernement des Territoires du Nord-Ouest, d'un organisme ou d'une société du gouvernement des

	contravention of a provision of this Part,	Territoires du Nord-Ouest,
	(iv) an order requiring the member to pay compensation to any person for a loss suffered by that person as a result of the member or the spouse or a dependent child of the member participating in a transaction in contravention of a provision of this Part,	(iv) ordonnance qui prévoit le versement d'une compensation par le député pour une perte subie par un tiers du fait de la participation du député, de son conjoint ou d'un enfant à charge du député, à une opération en contravention à une disposition de la présente partie,
	(v) a suspension for a period not exceeding 30 sitting days of the privileges of the member to sit in the Legislative Assembly,	(v) suspension du privilège du député de siéger à l'Assemblée législative pour une période maximale de 30 jours de séance,
	(vi) a declaration that the seat of the member is vacant,	(vi) déclaration à l'effet que le siège du député est vacant,
	(vii) an order that the member pay costs in an amount determined by the Commission of Inquiry.	(vii) ordonnance qui prévoit que le député devra défrayer les coûts dont le montant est fixé par la commission d'enquête.
Reasons	(2) a report referred to in subsection (1) shall provide reasons, including any dissenting reasons of a commissioner participating in the Commission of Inquiry.	(2) Le rapport visé au paragraphe (1) doit être motivé et contenir les motifs de la dissidence d'un commissaire ayant participé à la commission d'enquête, le cas échéant.
Tabling of report	(3) The Speaker shall cause a report received under subsection (1) to be laid before the Legislative Assembly as soon as is reasonably practicable.	(3) Le président s'assure que le rapport reçu en vertu du paragraphe (1) est déposé devant l'Assemblée législative aussitôt que possible.
Consideration of report by Legislative Assembly	84. (1) The Legislative Assembly shall consider a report provided by a Commission of Inquiry under paragraph 83(1)(b) within 30 sitting days after the report is laid before the Legislative Assembly.	84. (1) Dans les 30 premiers jours de séance à compter de la date où le rapport de la commission d'enquête est déposé devant l'Assemblée législative en vertu de l'alinéa 81(1)b), celle-ci l'étudie.
Disposition by Legislative Assembly	(2) The Legislative Assembly may order the imposition of the punishment recommended by the Commission of Inquiry, or it may reject the recommendation.	(2) L'Assemblée législative peut ordonner l'imposition des sanctions que recommande la commission d'enquête ou rejeter ces recommandations.
Annual report	85. (1) During each year the Commission shall submit to the Speaker an annual report consisting of a general summary of the activities of the Commission during the preceding year.	85. (1) À chaque année la commission remet au président un rapport annuel comprenant un sommaire général des activités de la commission pendant l'année précédente.
Tabling of report	(2) The Speaker shall cause a report received under subsection (1) to be laid before the Legislative Assembly as soon as is reasonably practicable.	(2) Le président s'assure que le rapport reçu en vertu du paragraphe (1) est déposé devant l'Assemblée législative aussitôt que possible.
Authority of Government Leader	86. Nothing in this Part shall be construed so as to limit the authority of the Government Leader to require that Ministers comply with such additional restrictions and obligations respecting	86. La présente partie n'a pas pour effet de limiter le pouvoir du chef du gouvernement d'exiger que les ministres se soumettent à des restrictions et obligations supplémentaires

conflict of interest as may be established by directive of the Government Leader.".

6. This Act comes into force on October 15, 1991.

relativement aux conflits d'intérêts, prévues par directives du chef du gouvernement.».

6. La présente loi entre en vigueur le 15 octobre 1991.