

NWT LEGISLATIVE LIBRARY



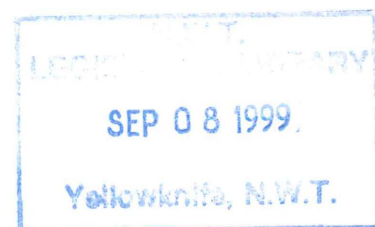
3 1936 00049 739 4

**REPORT TO THE
SPEAKER OF THE
LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES**

**IN THE MATTER OF ALLEGATIONS AGAINST
THE MEMBER FOR HAY RIVER**

**ACTING CONFLICT OF INTEREST COMMISSIONER
NORTHWEST TERRITORIES**

September 7, 1999



**COMPLAINT UNDER SECTION 80.(1) OF THE
LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT
AGAINST THE MEMBER FOR HAY RIVER**

I. COMPLAINT

On August 16, 1999, I received a faxed letter from David Hamilton, Clerk of the Legislative Assembly, stating that a complaint had been filed pursuant to section 80.(1) of the *Legislative Assembly and Executive Council Act* ("the Act") against the Member for Hay River, Jane Groenewegen.

The complaint was filed by Don Morin, Member for Tu Nedhe, and was as follows:

Legal Defence Fund

During the course of a well publicized hearing into my conduct last year, the MLA for Hay River publicly solicited money for the Jane Groenewegen Legal Defence Fund. She collected money for herself to allegedly offset legal bills she incurred in relation to developing "a case" against myself. However, on December 7, 1999, the Assembly passed a motion recommending that her legal fees be paid. To my knowledge, the MLA for Hay River has never publicly disclosed the amount of money raised, the source of the money (e.g., the individuals or businesses that contributed to her fund) nor provided an accounting for how this money was spent. I query whether the public soliciting of funds by the MLA and the lack of accounting for these funds, violates s.67, s.76 or the disclosure provisions of the *Legislative Assembly and Executive Council Act*. I would ask that you review this matter and advise as to whether the member has met all of her obligations with respect to the *Legislative Assembly and Executive Council Act* and with respect to the Legal Defence Fund.

The complaint refers to section 67 of the Act which reads:

67. Each member shall
- (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.

The complaint also refers to section 76 of the Act which reads:

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.

(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.

(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 retained by the member at the expiry of his or her term of office.

(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.

(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.

II. BACKGROUND OF THE LEGAL SUPPORT FUND ("the fund")

As stated in the Member for Tu Nedhe's complaint, the Member for Hay River was involved in a previous complaint filed under the Act that led to public inquiry. The Member for Hay River obtained legal representation from the firm of Chivers Greckol & Kanee for that inquiry.

The matter of payment of those legal costs has been an issue with which the Legislative Assembly and its Management and Services Board is very familiar.

The former Conflict of Interest Commissioner said that a fund could be established to pay the Member for Hay River's legal costs. However, the Commissioner imposed conditions on such a fund.

In my review of the former Conflict of Interest Commissioner's files and my interview with the Member for Hay River, I have determined the following sequence of events relating to the fund.

1. On February 27, 1998, the Member for Hay River wrote to the Conflict of Interest Commissioner to obtain advice with respect to establishing a fund from which the Member could pay the costs of legal representation relating to the public inquiry.
2. The Conflict of Interest Commissioner provided written advice to the Member for Hay River on February 27, 1998. The Commissioner stated that it was her opinion that creation of such a fund would not be a violation of the provisions or spirit of the Act if the fund was conducted in the manner described by the Member in her letter of February 27, 1998, and subject to the rules that the Commissioner attached to her opinion. Those rules state:

The provisions of s. 168 to 179 of the Northwest Territories *Elections Act* apply *mutatis mutandis*, and consistent with the following:

Funds collected shall be used to cover legitimate costs associated with the section.

The "campaign period" shall be open-ended with no "pre-election" or "post-election" periods.

There is no limit on the total funds raised or spent. Limits on individual contributions apply on an annual basis.

The reporting required by s. 179(1) shall be included annually, or at such other date as the Commissioner may order, in the s. 77(1) disclosure statement filed by a Member and form a part of the public record prepared by the Clerk for that Member under s. 78(1).

The following sections do not apply:

s. 168(1.1) and (3), 169(2) and (3), 177, 178 and 178.1, and 179(1) to (7).

3. There is no reference in the former Commissioner's files that instructions were given to the Member for Hay River to make a disclosure at any time other than with the annual disclosure under section 77(1) of the Act.
4. The Member for Hay River sought further instructions from the Clerk of the Legislative Assembly with respect to contributions to the fund. In his response to

the Member on September 22, 1998, the Clerk again noted that the names of the contributors were to be included in the Member's disclosure statement due in January 1999 and that the names of the contributors who contributed \$100 or more would be made public.

5. The Member for Hay River wrote to the Conflict of Interest Commissioner on September 26, 1998, seeking further advice with respect to the rules respecting contributions to the fund. Specifically, the Member asked
 - (a) whether the contribution limit of \$1,500 by any one individual, association or party could be removed or raised to \$5,000 and
 - (b) whether the requirement to report the name of a contributor could be raised to require reporting of only those contributors who donated \$200 or more instead of contributors who donated \$100 or more.
6. The Conflict of Interest Commissioner requested further information from the Member regarding the estimated legal bill the Member expected from Chivers Greckol & Kanee. That information was provided by the Member to the Commissioner. On October 8, 1998, the Commissioner provided written advice to the Member that:
 - (a) the contribution limit could be raised from \$1,500 to \$5,000, without infringing on the objectives of the legislation; and
 - (b) the reporting requirement remain at the \$100 level.
7. A bank account was opened on or around October 5, 1998, for the purpose of depositing contributions to the fund.
8. On January 22, 1999, the Member again wrote to the Commissioner to obtain advice relating to what costs might be covered by the fund. The Commissioner provided written advice on the questions raised by the Member by letter dated January 22, 1999. Within that letter of advice, it was noted that the Member's next disclosure statement under the Act was due on February 12, 1999, and that the Commissioner stated that the list of contributors can be provided as an addendum to that disclosure.
9. The Member's annual disclosure statement, dated February 10, 1999, was filed with the Clerk of the Legislative Assembly on or around that date and a supplementary disclosure statement, dated February 16, 1999, was filed with the Clerk. The supplementary disclosure statement included a list of all persons who contributed \$100 or more to the fund and the amounts each person contributed.

III. FACTS

Upon receipt of the letter from the Clerk of the Legislative Assembly advising of the receipt of the complaint from the Member for Tu Nedhe, I contacted the Member for Hay River. She said that she believed she had complied with the Conflict of Interest Commissioner's instructions with the exception of a final accounting of the disposition of the monies received. She advised me that she had filed the list of contributors with the Clerk.

I contacted David Hamilton, Clerk, and asked him whether the Member for Hay River had filed information relating to the fund. Mr. Hamilton indicated that he believed she had not. He later telephoned me to advise me that he had subsequently reviewed the Member's disclosure statement and that the Member had in fact filed a list of contributions received for the fund.

I should note that the Member for Tu Nedhe had twice requested, in writing to the Clerk of the Legislative Assembly, the information regarding the list of contributors from the Member for Hay River's public disclosure statement prior to that information being filed with the Clerk. On both occasions, the Clerk correctly advised the Member for Tu Nedhe that the information had not as yet been filed with the Clerk's office.

A copy of the Member for Hay River's disclosure statement was faxed to me by the Clerk and a list of contributors was included in that statement.

I then contacted the Member for Tu Nedhe to advise him that the Clerk might have information relating to the issues raised in the letter of complaint. The Member indicated he would talk with the Clerk and then let me know if he was satisfied with the information provided to him.

The Member for Tu Nedhe telephoned me after he had reviewed the Member for Hay River's public disclosure statement as filed with the Clerk, and he indicated that he was not satisfied with the information provided. He stated that he believed all contributors should be listed and that there should be a final accounting of the funds.

I requested that the Clerk provide me with a sworn statement relating to the Member for Hay River's disclosure statement and that the Clerk's statement include an explanation as to why the Member for Hay River's list of contributors had not been attached to or included with the Member's public disclosure statement. An Affidavit was faxed to me on August 20, 1999. That Affidavit notes that the omission of the contributor information was a result of error or inadvertence on the part of the Clerk. A copy of the Clerk's Affidavit is attached as Appendix I to this report.

I met with the Member for Hay River on August 23, 1999, at my office in Edmonton, Alberta, as the Member was in that city for personal reasons. She confirmed the

sequence of events as noted earlier in this report and made a Statutory Declaration outlining the actions taken with respect to the fund to date. A copy of the Statutory Declaration is attached as Appendix II to this report.

I offered to meet with the Member for Tu Nedhe in Yellowknife on August 26, 1999, in order for him to review the information I had obtained and to give him an opportunity for him to provide me with any further information or evidence. The offer was declined.

IV. FINDINGS

The complaint filed against the Member for Hay River alleges a possible breach of sections 67 and 76.

(A) SECTION 67

Section 67 of the Act states:

67. Each member shall
- (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.

In February 1998, the Member for Hay River sought the advice of the Conflict of Interest Commissioner prior to proceeding with the establishment of the fund. The former Commissioner gave the Member an opinion that establishment of the fund would not be a violation of the Act and the Commissioner set conditions on the fund.

If the Member relied on that advice regarding her obligations under the Act, including section 67, and followed the conditions, section 79.2 of the Act would prevent any proceeding against the Member as a result of the Member's reliance on the Commissioner's advice.

Section 79.2 (5) of the Act reads:

Where a member has, under this section, received the advice and recommendations of the Conflict of Interest Commissioner with respect to obligations of the member under this Part, no proceeding or prosecution shall be taken against the member under this Part in respect of those obligations where the member has

- (a) communicated the material facts to the Conflict of Interest Commissioner; and
- (b) complied with any recommendations contained in the advice and recommendations of the Conflict of Interest Commissioner.

I find that the Member for Hay River has complied with the advice and recommendations of the Commissioner so far as disclosure of the list of contributors is concerned. Pursuant to section 79.2(5), I find that no action can now be taken against the Member for Hay River on the matter for which she sought advice, based upon her compliance with that advice.

A final accounting of the disposition of the funds has not, as yet, occurred. As noted in the Member for Hay River's Statutory Declaration and as I was told during my interview with the Member, the following actions have occurred with respect to disbursements from the fund.

1. An interim invoice for approximately \$25,000 was submitted to the Member for Hay River on or about October 21, 1998 by Chivers Greckol & Kanee. That invoice was paid from the fund on or about November 4, 1998.
2. Travel expenses for the Member and her legal representative and incidental costs in the amount of approximately \$7,000 have also been paid from the fund.
3. Following the completion of the public inquiry in 1998, an invoice was submitted by Chivers Greckol & Kanee to the Management and Services Board in the amount of approximately \$125,000. Approximately \$100,000 was paid to Chivers Greckol & Kanee by the Management and Services Board on or about January 20, 1999.
4. The remaining \$25,000 owing on the invoice submitted to the Management and Services Board has not as yet been paid. The Management and Services Board has indicated to Chivers Greckol & Kanee that it does not believe it has responsibility for that portion of the invoice and that payment of the remaining \$25,000 would only occur if

Chivers Greckol & Kanee were to obtain a court order requiring the payment of that portion of the invoice.

5. The Legislative Assembly Office has confirmed, by letter dated September 1, 1999, that the portion outstanding on the Chivers Greckol & Kanee invoice relates to legal costs associated with the court application surrounding the issue of whether the Conflict of Interest Commissioner had the power to engage counsel for participants in the public inquiry. Justice Vertes reserved costs for further argument. It is those costs that the Management and Services Board has declined to pay. The Board has taken the position that it would only pay legal costs incurred in relation to the public inquiry itself.
6. Of the approximately \$25,000 paid to the law firm from the fund in November 1998, Chivers Greckol & Kanee has placed \$19,319.61 in a trust account. Those funds represent that portion of the initial payment received from the fund that will be returned to the fund should Chivers Greckol & Kanee be paid the approximately \$25,000 outstanding on the invoice by the Board.

Since the matter of the payment for legal services rendered by Chivers Greckol & Kanee remains unresolved, the Member for Hay River submits that she is not in a position to provide a final accounting to the Clerk as part of her disclosure statement.

(B) Section 76

Section 76 of the Act states:

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.

(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.

(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 retained by the member at the expiry of his or her term of office.

(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.

(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.

The Conflict of Interest Commissioner, in her letter of advice dated February 27, 1998, states her opinion that establishment of the fund would not be a violation of the Act and advised the Member to disclose the contributions in her next annual disclosure statement.

The Member for Hay River was told to disclose the names of all contributors who donated \$100 or more and that information was disclosed on February 16, 1999.

I therefore find that the Member for Hay River has complied with the conditions relating to disclosure that were set by the former Commissioner. There are further reporting conditions that will have to be met.

V: CONCLUSION

I have reviewed the advice and recommendations provided to the Member for Hay River and accept the information provided by her with respect to the actions she took as a result of receiving the Commissioner's advice and recommendations.

I want to make it very clear that my task in this matter is to find whether the Member for Hay River has complied with the advice and conditions imposed by the former Conflict of Interest Commissioner respecting the fund. The former Commissioner determined that the collection of money for the fund was allowed under the Act, subject to the conditions imposed by the former Commissioner. I do not need to go behind that decision. I need only determine if the Member for Hay River has done what the former Commissioner told the Member to do. I find that she has, so far. The matter is not yet concluded and the Member for Hay River has some things yet to do, according to the former Commissioner's conditions.

It is my opinion that the Member for Hay River has complied with the advice and recommendations provided to her. The Member for Hay River has indicated that she fully intends to comply with the final condition of providing an accounting of the disposition of the funds as part of her disclosure statement as soon as the matters relating to the payment for legal services is resolved.

The status of the \$19,319.61, which Chivers Greckol & Kanee holds in trust for the Member, remains an outstanding issue. It is a large sum of money. It may turn out to be

an unspent portion of the fund. Since it is held in trust by a lawyer, legally it still belongs to the Member for Hay River. It would be premature, in my view, for the Member for Hay River to now account for the disposition of the fund with such a large amount left outstanding.

If and when Chivers Greckol & Kanee believe they are entitled to that money, they will have to give the Member for Hay River an account. If the Member for Hay River disagrees with the account, she has recourse under the Rules of Court in that regard. But until an account is rendered by Chivers Greckol & Kanee, the sum of \$19,319.61 remains held in trust for the Member for Hay River. Its final disposition is unknown.

I will ask that the Member advise the Commissioner directly when there is any change in the status of this outstanding account.

Section 81 of the Act states

81.(1) The Conflict of Interest Commissioner shall, after giving reasonable notice to the member complained of and the complainant, conduct an inquiry into the complaint.

(2) Notwithstanding subsection (1), the Conflict of Interest Commissioner may decline to conduct an inquiry into a complaint where he or she determines that

(a) the complaint is frivolous or vexatious or was not made in good faith; or

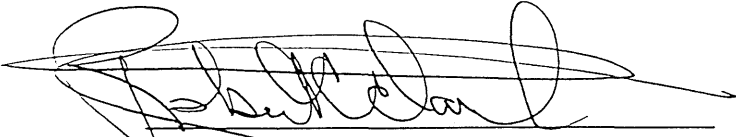
(b) there are insufficient grounds to warrant an inquiry.

(3) Where the Conflict of Interest Commissioner declines to conduct an inquiry under subsection (2), he or she shall provide a report to the Speaker.

(4) The Speaker shall cause a report received under subsection (3) to be laid before the Legislative Assembly as soon as is reasonably practicable.

Based on the above information provided to me as a result of reviewing the former Commissioner's file and provided to me by the Clerk of the Legislative Assembly and the Member for Hay River, it is my opinion that there are insufficient grounds to warrant an inquiry into this complaint.

Pursuant to section 81(3), I am providing this report to the Speaker of the Legislative Assembly to advise the Assembly of my conclusions regarding this complaint.

A handwritten signature in black ink, appearing to read "Robert C. Clark". The signature is written in a cursive style with large, sweeping loops and is positioned above the printed name.

Robert C. Clark
Acting Conflict of Interest Commissioner

In the Matter of a Complaint under the
Legislative Assembly and Executive Council Act, Part III
by the Member from Tu Nedhe in relation to the Member for Hay River

AFFIDAVIT

I, **DAVID HAMLTON**, of the City of Yellowknife, in the Northwest Territories,
MAKE OATH AND SAY THAT:

1. **THAT** I am the Clerk of the Legislative Assembly of the Northwest Territories and as such have personal knowledge of the facts and matters hereinafter deposed to except where said facts and matters are stated to be based on information and belief in which case I do verily believe them to be true.
2. **THAT** on August 16, 1999 the Member for Tu Nedhe, Donald Morin, filed a complaint with me in accordance with section 80 of the *Legislative Assembly and Executive Council Act* (hereinafter the "*Act*"). The complaint was filed against the Member for Hay River, Jane Groenewegen. Attached as Exhibit "A" to this my Affidavit is a true copy of the said complaint.
3. **THAT** under the *Act*, I am required to provide a copy of the complaint to the member complained of and to the Conflict of Interest Commissioner.
4. **THAT** I complied with this requirement and on August 16, 1999, I faxed the filed complaint to Mrs. Groenewegen, the Member for Hay River and to Mr. Robert Clark, the Acting Conflict of Interest Commissioner. Attached as Exhibits "B" and "C" to this my affidavit are true copies of the fax confirmation sheets.
5. **THAT** in response to receiving this fax, I received a telephone call from Mr. Clark inquiring if Mrs. Groenewegen had filed information pertaining to the legal defense fund. I advised Mr. Clark that I did not recall the information being filed.

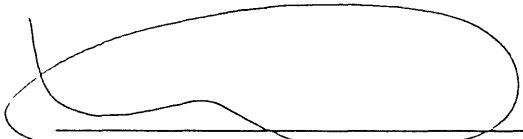
6. **THAT** I also received a telephone call from Mrs. Groenewegen on August 16, 1999, indicating that she had received the complaint and confirming with me that she had filed some of the information she was required to file. She also asked me whether I had this information. I responded to her by telling her that I would review her file and let her know.
7. **THAT** upon my review of Mrs. Groenewegen's confidential annual filing for 1999, I found that Mrs. Groenewegen had provided two filings. One filing was her annual filing which was dated February 10, 1999 and there was also a supplementary filing dated February 16, 1999. Attached as Exhibits "D" and "E" to this my affidavit are true copies of the Annual Filing and the Supplementary Filing.
8. **THAT** I then reviewed the public register and discovered that the public register did contain the information on the legal defense fund, however it did not have the list of contributors that had been filed by Mrs. Groenewegen.
9. **THAT** as soon as I discovered this error, I telephoned Mr. Clark and informed him that Mrs. Groenewegen had filed information pertaining to her legal defense fund. At Mr. Clark's request, the information was faxed to him. Attached as Exhibit "F" to this my affidavit is a true copy of the fax confirmation sheet to Mr. Clark.
10. **THAT** upon further review of the file, I also located a letter dated February 10, 1999, and which was received in my office on February 11, 1999 from Mrs. Groenewegen. The letter indicated that Mrs. Groenewegen would not be able to file the required information on the legal defense fund by February 10, 1999, and requested an extension. Attached as Exhibit "G" to this my Affidavit is a true copy of the said letter.
11. **THAT** through error or inadvertence, I did not include the document titled " Contributions over \$100.00 to Groenewegen Legal Defense Fund" in the public register. I have now


rectified this mistake and the document titled "Contributions over \$100.00 to Groenwegan Legal Defense Fund" was added to the public register on August 18, 1999. Attached as Exhibit "H" to this my affidavit is a true copy of the said notice.

12. **THAT** I spoke to Mr. Morin on August 18, 1999. At that time, he asked me why I had not informed him of Mrs. Groenwegan's filings when he had written to me requesting copies of any information Mrs. Groenwegan had filed concerning her legal support fund.
13. **THAT** during our telephone conversation on August 18, 1999, Mr. Morin requested that I fax to him a copy of the disclosure information. This was done. Attached as Exhibit "I" to this my Affidavit is a true copy of the fax confirmation sheet to Mr. Morin.
14. **THAT** I advised Mr. Morin that I had erred and that Mrs. Groenwegan had filed the information on February 16, 1999 but through an administrative error, all the information was not transferred to the public register.
15. **THAT** after the phone call with Mr. Morin, I further reviewed the files to recall when Mr. Morin had requested the information from my office.
16. **THAT** in reviewing the files, I noted that Mr. Morin's initial request to me was dated January 25, 1999 and that I responded to it on February 1, 1999. Attached as Exhibit "J" and "K" to this my affidavit is a true copy of the said letters.
17. **THAT** I received further correspondence from Mr. Morin on February 8, 1999 inquiring about time lines for making information about the legal defense fund public. I responded to that letter on February 9, 1999. Attached as Exhibits "L" and "M" to this my affidavit is a true copy of the said letters.

18. THAT to the best of my recollection, I do not recall Mr. Morin making any further inquiries with respect to whether or not Mrs. Groenwegan had filed any information after the February 8, 1999 letter.
19. THAT I make this Affidavit to clarify the information in the records of the Office of the Clerk and the actions taken by myself which touch upon the matters raised in the complaint by the Member from Tu Nedhe in relation to the Member for Hay River, dated August 16, 1999 and for no other or improper purpose.

SWORN BEFORE ME at the City of)
 Yellowknife in the Northwest)
 Territories this 19 day of)
 August, 1999.)






A Commissioner for Oaths in and)
 for the Northwest Territories.)
 My Commission expires: _____)

David Hamilton

SARAH A. E. KAY
 A NOTARY PUBLIC IN AND FOR THE
 NORTHWEST TERRITORIES. MY COMMISSION
 DOES NOT EXPIRE BEING A SOLICITOR.


Northwest
Territories Legislative Assembly
Member for Tu Nèche

August 16, 1999

Clerk of the Legislative Assembly
Legislative Assembly of the Northwest Territories
P.O. Box 1320
YELLOWKNIFE, NT X1A 2L9

Attention: David Hamilton

Dear Sir:

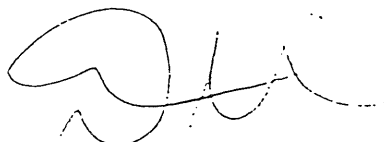
Pursuant to s. 80 of the *Legislative Assembly and Executive Council Act*, I would like this letter to stand as a formal complaint with respect to the conduct of the MLA for Hay River, Jane Groenewegen, which I allege violates the conflict of interest provisions of the *Legislative Assembly and Executive Council Act*. I have a specific complaint as follows:

1. Legal Defence Fund

During the course of a well publicized hearing into my conduct last year, the MLA for Hay River publicly solicited money for the Jane Groenewegen Legal Defence Fund. She collected money for herself to allegedly offset legal bills she incurred in relation to developing "a case" against myself. However, on December 7, 1999, the Assembly passed a motion recommending that her legal fees be paid. To my knowledge, the MLA for Hay River has never publicly disclosed the amount of money raised, the source of the money (e.g., the individuals or businesses that contributed to her fund) nor provided an accounting for how this money was spent. I query whether the public soliciting of funds by the MLA and the lack of accounting for these funds, violates s. 67, s. 76 or the disclosure provisions of the *Legislative Assembly and Executive Council Act*. I would ask that you review this matter and advise as to whether the member has met all of her obligations with respect to the *Legislative Assembly and Executive Council Act* and with respect to the Legal Defence Fund.

I would ask that the Conflict of Interest Commissioner review this complaint and advise as to whether you are of the view that this complaint constitutes a contravention of the conflict of interest provisions of the *Legislative Assembly and Executive Council Act*.

Yours very truly,



Donald Morin
MLA

THIS IS EXHIBIT ".....A....."
referred to in the Affidavit of
.....DAVID HAMILTON.....
Sworn before me this.....19.....
day of.....August.....A.D. 19 99

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.

TRANSACTION REPORT

P.01

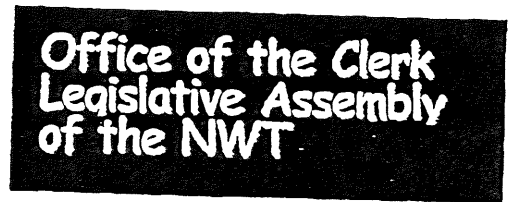
AUG-16-99 MON 02:23 PM

SEND(M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-16	02:21 PM	17804225682	1'22"	3	SEND	(M) OK	152	
TOTAL				1M 22S	PAGES:		3	

Legislative Assembly of the Northwest Territories
P.O. Box 1320
YELLOWKNIFE NT X1A 2L9

Phone: (867) 669-2299
Fax: (867) 873-0432



Fax

To: Mr. Robert Clark
A/ Conflict of Interest Commissioner
c/o Office of the Ethics Commissioner
410, 9925 - 109 Street
Edmonton, AB T5K 2J8

From: Mr. David M. Hamilton
Clerk of the Legislative Assembly

Fax: 780-422-5682

Pages: 3

Phone:

Date: August 16, 1999

Re: CONFIDENTIAL

CC:

THIS IS EXHIBIT " B "
referred to in the Affidavit of
David Hamilton
Sworn before me this 19
day of August A.D. 19 99

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.

August 16, 1999

Mr. Robert Clark
Acting Conflict of Interest Commissioner
c/o Office of the Ethics Commissioner
410, 9925 – 109 Street
Edmonton, AB T5K 2J8

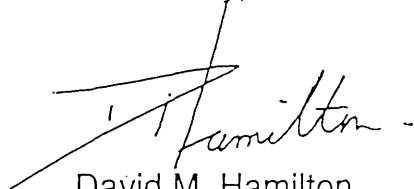
Dear Mr. Clark

**Filing of Complaint under Section 80.(1) if the
Legislative Assembly and Executive Council Act**

Pursuant to Section 80.(2) of the *Legislative Assembly and Executive Council Act*, I am providing you with a copy of a complaint filed with me under Section 80.(1) on August 16, 1999.

I have also provided a copy of the complaint filed to the Member for Hay River being the Member being complained of.

Yours truly,



David M. Hamilton
Clerk of the Legislative Assembly

cc: Mrs. Jane Groenewegen
Member for Hay River

Mr. Don Morin
Member for Tu Nedhe

Attachments

TRANSACTION REPORT

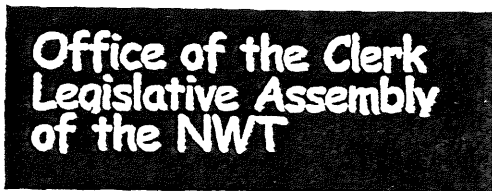
AUG-16-99 MON 02:26 PM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-16	02:25 PM	18678746143	1'10"	3	SEND	(M) OK	153	
TOTAL						1M 10S PAGES:	3	

Legislative Assembly of the Northwest Territories
 P.O. Box 1320
 YELLOWKNIFE NT X1A 2L9

Phone: (867) 669-2299
 Fax: (867) 873-0432



Fax

To: Mrs. Jane Groenewegen
 Member for Hay River

From: Mr. David M. Hamilton
 Clerk of the Legislative Assembly

Fax: 867-874-6143

Pages: 3

Phone:

Date: August 16, 1999

Re: CONFIDENTIAL

CC:

Copy to follow in mail

THIS IS EXHIBIT " C
 referred to in the Affidavit of
 David Hamilton
 Sworn before me this 19
 day of August A.D. 19 99

SARAH A. E. KAY
 A NOTARY PUBLIC IN AND FOR THE
 NORTHWEST TERRITORIES. MY COMMISSION
 DOES NOT EXPIRE BEING A SOLICITOR.

FORM 1

Legislative Assembly and Executive Council Act - Conflict of Interest

MEMBER'S DISCLOSURE STATEMENT

(As of Feb: 10/99)

Name of Member: Jane Mary Groenewegen

I am familiar with the conflict of interest requirements of the *Legislative Assembly and Executive Council Act*. This Member's Disclosure Statement to the best of knowledge, information and belief, accurately discloses all assets, liabilities, financial interests and income of me, my spouse, my dependent children and companies controlled by any of us, or a combination of us, as required by that Act. I am not aware of any other circumstances which may create a conflict of interest other than have been disclosed on this form.

Signature of Member: 

Date: February 10, 1999


Clerk of the Legislative Assembly
of the Northwest Territories

16/2/99
Dated Filed THIS IS EXHIBIT "D"
referred to in the Affidavit of
David Hamilton
Sworn before me this 19
day of August A.D. 19 99
SARAH E. KAY Page 1
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE

FORM 2

LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT - Conflict of Interest

MEMBER'S STATEMENT OF GIFTS AND PERSONAL BENEFITS

Complete and file this Form immediately with the Clerk under the Legislative Assembly and Executive Council Act if you accept a gift or personal benefit that is connected directly or indirectly with the performance of your duties of office and:

- (a) the benefit exceeds \$400.00; or
- (B) the value of all gifts and benefits you received directly or indirectly from one source in any twelve month period exceeds \$400.00

If clause (b) applies, list all gifts and benefits.

Date of Receipt	Name of Donor	Address of Donor	Nature of Gift or Benefit	Value
PLEASE	SEE ATTACHED	LIST OF CONTR.	BUTOKS TO	
	"GREENWEGEN LEGAL	SUPPORT FUND	"	

TOTAL VALUE \$ 51,372.57

THIS IS EXHIBIT ".....K....."
referred to in the Affidavit of
DAVID HAMILTON

Sworn before me this 17
day of AUGUST A.D. 19 95

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.

CONFIDENTIAL

Describe the circumstances under which each gift or benefit listed above was given and accepted.

If a gift or benefit listed above was received indirectly from a source other than the donor listed above, what is the name and address of the sources?

I certify that the gifts and benefits listed above were received as an incident of the protocol or social obligations that normally accompany the responsibilities of my office.

Feb 15/99

Date



Signature

JANE GROENEWEGEN

Name of Member (please print)

Contributions over \$100 to Groenewegen Legal Support Fund

Buckerfield

1	Dave Buckerfield, Hay River	\$250.00
2	Sandra Lester/Glenn Smart, Hay River	\$250.00
3	Patterson 92-3087 Ltd., Hay River	\$1,000.00
4	Cameron & Kyler Clement, Hay River	\$1,000.00
5	953731 NWT Ltd., Resolute	\$2,500.00
6	Jane Groenewegen, Hay River	\$1,035.76
7	Jane Groenewegen, Hay River	\$1,336.29
8	Jane Groenewegen, Hay River	**\$67.40 (Exception!)
9	Jane Groenewegen, Hay River	\$196.87
10	Damolis Card and Gift Shop, Yellowknife	\$500.00
11	Dan Short, Yellowknife	\$150.00
12	M. Shott, Fort Smith	\$125.00
13	Patricia Thomas, Yellowknife	\$200.00
14	Paul Fleury & Co., Yellowknife	\$200.00
15	Jacquelyn Burles, Yellowknife	\$200.00
16	Calvin & Alice Mains, Hay River	\$200.00
17	Bill Phillips, Fort Smith	\$250.00
18	Cheryl Best, Yellowknife	\$200.00
19	Joe and Colleen Gagnier, Hay River	\$200.00
20	Betty Schofield, Hay River	\$250.00
21	Wrights Hardware, Hay River	\$500.00
22	Joy Stewart, Hay River	\$1,000.00
23	Jack or Jan Op Der Heije, Yellowknife	\$1,000.00
24	Mary Broussard, Yellowknife	\$200.00
25	Judith Langille, Hay River	\$500.00
26	Fred H. Ross, Cambridge Bay	\$300.00
27	Roger Leveille, Hay River	\$500.00
28	Tom Macdonald, Hay River	\$200.00
29	Gerald or Christine Baron, Rae	\$110.00
30	Territorial Quick Print, Hay River	\$250.00
31	John & Marilyn Carroll, Hay River	\$125.00
32	Pamela Taylor, Hay River	\$150.00
33	Nunavut Employees Union, Iqaluit	\$500.00
34	Gameti Gospel Fellowship, Rae Lakes	\$150.00
35	Ralph Ricketts, Hay River	\$125.00
	TOTAL AMOUNT over \$100: 35 Receipts	\$15,721.32
	TOTAL AMOUNT under \$100: 205 Receipts	\$15,650.95
	TOTAL AMOUNT for all donations	\$31,372.27

TRANSACTION REPORT

P. 01

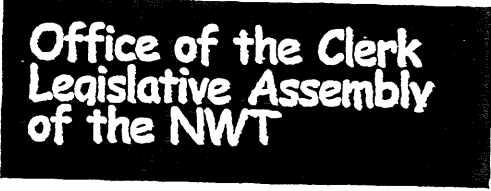
AUG-17-99 TUE 11:38 AM

SEND(M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-17	11:29 AM	17804222261	9' 34"	28	SEND	(M) OK	155	
TOTAL				9M 34S	PAGES:	28		

Legislative Assembly of the Northwest Territories
P.O. Box 1320
YELLOWKNIFE NT X1A 2L9

Phone: (867) 669-2299
Fax: (867) 873-0432



Fax

To: Mr. Robert Clark
Acting Conflict of Interest
Commissioner

From: Mr. David M. Hamilton
Clerk of the Legislative Assembly

Fax: 780-422-2261

Pages: 27

Phone:

Date: August 17, 1999

Re: CONFIDENTIAL

CC:

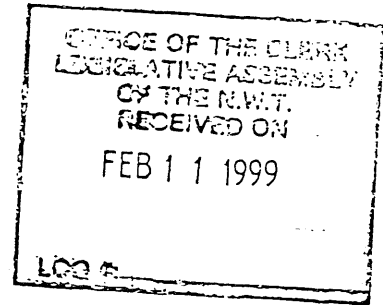
As requested this morning, you'll find attached a copy of the Confidential

THIS IS EXHIBIT "E"
referred to in the Affidavit of
David Hamilton
Sworn before me this 17
day of August A.D. 19 99

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.

February 10, 1999

David Hamilton
Clerk of the Legislative Assembly
Government of the NWT
Yellowknife, NWT



Via Facsimile: 873-0432

Dear David:

In previous correspondence I had received from the Conflict Commissioner regarding the filing of details of the Groenewegen Legal Support Fund, she stated that disclosure documents were due on February 12th. With this date imprinted in my mind, I opened my disclosure package this evening to read your letter which states a date of February 10, 1999.

I attempted to contact you to file a request for an extension but was told you are in Iqaluit. I left a voice mail for the Deputy Clerk. Finally I resorted to giving Commissioner a call to request an extension. She informed me that there is a 45 day grace period indicated in the Legislation. I expect I'll have my disclosure couriered out to you by tomorrow but to ensure compliance with the Act, I request that an extension be granted if required, to February 12th, 1999.

Thank you

Jane Groenewegen
MLA, Hay River

Time: 8:45 p.m.
Date: February 10th, 1999

THIS IS EXHIBIT ".....G....."
referred to in the Affidavit of
.....David Hamilton.....
Sworn before me this.....19.....
day of.....August 10, 1999.....

A large, stylized handwritten signature in black ink, appearing to read "Sarah A. E. Kay".

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.



Northwest Territories Legislative Assembly
Office of the Clerk

AUG 18 1999

To Whom It May Concern:

Register of Public Disclosure Statements

It came to my attention that when preparing the public disclosure statement under Section 78.(2) of the *Legislative Assembly and Executive Council Act*, that I neglected to include a one page document titled "Contributions over \$100.00 to Groenewegen Legal Support Fund".

The Member for Hay River, Mrs. Jane Groenewegen filed this document on February 16, 1999. The document has now been added to the public register, as of this date.

David H. Hamilton
Clerk of the Legislative Assembly

Dated at Yellowknife this 18 day of August 1999.

THIS IS EXHIBIT "H"
referred to in the Affidavit of
David Hamilton
Sworn before me this 19
day of August A.D. 19 99

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.



Contributions over \$100 to Groenewegen Legal Support Fund

Buckerfield

1	Dave Buckerfield, Hay River	\$250.00
2	Sandra Lester/Glenn Smart, Hay River	\$250.00
3	Patterson 92-3087 Ltd., Hay River	\$1,000.00
4	Cameron & Kyler Clement, Hay River	\$1,000.00
5	953731 NWT Ltd., Resolute	\$2,500.00
6	Jane Groenewegen, Hay River	\$1,035.76
7	Jane Groenewegen, Hay River	\$1,336.29
8	Jane Groenewegen, Hay River	**\$67.40 (Exception)
9	Jane Groenewegen, Hay River	\$196.87
10	Damolis Card and Gift Shop, Yellowknife	\$500.00
11	Dan Short, Yellowknife	\$150.00
12	M. Shott, Fort Smith	\$125.00
13	Patricia Thomas, Yellowknife	\$200.00
14	Paul Fleury & Co., Yellowknife	\$200.00
15	Jacquelyn Burles, Yellowknife	\$200.00
16	Calvin & Alice Mains, Hay River	\$200.00
17	Bill Phillips, Fort Smith	\$250.00
18	Cheryl Best, Yellowknife	\$200.00
19	Joe and Colleen Gagnier, Hay River	\$200.00
20	Betty Schofield, Hay River	\$250.00
21	Wrights Hardware, Hay River	\$500.00
22	Joy Stewart, Hay River	\$1,000.00
23	Jack or Jan Op Der Heije, Yellowknife	\$1,000.00
24	Mary Broussard, Yellowknife	\$200.00
25	Judith Langille, Hay River	\$500.00
26	Fred H. Ross, Cambridge Bay	\$300.00
27	Roger Leveille, Hay River	\$500.00
28	Tom Macdonald, Hay River	\$200.00
29	Gerald or Christine Baron, Rae	\$110.00
30	Territorial Quick Print, Hay River	\$250.00
31	John & Marilyn Carroll, Hay River	\$125.00
32	Pamela Taylor, Hay River	\$150.00
33	Nunavut Employees Union, Iqaluit	\$500.00
34	Gameti Gospel Fellowship, Rae Lakes	\$150.00
35	Ralph Ricketts, Hay River	\$125.00
	TOTAL AMOUNT over \$100: 35 Receipts	\$15,721.32
	TOTAL AMOUNT under \$100: 205 Receipts	\$15,650.95
	TOTAL AMOUNT for all donations	\$31,372.27

TRANSACTION REPORT

P. 01

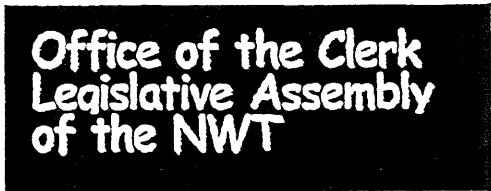
AUG-18-99 WED 10:50 AM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-18	10:47 AM	18678743463	2' 11"	5	SEND	(M) OK	158	
TOTAL						2M 11S PAGES:	5	

Legislative Assembly of the Northwest Territories
P.O. Box 1320
YELLOWKNIFE NT X1A 2L9

Phone: (867) 669-2299
Fax: (867) 873-0432



Fax

To: Mr. Don Morin
MLA - Tu Nedhe

From: Mr. David M. Hamilton
Clerk of the Legislative Assembly

Fax: 867-874-3463

Pages: 4

Phone:

Date: August 18, 1999

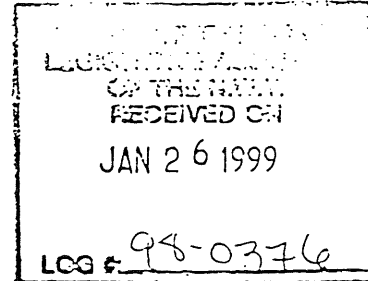
Re: CONFIDENTIAL

CC:

I've attached the forms, as discussed with you earlier this morning.

THIS IS EXHIBIT "I"
referred to in the Affidavit of
David Hamilton
Sworn before me this 19
day of August A.D. 1999.

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.



January 25, 1999

MR. DAVID HAMILTON
CLERK

Dear Mr. Hamilton:

Can you provide me with a list of people's names that donated to the Defense Fund for Jane Groenewegen, MLA Hay River? This list was supposed to be made public.

If you require further information, please call me at 669-2265.

Thank you.

Your truly,

Don Morin
MLA Tu Nedhe

cc: Ms. Jane Groenewegen, MLA Hay River

THIS IS EXHIBIT ".....J....."
referred to in the Affidavit of
.....David Hamilton.....
Sworn before me this.....19.....
day of.....August.....A.D. 19 99

SARAH A. E. KAY

A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.

FEB 21 1930

MR. DON MORIN
MEMBER FOR TU NEDHE

Request for Information on Defense Fund

In response to your January 25th letter, I am unable to provide you with the information requested. As of this date, there has been no information filed with me under the conflict of interest provisions in relation to the Defense Fund established by the Member for Hay River, Mrs. Groenewegen.

ORIGINAL SIGNED BY

David M. Hamilton
Clerk

cc: Member for Hay River

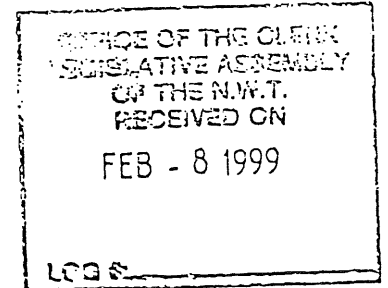
THIS IS EXHIBIT "K"
referred to in the Affidavit of
David Hamilton
Sworn before me this 19
day of August A.D. 19 29.

SARAH A. E. KAY

A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.



Northwest Territories Legislative Assembly
Member for Tu Nedhe



February 8, 1999

MR. DAVID HAMILTON
CLERK

Defense Fund

Further to my request for information on the above, thank you for your quick response. However, I would like to know if under the conflict of interest provisions that the Member for Hay River, Ms. Jane Groenewegen has any time limits to make this public information and if so, how long?

Thank you.

Yours truly,

Don Morin
MLA Tu Nedhe

THIS IS EXHIBIT "L"
referred to in the Affidavit of
David Hamilton
Sworn before me this 8th day of August A.D. 1999

SARAH A. E. KAY
A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR



FEB 09 1999

MR. DON MORIN
MEMBER FOR TU NEDHE

Information Concerning Defense Fund

In response to your letter of February 8, 1999, I would like to draw your attention to section 77.(3) which indicates that a member has 90 days to file a supplementary disclosure statement from the date of the occurrence. I also wish to draw your attention to section 78.(1.1), which is the section that provides, that when a supplementary disclosure is filed, a supplementary public disclosure is prepared. I am attaching these sections for your reference. Beyond this information, I am unable to assist you further until a supplementary statement is filed.

You will note I have copied my letter to the Member for Hay River and the Conflict of Interest Commissioner in the event I may have provided inaccurate information.

ORIGINAL SIGNED BY

David M. Hamilton
Clerk

Attachment

cc: Member for Hay River
Conflict of Interest Commissioner

THIS IS EXHIBIT " M "
referred to in the Affidavit of
David Hamilton
Sworn before me this 19
day of August A.D. 19 99

SARAH A. E. KAY

A NOTARY PUBLIC IN AND FOR THE
NORTHWEST TERRITORIES. MY COMMISSION
DOES NOT EXPIRE BEING A SOLICITOR.

CANADA)
)
 PROVINCE OF ALBERTA)
)
 TO WIT:)

IN THE MATTER OF the *Legislative Assembly and Executive Council Act*, R.S.N.W.T. 1988, c. L-5, and

IN THE MATTER OF a complaint of August 16, 1999, with respect to an alleged contravention of the *Legislative Assembly and Executive Council Act* by the Honourable Member for Hay River, Jane Groenewegen.

STATUTORY DECLARATION OF JANE MARY GROENEWEGEN

I, Jane Mary Groenewegen, of Hay River in the Northwest Territories, Member of the Legislative Assembly for Hay River, do solemnly declare as follows:

1. That on February 27, 1998, I wrote to Anne Crawford, Conflict of Interest Commissioner for the Northwest Territories, for her written advice on the establishment of a fund to assist me in paying legal costs incurred with respect to the public inquiry related to my complaint against Don Morin, a Member of the Legislative Assembly. A copy of my letter to Ms Crawford and her response to me on the same date are attached as Exhibit 1 to this Statutory Declaration.
2. That I wrote to the Clerk of the Legislative Assembly of the Northwest Territories on September 22, 1998, to request advice relating to the legal support fund and he advised me, in a letter dated September 22, 1998, that any donations to my legal support fund must be noted in my next disclosure statement that would be due in January 1999. A copy of that letter is attached as Exhibit 2.
3. That on September 26, 1998, I wrote to the Conflict of Interest Commissioner for further advice with respect to the application or limitations of the rules under the *Election Act* of the Northwest Territories as they were to be applied to contributions to my legal support fund. A copy of my letter to the Commissioner is attached as Exhibit 3.
4. That the Conflict of Interest Commissioner requested by letter dated September 30, 1998, further information relating to the estimated amount of the legal costs and that information (dated October 2, 1998) was provided to her on or about October 2, 1998.

5. That Ms Crawford then provided me with a copy of her opinion with respect to my request for advice dated September 26, 1998. The Commissioner's letter, dated October 8, 1998, is attached as Exhibit 4.

6. That I requested further written advice from the Conflict of Interest Commissioner on January 22, 1999, respecting what "costs" might be covered by my legal support fund, and she provided that advice by way of letter dated January 22, 1999. The exchange of correspondence is attached as Exhibit 5.

7. That I filed my annual disclosure statement with the Office of the Clerk of the Legislative Assembly of the Northwest Territories dated February 10, 1999, and a supplementary disclosure statement dated February 16, 1999. Included in that supplemental disclosure statement was a list of all persons who contributed \$100 or more to my legal support fund and the amounts each person contributed.

8. That on or about October 5, 1998, a bank account was established for the approximately \$32,000 contributed to the legal support fund.

9. That on or about October 21, 1998, Chivers Greckol & Kanee submitted an interim invoice to me fund for services rendered to that point with respect to acting for me on matters relating to the public inquiry into the complaint filed against Don Morin.

10. That on or about November 4, 1998, the sum of approximately \$25,000 was paid from the legal support fund to Chivers Greckol & Kanee for services rendered.

11. That following the public inquiry, on or about January 20, 1999, Chivers Greckol & Kanee submitted an invoice for approximately \$125,000 for legal services rendered on my behalf to the Management and Services Board of the Legislative Assembly of the Northwest Territories.

12. That to the best of my knowledge, the Management and Services Board of the Legislative Assembly of the Northwest Territories paid approximately \$100,000 to Chivers Greckol & Kanee on or about April 23, 1999, and sent instructions to Chivers Greckol & Kanee that further payments to them would only be made subject to a court order upon application made by Chivers Greckol & Kanee.

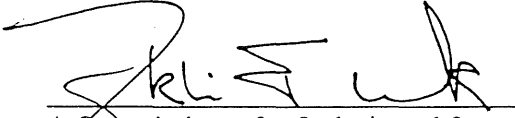
13. That I have been informed and I believe it to be true that Chivers Greckol & Kanee has placed the sum of \$19,319.61, paid from the legal support fund in a trust account pending final determination of any court order for which Chivers Greckol & Kanee may make application.

14. That as long as the status of the Chivers Greckol & Kanee account is unresolved, I believe I am unable to comply with the Conflict of Interest Commissioner's condition that I provide a final accounting of the legal support fund to the Office of the Clerk of the Legislative Assembly of the Northwest Territories.

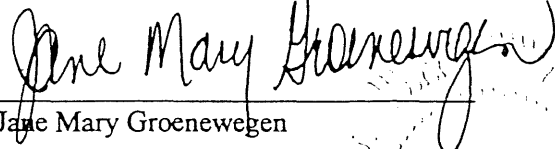
13. That, with the exception of the final accounting, I believe I have complied with all requirements set out by the Conflict of Interest Commissioner with respect to the establishment of the legal support fund and the reporting of contributions.

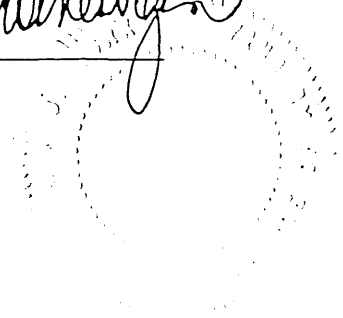
And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath.

DECLARED BEFORE ME at the City of)
Edmonton, in the Province of Alberta)
this 23rd day of August, A.D. 1999.)


A Commissioner for Oaths in and for
the Province of Alberta

FRANKLIN J. WORK
My Commission does not Expire.


Jane Mary Groenewegen



February 27, 1998

Anne Crawford
Conflict of Interest Commissioner
P.O. Box 750
IQALUIT N.W.T. X0A 0H0

By Fax: 867-979-1755

This is Exhibit 1 referred to in the affidavit (or statutory declaration) of Jane Mary Groenewegen sworn (or affirmed or declared) before me this 23rd day of August, 1999.
Franklin J. Work
A Commissioner for Oaths in and for the Province of Alberta.

FRANKLIN J. WORK
My Commission does not Expire.

Dear Ms. Crawford:

Re: Legal Defence Fund

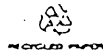
Over the past few days, I have received a number of phone calls from people in my constituency (and some from non-constituents) who have offered to assist me in paying legal costs which I may incur in relation to my present complaint against Don Morin. I have not solicited these calls, however, a number of people obviously feel that I should receive support in this matter. I do not intend to solicit funds, however, I would like to receive an opinion from you as to whether it would be inappropriate for me to accept funds from people for the sole purpose of assisting me in retaining my own counsel to assist me in the conflict of interest matter presently before you. In particular, I am concerned that I not violate the spirit and intent of the provisions of the *Legislative Assembly and Executive Council Act* respecting the acceptance and disclosure of gifts.

I would be grateful if you could provide me with your opinion on this matter at your very earliest convenience.

Yours very truly,

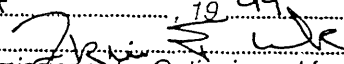


Jane Groenewegen
MLA, Hay River





Northwest Territories Legislative Assembly
Conflict of Interest Commission

This is Exhibit 1 referred to in the affidavit (or statutory declaration) of Jane Mary Groenewegen sworn (or affirmed or declared) before me this 23rd day of August, 1999

 A Commissioner for Oaths in and for the Province of Alberta

February 27, 1998

Mrs. Jane Groenewegen
Member of the Legislative Assembly
Legislative Assembly of the Northwest Territories
Yellowknife, Northwest Territories

FRANKLIN J. WORK
My Commission does not Expire.

BY FACSIMILE, ORIGINAL TO FOLLOW

Re: Opinion regarding the propriety of establishing a Legal Fund

On February 27, 1998 you sent a letter requesting my opinion under the *Legislative Assembly and Executive Council Act* in relation to the establishment of a Legal Expense Fund to assist you in retaining Counsel in relation to a Conflict of Interest Complaint you have made regarding Mr. Don Morin. This issue clearly arises from your status as a Member.

In providing this opinion to you, I am taking the following into consideration:

1. The *Act*, in s.76 (1) prohibits Members from receiving gifts while in office. There is an exception provided for gifts of a social nature, but then there is a requirement to declare the gift. Where a social gift has a value greater than \$400.00 it is deemed to be the property of the Assembly.
2. In this instance, you as a Member are seeking authorization to receive and use gifts for a particular purpose (that of legal action). While you do not intend to solicit contributions at this time it is possible that this might arise if your need increased.
3. To balance this prohibition on gifts, the *Act* in s. 87 also states that:

Nothing in this Part [Conflict of Interest Rules] shall be construed so as to prevent or impede the proper exercise of a member's functions as a member of the Legislative Assembly including the ordinary and proper representation of members of the public.

4. Members of the Assembly along with other members of the public, have the right to place an issue before the Conflicts Commissioner. The Conflicts process is part of the overall legislative process and as such cannot be separated or exempted from the other provisions of the *Act*.
5. Members of the Assembly are inherently the subject of continuing public scrutiny and occasional controversy as part of their duties in a public forum. This also means that they face an increased possibility of suit or involvement in other legal action. Assemblies in Canada have responded to this fact by creating support for Members in the form of assistance with legal costs in defending such actions.
6. The Northwest Territories Assembly can support Members in this manner, but its Management Services Board decides whether to do so on a case by case basis. There is no written policy of the Assembly or Board defining when this assistance will be provided.
7. There tends to be a broad interpretation of when assistance should be offered, but it is possible that a Member, for whatever reason, may not receive the support of the Board.
8. In this or another case, where a matter of principle is involved, or there are strong feelings, it is possible that members of the public may desire to support one side or the other. Especially in cases of public controversy, consistent with those Members might find themselves involved with, public feelings may be aroused, and members of the public may wish to participate in the issue at hand. The expression of support could be through participation in public debate, but it could also be expressed directly and practically, by contribution to the costs of the action.
9. Prohibiting a Member from receiving funds would result in also prohibiting a member of the public from contributing.
10. Restricting or limiting the means a Member could use to pursue legal action could result in Members feeling a restraint in carrying out their responsibilities which would be unhealthy for the legislative process.
11. The general rule is that Members should not solicit or receive gifts or contributions as this leads to the implication or suspicion that gifts could be offered or solicited in return for favorable consideration.
12. The law has both applied controls and made an exception to this rule when the democratic process requires the expenditure of funds for a particular purpose. The *Elections Act* of the Northwest Territories sets out the terms under which a Member or candidate can raise and spend funds for a particular purpose consistent with the democratic processes established.

It is my opinion pursuant to s. 79.2 of the *Act*, that the Conflicts process is part of the democratic function of government in the broadest sense, and is, based on the facts provided, related to your duties as a Member.

Consistent with rules already established by the Assembly for parallel purposes, it is legitimate and within the proper exercise of a member's functions *as a member of the Legislative Assembly including the ordinary and proper representation of members of the public* for you to set up, solicit and receive contributions towards legal expenses, under the rules provided for Elections, as adapted for this particular purpose.

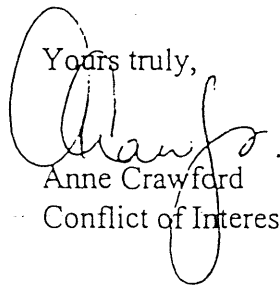
1. You may set up a Legal Fund for the purpose of participating in this action, and through your agents receive and solicit contributors to that fund, and have knowledge of persons and amounts of contributions, consistent with the rules created by the Assembly for the collection of election funds.
2. The specific rules as adapted to your circumstances are enclosed with this decision.

Relying on the thoroughness and truthfulness of the information you have provided to me, this letter is your confirmation of my opinion as Conflicts Commissioner that the activity described is not a violation of the provisions or spirit of the *Act*, if you conduct the fund in the manner described.

In soliciting funds for the Legal Fund, you are entitled to confirm that Conflict of Interest rules have been complied with, but you are not entitled to suggest that the fund itself or your actions have been approved or are supported by the Commissioner.

This opinion may be made available to the public if you wish to do so. It will be retained as part of your disclosure file under s.77 of the *Act* at the Office of the Clerk of the Assembly. It will only be disclosed through that office in the event of an Inquiry or as required by the *Act*.

Yours truly,



Anne Crawford

Conflict of Interest Commissioner

cc. Member's File

encl. - Revised Elections Rules

The provisions of s. 168 to 179 of the Northwest Territories *Elections Act* apply *mutatis mutandis*, and consistent with the following:

Funds collected shall be used to cover legitimate costs associated with the action.

The “campaign period” shall be open-ended with no “pre-election” or “post election” periods.

There is no limit on the total funds raised or spent. Limits on individual contributions apply on an annual basis.

The reporting required by s. 179(1) shall be included annually, or at such other date as the Commissioner may order, in the s. 77(1) disclosure statement filed by a Member and form a part of the public record prepared by the Clerk for that Member under s. 78(1).

The following sections do not apply:

- s. 168(1.1) and (3)
- 169(2) and (3)
- 177
- 178 and 178.1
- 179(1) to (7)

*Annex to letter of February 27, 1998
to Mrs. Jane Groenewegen
Re: Propriety of establishing a Legal Fund*



This is Exhibit 2 referred to in the affidavit (or statutory declaration) of Jane Mary Groenewegen sworn (or affirmed or declared) before me this 23rd day of August, 1999
Franklin J. Work
 A Commissioner for Oaths in and for the Province of Alberta



Northwest Territories Legislative Assembly
 Office of the Clerk

FRANKLIN J. WORK
 My Commission does not Expire.

SEP 22 1998

Mrs. Jane Groenewegen
 Member for Hay River
 Legislative Assembly of the Northwest Territories
 P.O. Box 1320
 YELLOWKNIFE NT X1A 2L9

Dear Mrs. Groenewegen:

Your Legal Expense Fund

I am pleased to respond to the questions that you have raised in your correspondence of today's date. Based on my review of the opinion of the Conflict of Interest Commissioner dated February 27, 1998, Ms. Crawford, by specifying that sections 168 -179 of the *Elections Act* apply *mutatis mutandis*, has created the framework for the process and steps that you should take in pursuing a legal defense fund. In response to your specific questions, I can advise you of the following:

CAN YOUR CONSTITUENCY ASSISTANT BE INVOLVED IN THE COLLECTION OF FUNDS:

Pursuant to section 169(1) of the *Elections Act*, any contributions to your fund must be made to through an official agent or a person designated by the official agent. There is no other prohibition, which would preclude you from designating your constituency assistant as your official agent and thereby be involved in the collection of funds.

WILL THE DONATIONS BE TAX DEDUCTIBLE:

The Conflict Interest Commissioner has stated that sections 169(2) and (3) of the *Elections Act* do not apply to you. These are the provisions that deal with the issuance of tax receipts. Election contributions are recognized under the *Income Tax Act* as being deductible. Considering these two factors, any contributions to your defense fund would not be tax deductible unless otherwise so designated by Revenue Canada.



- 2 -

WILL THERE BE A CAP ON DONATIONS:

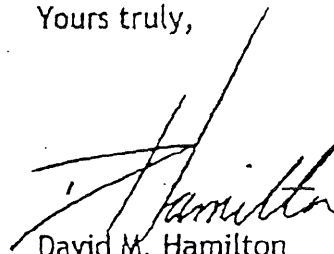
There will be a cap on donations of \$1,500.00 that an individual or a corporation can make annually. This limitation is set out in section 168 (2.1.) of the *Elections Act*.

WILL THE NAMES OF DONORS BE MADE PUBLIC:

Pursuant to Ms. Crawford's opinion, you are required to report the names, addresses and amounts of donations in your annual disclosure statement that you file with the Office of the Clerk. Your next disclosure statement will be due in January, 1999. Any donations made after this date, would be included in your year 2000 disclosure statement. These statement form part of the register which is available to the public pursuant to section 78(2) of the *Legislative Assembly and Executive Council Act*. There is no other way in which donors names would become public unless published by yourself. Finally, please keep in mind that the Commissioner has indicated that she may order you to make a reporting at any other such date.

I trust that you will find the foregoing to be of assistance. Finally, as I am commenting on the interpretation and application of an opinion of the Conflict of Interest Commissioner, I am taking the liberty of copying her on this correspondence.

Yours truly,



David M. Hamilton
Clerk

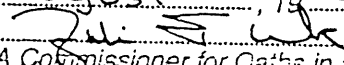
cc: Ms. Anne Crawford
Conflict of Interest Commissioner

JANE GROENEWEGEN
MEMBER OF THE LEGISLATIVE ASSEMBLY
CONSTITUENCY OF HAY RIVER
HAY RIVER, N.W.T.

FACSIMILE: (867) 874 6143 TELEPHONE: (867) 6141

September 26, 1998

Anne Crawford, Conflict of Interest Commissioner
Legislative Assembly of the Northwest
P.O. Box 747
Iqaluit, NT XOA OHO
Facsimile: (867) 979 1755

This is Exhibit 3 referred to in the
affidavit (or statutory declaration) of
Jane Mary Groenewegen
sworn (or affirmed or declared) before me
this 23rd day of
August, 1999

A Commissioner for Oaths in and for the
Province of Alberta

No. Of Pages: 4 FRANKLIN J. WORK
My Commission does not Expire.

Dear Ms. Crawford

Rules Respecting Contributions ~ Groenewegen Legal Support Fund

Further to your transmission of information related to the application of the ***Elections Act*** and the relevant ***Election Contributions and Expenses*** articles in the Act, a number of matters have arisen to which I would request your consideration for adjustment, revision or removal. As an overall observation, this particular Section was meant to apply to Election campaigns. While I am not opposing the need for conditions as contained within the ***Elections Act***, I would request the application or limitations of some of the provisions be reconsidered in light of the purpose of the Legal Assistance Fund and how it differs from an election campaign.

What Is the Purpose and Objective of the Legal Support Fund?

A. It is a mechanism whereby I, as an M.L.A. may receive contributions from the public recognizing that the contributions are for a purpose which exceeds the amount as described under the ***Legislative Assembly and Executive Council Act***.

B. It is a mechanism by which the Public can directly support a Conflict of Interest complainant, assisting with related costs such as legal advice and guidance, particularly where that complainant has not been approved for public funded assistance.

C. Where Fund Contributors are in agreement with the purpose of the complainant's filing and are concerned that the complainant's meaningful participation and/or role and/or personal or public role may be diminished due to ineffective resourcing, the Fund allows a mechanism for direct financial or "in-kind" contributions to assist the complainant.

Section Application Issues

1. Accountability Impacts and Variances: Public versus Private

The bottom line is that the costs associated with my having legal advice and guidance during the Conflict of Interest Commission's public, political, quasi-judicial process could be considerable and exceed what my personal and private resources are able to bear without it severely impacting on my business and my family. It is the proverbial "Catch 22" and certainly one which a portion of the Public, by undertaking the establishment of a Legal Support Fund, has recognized and appears willing to try and alleviate to some degree.

It is true that I am not the only interested party to not receive publicly funded legal assistance as a result of the Management Services Board's decision. As we are both clearly aware, however, in my position as an M.L.A. I am constrained by legislation which governs my ability to raise funds or accept assistance from interested parties who support my participation in the process. The other non-public, private parties (Messrs. Mrdjenovich and Bailey), while identified as having a direct interest (and accorded full standing to participate) are not under any such legislative constraints. They may obtain assistance from any and all sources, to any maximum amount. Nor are they required to identify or report the sources of such assistance, other than on their Revenue Canada filings.

From Mr. Morin's perspective, while he is subject to the same legislation as I, in this case, as Judge Vertes so aptly described based on his queries " . . . *there is no limit on the total amount that may be paid . . . (Mr. Morin's counsel) . . .*" I, on the other hand, am limited by my own personal resources and a Fund whose contributors are subject to a number of restrictions in addition to very public reporting and scrutiny.

2. Contribution Limitations

With respect to the Sections of the *Elections Act* which places various limits and reporting requirements, the intent, as I understand it, is to ensure election campaigns are not overly biased or prejudicial to candidates who might not have access to extensive financial resources as compared to others. In other words to try and maintain some sort of "equal campaigning field". In addition the reporting requirements and individual amount of contribution limitations are intended, as I understand it, to ensure inordinate "debts" are not incurred by members to campaign contributors which may be seen to impact or bias decisions while in office.

I noted you "waived" the application of the Section(s) which limits the total amount which can be collected overall and that which can be expended related to the Fund. I anticipate you did this recognizing the costs associated with the provision of legal assistance, advice and guidance would likely far exceed what an "average" election campaign might involve.

Legal Support Fund - Page 3 Continued

You did, however, maintain portions of the **Elections Act** setting out certain limits on the amount which can be contributed by any one individual, association or business that being a maximum amount of **\$1,500**.

While these provisions are reasonable when considered in the context of the intent of the **Elections Act**, that being the maintaining of reasonableness in campaigns, these guidelines and limitations may pose a burden when applied in the context of the Legal Fund's purpose. It can be anticipated the legal assistance which will accrue will be substantial compared to an election. While the costs associated with providing my legal counsel, advice and guidance may not be what others in this Commission Inquiry accrue, nonetheless it will be substantial exceeding the twenty thousand dollar limit set out for campaign maximums by at least two or three times.

As Judge Vertes clearly recognized in his Sept. 04, 1998 Judgment, CV 07836; Pages 13 through to 16), I share with Mr. Morin, a substantial and direct interest in the Commission Inquiry and that, as the complainant, I have already assumed a significant burden of gathering documents and information. Your recommendation to the Management Services Board also recognized that interest, which I appreciated. However, none of these recommendations and judicial opinions appear to hold sway and I am left with facing a potential expenditure which we all know will be higher than an election campaign, yet constrained by Legislative Assembly refusal to acknowledge my member access to funding and having any assistance be limited to the constraints of being a member.

3. Contributions are Non Tax Deductible

Ordinarily campaign contributions follow a sliding scale of tax deduction consideration. This, to some degree, encourages additional financial contributions by the general public where they might ordinarily be reticent to donate or limit dramatically the amount they contribute. However, as donations or contributions to this Legal Fund are not eligible for an official tax receipt and subsequent deduction in filed Tax returns, the donation is a direct diminishment of "after tax" moneys to the Contributor. This, in itself, is likely to limit non business, private donations. However, if it is a personal choice of an individual to commit moneys in excess of the limit laid out in the existing legislation given a particular commitment to the principles behind the Fund, then that freedom of choice should be allowed and the maximum described threshold be increased.

Request For Consideration

A. **Adjustment of \$1,500 Dollar Limit by individual Contributors:** Specifically, I would request you consider the condition which limit contributions to \$1,500 by any one individual, association or party, be removed or raised to five thousand (\$5,000) dollars.

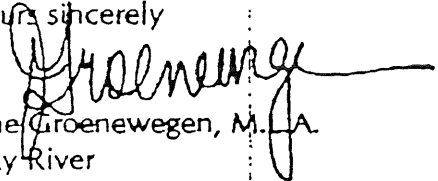
B. Adjustment of \$100 Maximum without Reporting of Contributor: It has already been established that the \$100. donation, normally eligible for full taxable donation consideration, will not be available for any tax credit consideration. In addition, there is a reticence for people to contribute larger amounts beyond the \$100. when they will be identified for fear of retribution. While I agree that disclosures with large donations should be identified, the raising of the existing limit would allow for contributions that are not excessive and reflective of what many might interpret as an inordinate "debt " and the intent of the elections Act would be maintained. Therefore I would request you consider the raising of the \$100. maximum to an amount in the range of \$200.

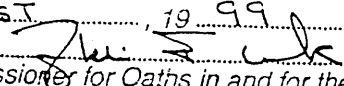
4. Meeting of the Intent of the Conflict of Interest Complaint Process

I appreciate and support the intentions of both the *Elections Act and the Legislative Assembly and Executive Council Act*. However, I am also committed to the intent and integrity of the *Conflict of Interest* legislation and processes. The two revisions I am asking you consider respecting the application of the Elections Act, I do not believe will undermine the intent of that Act. They will, however, assist greatly in my ability, as an M.L.A. and a complainant, to continue to participate in this part of the process.

As the Legal Support Fund has already been established it is critical that we ensure the rules can be clear and described for contributors. Your consideration of these two revisions is greatly appreciated. Should you wish to discuss this further or the rationale of the positions I have put forward please contact me.

Yours sincerely


Jane Groenewegen, M.L.A.
Hay River

This is Exhibit 4 referred to in the affidavit (or statutory declaration) of Jane Mary Groenewegen sworn (or affirmed or declared) before me this 23rd day of AUGUST, 1999

A Commissioner for Oaths in and for the Province of Alberta

FRANKLIN J. WORK
My Commission does not Expire.

October 8, 1998

Mrs. Jane Groenewegen
Member of the Legislative Assembly
Legislative Assembly of the Northwest Territories
Yellowknife, Northwest Territories

BY FACSIMILE, ORIGINAL TO FOLLOW

Re: **Opinion regarding the propriety of establishing a Legal Fund**
Your request of September 26, 1998 to re-visit two items

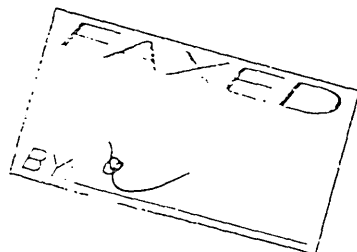
On February 27, 1998 I sent a letter setting out my opinion under the *Legislative Assembly and Executive Council Act* (the "Act") in relation to the establishment of a Legal Expense Fund to assist you in retaining Counsel in relation to a Conflict of Interest Complaint you have made regarding Mr. Don Morin.

On September 26, 1998 you send me a letter requesting that two items in my decision be reviewed in light of your arguments and submissions. These were:

a) a request to increase to \$5,000 from the existing \$1,500.00, the per person per year contribution limit imposed by section 168 (2.1) of the *Elections Act*.

b) a request to increase to \$200.00 from the existing \$100.00, the per person, per year requirement of disclosure imposed by the *Elections Act* and mirrored in my opinion through the requirements of s.78(2) of the Act..

On September 30, 1998 I send you a request for supporting information, and you provided the additional information in a letter from your Counsel dated October 2, 1998 and faxed from your constituency office to me on October 5, 1998.



In providing this opinion to you, I am taking the following into consideration:

1. The opinion of February 27, 1998 provided to you and the materials which supported that opinion as stated in that letter;
2. Your letter of request dated September 26, 1998 and its contents;
3. The provisions of the *Elections Act* referenced in your letter, including s. 177(1), which sets a maximum on election and pre-election spending at \$30,000.00 per candidate.

You note that in the elections context the limit on individual contribution represents 5% of the total allowable expenses. You suggest that with a legal action such as that proposed the expenses could reach \$100,000 rather than the \$30,000 limit set for elections, and that the individual contribution limit should be adjusted accordingly, but remain at approximately 5% of the anticipated expense. At my request you have provided supporting information from your counsel which confirms that your expenses could be in this range.

In general, you argue that the limitations set in the elections context where the maximum expense is \$30,000 are not appropriate in another context where the expenses could reach \$100,000 and that this should support a review of the individual contribution limit imposed in my opinion of February 27, 1998.

Relying on the thoroughness and truthfulness of the information you have provided to me, this letter is your confirmation of my opinion as Conflicts Commissioner that my opinion of February 28, 1998 is amended in the following manner:

1. consistent with the purposes of the Act and with the facts provided, I am of the opinion that the per person per year contribution limit imposed by section 168 (2.1) of the *Elections Act*, for the purposes of your legal fund can be raised from \$1,500 to \$5,000 without infringing on the objectives of the legislation;
2. I am not convinced that increasing the non-reporting level from \$100 to \$200 is consistent with the objects of the Act, nor necessary in the circumstances you describe, and I am not now prepared to amend my opinion in that regard;

The reporting requirement was considered and debated by the Assembly in a forum allowing for public comment. Barring a strong argument to the contrary, where it is possible and consistent with the objects of the Act, I prefer to remain with the limits set by the Assembly in that public process

As stated in my opinion of February 27, 1998, in soliciting funds for the Legal Fund, you are entitled to confirm that Conflict of Interest rules have been complied with and/or release or refer to this or an earlier opinion obtained, but you are not entitled to suggest that the fund itself or your actions have been approved or are supported by the Commissioner.

This opinion may be made available to the public if you wish to do so. It will be retained as part of your disclosure file under s.77 of the Act at the Office of the Clerk of the Assembly. It will only be disclosed through that office in the event of an Inquiry or as required by the Act.

Yours truly,

Anne Crawford
Conflict of Interest Commissioner

cc. Member's File

*This opinion amends an opinion dated February 27, 1998
addressed to Mrs. Jane Groenewegen
Re: Propriety of establishing a Legal Fund
and should be read in conjunction with that opinion.*



Member for Hay River

January 22, 1999

Ms. Anne Crawford
Conflict of Interest Commissioner
P. O. Box 747
Iqaluit, NT X0A 0H0

Dear Anne:

I am writing to request clarification on a number of issues related to the Groenewegen Legal Support Fund.

In your report you indicated that "all" of my costs should be covered.

- 1 Would you consider costs expended in establishing the Legal Fund to be encompassed in that? I feel that there was an obligation to take measures to make an effort to ensure that Mr. Chivers be paid for his services. It was the repeated denial of funding by MSB which made the Legal Fund necessary.
- 2 Assuming that MSB upholds the recommendation in the Report (as I understand costs) including costs associated with the Legal Fund, and donations from known contributors are returned to them, what is the reporting responsibility with respect to these contributions?
- 3 Assuming that MSB does not approve payment of my costs and elects only to pay "legal" costs payable to Mr. Chivers, what is the timing process of providing disclosure of donations to the Legal Fund?
- 4 Some of my costs associated with the inquiry were paid out of my constituency budget which completely depleted my budget resulting in everything from communications (phone, fax, etc) and travel now potentially being paid by me personally. "All" costs outside of legal costs total less than \$20,000.

Thank you with your assistance with these questions.

Yours truly,

Jane Groenewegen
MLA, Hay River

This is Exhibit 5 referred to in the affidavit (or statutory declaration) of Jane Mary Groenewegen sworn (or affirmed or declared) before me this 23rd day of August 1999
Franklin J. Work
A Commissioner for Oaths in and for the Province of Alberta

FRANKLIN J. WORK
My Commission does not Expire.

This is Exhibit 5 referred to in the affidavit (or statutory declaration) of Jane Mary Groenewegen sworn (or affirmed or declared) before me this 23rd day of August 19 99

Franklin J. Work
A Commissioner for Oaths in and for the Province of Alberta

FRANKLIN J. WORK
My Commission does not Expire.

January 22, 1999

Jane Groenewegen
Member of the Legislative Assembly for Hay River
c/o Clerk of the Legislative Assembly
Yellowknife, NT

BY FACSIMILE AND BY MAIL

Re: Questions regarding payment of costs in Morin Conflicts decision

On January 22, 1999 you requested further clarification on the issue of costs awarded under this decision. At the same time you asked for additional information on the rules regarding your Legal Defence Fund.

I am able to provide you with an opinion regarding the questions which impact only on the legal defence funds. Question with regard to the interpretation of my decision in the Morin matter would have to come from the Speaker, to whom that report was addressed.

1. QUESTION:

Would you consider costs expended in establishing the Legal Fund to be encompassed in that? I feel that there was an obligation to take measures to make an effort to ensure that Mr. Chivers be paid for his services. It was the repeated denial of funding by MSB which made the Legal Fund necessary.

ANSWER:

This question can only be answered if asked by the Speaker.

2. QUESTION:

Assuming MSB upholds the recommendation in the Report (as I understand costs) including costs associated with the Legal Fund, and donations from contributors are returned to them, what is the reporting responsibility with respect to these contributions?

ANSWER:

Assuming that donations are returned to contributors in whole or in part, the reporting must still be made. The fact is that you have solicited and received financial support during your time as MLA and the public is entitled to know where a relationship of that nature exists. It also protects you, in that you have disclosed such a relationship.

3. QUESTION:

Assuming that MSB does not approve payment of my costs and elects only to pay "legal" costs payable to Mr. Chivers, what is the timing process of providing disclosure of donations to the Legal Fund?

ANSWER:

As set out in my opinion letter to you, I have asked that disclosure be made concurrent with your Member's return this year, filed with the Clerk. The report can be as an addendum to that disclosure. I understand that your next disclosure is due February 12, 1999.

4. QUESTION:

Some of my costs associated with the Inquiry were paid out of my constituency budget which completely depleted my budget, resulting in everything from communications (phone, fax, etc) and travel now potentially being paid to me personally. "All" costs outside of legal costs total less than \$20,000.

ANSWER:

Whether or not these costs are considered to be or paid by the MSB as "legal costs" does not affect whether or not the Legal Fund considers such costs to be within its mandate. Assuming that the costs you describe can satisfy the criteria for both funding sources, the Legal Fund may be invoiced by your constituency fund - please consult with the Assembly's financial department. Their invoice to the Legal Fund should include, dates, times and supporting invoices (telephone bills, airline tickets). The resulting funds should be re-paid to the Assembly to replenish your constituency money.

Relying on the thoroughness and truthfulness of the information you have provided to me, this letter is your confirmation of my opinion of the actions described :

This opinion may be made available to the public if you wish to do so. If it is released it must be released in its entirety, and not merely quoted in part. A copy will be retained as part of your disclosure file under s.77 of the Act at the Office of the Clerk of the Assembly and will only be disclosed through that office in the event of an Inquiry or as required by the Act.

Yours truly

Anne Crawford
Conflict of Interest Commissioner
cc. Clerk of the Legislative Assembly



January 22, 1999

Ms. Anne Crawford
Conflict of Interest Commissioner
P. O. Box 747
Iqaluit, NT X0A 0H0

Dear Anne:

I am writing to request clarification on a number of issues related to the Groenewegen Legal Support Fund.

In your report you indicated that "all" of my costs should be covered.

- 1 Would you consider costs expended in establishing the Legal Fund to be encompassed in that? I feel that there was an obligation to take measures to make an effort to ensure that Mr. Chivers be paid for his services. It was the repeated denial of funding by MSB which made the Legal Fund necessary.
- 2 Assuming that MSB upholds the recommendation in the Report (as I understand costs) including costs associated with the Legal Fund, and donations from known contributors are returned to them, what is the reporting responsibility with respect to these contributions?
- 3 Assuming that MSB does not approve payment of my costs and elects only to pay "legal" costs payable to Mr. Chivers, what is the timing process of providing disclosure of donations to the Legal Fund?
- 4 Some of my costs associated with the inquiry were paid out of my constituency budget which completely depleted my budget resulting in everything from communications (phone, fax, etc) and travel now potentially being paid by me personally. "All" costs outside of legal costs total less than \$20,000.

Thank you with your assistance with these questions.

Yours truly,

Jane Groenewegen
MLA, Hay River