



**2016 REPORT OF THE
CONFLICT OF INTEREST COMMISSIONER**



Prince Edward Island
Legislative Assembly

Office of the Conflict
of Interest Commissioner
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February 27, 2017

Hon. Buck Watts, MLA
Speaker of the Legislative Assembly
P.O. Box 2000
Charlottetown, PE
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Dear Mr. Speaker:

It is my honour and duty to submit to you the 2016 Annual Report of the Office of the Conflict of Interest Commissioner for the period January 1 to December 31, 2016.

This report is submitted pursuant to section 3(1) of the *Conflict of Interest Act*, R.S.P.E.I. 1988, Cap. C. 17-1.

Yours very truly,

Hon. John A. McQuaid
Conflict of Interest Commissioner

2016 Annual Report of the Conflict of Interest Commissioner

Introduction

According to s. 3 of the *Conflict of Interest Act* R.S.P.E.I. 1988 Cap. 17.1 (the “*Act*”) the Commissioner is required to report annually “... regarding the affairs of the Office of the Commissioner...” The report is delivered to the Speaker who is required to table it in the Legislative Assembly. I am pleased, therefore, to present my annual report for 2016.

The primary role of the Commissioner is to work with Members of the Legislative Assembly as they fulfill their obligations under the *Act*. In this role the Commissioner assists Members in the preparation of their private disclosure statements, prepares public disclosure statements and when requested, provides opinions to Members on issues that relate to their compliance with the *Act*.

Disclosure Statements

The *Act* requires all Members, their spouses and dependent children to file a private disclosure statement disclosing all their income, assets and liabilities. They must disclose any interests they hold in private corporations. Disclosure must be completed 60 days following the election of the Member.

Within this 60 day period the Commissioner is required to meet privately with each Member to review their private disclosure statement for compliance with the *Act*. The Member’s spouse is entitled to attend. During the meeting the Commissioner advises the Member on their obligations under the *Act*.

On October 17, 2016 there was a by-election in the District 21- Summerside-Wilmot. This resulted in the election of Mr. Chris Palmer who filed a private disclosure statement and met with me within the 60 day time period. His public disclosure statement was prepared and filed with the Clerk of the Legislative Assembly.

Once in every calendar year following their election and the preparation of their initial private disclosure statement, all Members are required to prepare an additional private disclosure statement and meet with the Commissioner on or before a specific date set by the Commissioner. In 2016 that date was June 1st. I am in a position to report that all Members complied with this obligation. Their public disclosure statements were updated and filed with the Clerk.

Consistent with the practice initiated in 2015 the public disclosure statements were posted on the Legislative Assembly’s website. See: <http://www.assembly.pe.ca/coi-MLApublicdisclosures>

For the year 2017, June 1st has been set as the deadline for Members to file an updated private disclosure statement and to meet the Commissioner.

Subsequent to the filing of their annual updated private disclosures, Members are required to report to the Commissioner any material changes that occur in their income, assets or liabilities.

When the Member files a statement of material change, the public disclosure statement of the Member is amended accordingly.

Between June 1, 2016 and December 31, 2016 some Members reported material changes in their income, assets or liabilities. In accordance with the relevant provisions of the *Act* they filed a statement of material change and their public disclosure statements were amended to reflect the changes.

Trusts

Upon their appointment to Executive Council in 2015 some Members were required to establish trusts and appoint a trustee to hold certain assets. These trusts continue to be maintained and information with respect to the nature of the assets held in trust is available in the Member's public disclosure statement.

Opinions

In 2016, some Members sought my opinion or advice on issues related to the interpretation and application of the *Act*. I responded to each of these requests. Section 7 of the *Act* states that the opinions are given in confidence.

I am pleased to report I did not receive any requests from Members to provide an opinion with respect to an alleged contravention of the *Act* by another Member.

Website

The website of the Office of the Conflict of Interest Commissioner has been updated with new information. See: <http://assembly.pe.ca/coi>

The purpose of the information published on the website is to provide the public with basic background information on the obligations the *Act* imposes upon Members.

The website contains information as to what constitutes conflict of interest and an explanation of the procedure to be followed by a Member when requesting an opinion from the Commissioner as to whether another Member might be in a conflict of interest.

The public disclosure statements of each Member may be accessed from the website as well as sample forms for the private disclosure statements. The latter provide the public with knowledge of the extent of the information Members must privately disclose to the Commissioner.

Finally, there is an explanation of the rules respecting the receipt of gifts by Members.

Auditor General's Report on Government Involvement with the E-Gaming Initiative and Financial Services Platform

In relation to her investigation the Auditor General requested that between the period, April 1, 2009 and March 31, 2015, I conduct a review of the private disclosure statements of Members, their spouses and family. I was requested to report on whether, within this reference period, any of these individuals had an interest in companies involved in the proposed e-gaming or the financial services platform initiative.

I completed the review and reported to the Auditor General. The essence of my report is referred to at pages 34 and 35 of the Auditor General's report dated October 4, 2016 and tabled in the Legislative Assembly.

Amendments to the Act

In my 2015 Report I recommended amendments to the *Act*. I recently welcomed the opportunity to discuss the proposed amendments with the Standing Committee on Legislative Management.

As I stated in my 2015 Report, I view the role of the Commissioner as an advisor to Members of the Legislative Assembly on the evolution of legislation and codes of conduct respecting ethical and conflict of interest issues. In the fulfillment of this role I remain available to discuss with Members the suggested amendments to the *Act*, as well as other provisions of the *Act* or any proposed legislation related to these issues.

Canadian Conflict of Interest Network

I attended the annual conference of the Canadian Conflict of Interest Network in Edmonton Alberta in September 2016. This is a network of Commissioners from across Canada responsible for legislation and/or codes of conduct that address the ethical conduct of Senators and elected representatives to the House of Commons as well as those elected to provincial and territorial legislatures.

On September 6 to 8, 2017 I look forward to hosting this annual conference in Charlottetown.

Conclusion

I wish to thank the Members for their continued cooperation and their commitment to compliance with the requirements of the *Act*.

I would also like to thank Ms. Barbara O'Donnell and all the staff in the Office of the Clerk of the Legislative Assembly for their invaluable assistance.