



2017 REPORT OF THE CONFLICT OF INTEREST COMMISSIONER



Prince Edward Island Île-du-Prince-Édouard

Legislative Assembly

Assemblée législative

Office of the Conflict
of Interest Commissioner
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February 20, 2018

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 2017 Annual Report of the Office of the Conflict of Interest Commissioner for the period January 1 to December 31, 2017.

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

2017 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 to present my annual report for 2017.

The 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 are also required to disclose 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 November 27, 2017 there was a by-election in District 11, Charlottetown - Parkdale. This resulted in the election of Ms. Hannah Bell. In accordance with the *Act* she has provided me with her private disclosure statement and her public disclosure statement has been filed with the Clerk of the Legislative Assembly.

Once in every calendar year after 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 2017 that date was June 1st. All Members complied with this obligation. Their public disclosure statements were updated and filed with the Clerk.

The public disclosure statement of each member has been posted on the website for the Office of the Commissioner. See: <http://assembly.pe.ca/coi>

June 1, 2018 has been set as the deadline for Members to file an annual updated private disclosure statement and to meet with the Commissioner.

Subsequent to filing their annual private disclosure statements and throughout the ensuing year, Members are required to report 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, 2017 and December 31, 2017 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 or provided evidence of the material change. Accordingly, their public disclosure statements were amended to reflect the changes.

Trusts

Upon their appointment to Executive Council it is necessary for some Members to establish trusts and appoint a trustee to hold certain assets. All those required to establish trusts have done so.

Opinions

Throughout 2017, 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.

The *Act* provides that any Member may request that the Commissioner give an opinion as to whether another Member has contravened the *Act* or a Parliamentary Convention of Prince Edward Island.

The *Act* also provides that by resolution, the Legislative Assembly may request that the Commissioner render an opinion as to whether a Member has contravened the *Act* or any Parliamentary Convention.

Further, either the Premier or the Executive Council may ask the Commissioner for an opinion about whether a Member of the Executive Council has violated the *Act* or Parliamentary Convention of Prince Edward Island.

I am pleased to advise that I did not receive any requests to provide an opinion with respect to an alleged contravention of the *Act* by a Member.

Website

The Conflict of Interest Commissioner's website contains information on: (i) the role of the Commissioner; (ii) who may request the Commissioner to investigate an alleged conflict of interest; (iii) various reports and opinions that have been provided by the Office of the Commissioner; (iv) the Members' current public disclosure statements and; (v) a summary of the rules regarding the receipt of gifts by Members.

As an additional resource for individuals who might be interested in offering for election as a Member, I am adding a page to the website summarizing the obligations a Member has under the *Act*.

See: <http://assembly.pe.ca/coi>

Amendments to the Act

In my 2015 Report to the Assembly I recommended amendments to the *Act*. I had the opportunity in February 2017 to discuss the proposed amendments with the Standing Committee on Legislative Management.

As stated in previous Annual Reports, the role of the Commissioner includes providing advice to Members of the Legislative Assembly in relation to the evolution of legislation and codes of conduct respecting ethical and conflict of interest issues. Toward the fulfillment of this role I am available to discuss these issues with Members.

Canadian Conflict of Interest Network

In September 2017 I hosted the annual conference of the Canadian Conflict of Interest Network (CCOIN). This is a network of Commissioners from across Canada responsible for legislation and/or codes of conduct addressing ethical conduct of Senators and elected representatives to the House of Commons as well as those elected to provincial and territorial legislatures.

Conclusion

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

I also thank Mr. Charles MacKay, Clerk of the Legislative Assembly, and Ms. Barbara O'Donnell for their advice and administrative assistance. Furthermore, I thank all members of the Clerk's staff for their invaluable assistance throughout the year and particularly, for their support in the organization of the CCOIN Conference.