



2020 REPORT OF THE CONFLICT OF INTEREST COMMISSIONER





Prince Edward Island Île-du-Prince-Édouard

Legislative Assembly

Assemblée législative

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of Interest Commissioner
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February 12, 2021

Hon. Colin LaVie, 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 2020 Annual Report of the Office of the Conflict of Interest Commissioner for the period January 1 to December 31, 2020.

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,

Judy Burke, Q.C.
Conflict of Interest Commissioner

2020 Annual Report

I am pleased to present my Annual Report for 2020 regarding the affairs of the Office of the Commissioner pursuant to Section 3 of the *Conflict of Interest Act* R.S.P.E.I. 1988 Cap. 17.1 (the "*Act*").

I was appointed to serve as Conflict of Interest Commissioner for the term beginning January 2020 following the completion of the Honourable John McQuaid's term.

Disclosure Statements

The *Act* requires all Members, their spouses and dependent children's to file a private disclosure statement disclosing all their income, assets and liabilities, as well as any interests they hold in private corporations. Disclosures must be completed within 60 days following an election and every calendar year thereafter.

I met with every Member, and any spouse who chose to attend, privately in June and July of 2020 to complete and review each private disclosure statement for compliance with the *Act* and to provide advice and assistance where necessary or requested.

There was a by election in November 2020 as a result of the resignation of a Member and I subsequently met with the successful candidate to complete his private disclosure statement.

Every Member has completed a private disclosure statement and public disclosure statements. They have been prepared and filed with the Clerk of the Legislative Assembly, and are available on the Assembly's website.

Private disclosure statements are required to be filed within each 12 month period following the election and correspondence will be delivered shortly to each Member to set meetings to complete those.

Trusts

Four Ministers and one other Member established trusts and appointed trustees to hold certain assets. Section 18 (3) and Section 14 (5) set out the annual reporting requirements for those Members who have established trusts. The information has been requested from those Ministers and Members who have established trusts. The majority of the required information has been provided.

Opinions to Members

In 2020 my advice was sought on numerous occasions regarding the interpretation and application of the *Act* to their personal circumstances. I responded to each of these requests by telephone, email, and letter and on occasion by meeting personally and providing my opinion.

Pursuant to Section 7 of the *Act* all such advice is given in confidence unless the Member releases the opinion or authorizes the Commissioner to release it.

I am pleased to advise that in 2020 I did not received any written requests form Members to provide an opinion with respect to an alleged contravention of the *Act* by another Member.

Amendments to the Act

My advice was sought with respect to proposed amendments to the *Act* and in particular with respect to provisions dealing with the obligations of former Ministers and the length of time those obligations would continue as well as the ability of Members of the public to initiate a complaint to the Commissioner under the *Act*. A number of the proposed amendments were under discussion with the former Commissioner and are outlined in detail in his 2019 report.

The Canadian Conflict of Interest annual meeting was held by Zoom conference in September 2020 and I had the opportunity to canvass their views on the proposed amendments and discuss their legislative schemes.

I met subsequently with Members of the Standing Committee on Legislative Management to discuss the amendments. A number of the proposed amendments were discussed in committee.

My predecessor the Honourable John McQuaid made other recommendations in his report regarding retention of documents and I would support those amendments.

Canadian Conflict of Interest Network

The annual conference of the Canadian Conflict of Interest Network was scheduled to be held in Yellowknife in September 2020. In light of the national public health crisis resulting from the COVID 19 pandemic the conference was reduced to a one day on line Zoom conference. Despite the shortened time frame and the limitations of distance I found it enormously helpful to have the perspective and input of others in a similar role. It was also helpful to be able to reach out on occasion for assistance and input.

Another Zoom conference is scheduled for March 2021 with an in-person conference tentatively and hopefully rescheduled for Yellowknife in September of 2021.

Conclusion

Thanks to all who assisted me in transitioning to my new role and thanks to all Members for their cooperation. Special thanks to Ms. Barbara O'Donnell and all the staff in the Clerk's office and the Office of the Speaker for their patience and assistance.

Respectfully submitted,
Judy Burke Q.C.