

**NORTHWEST TERRITORIES
INTEGRITY COMMISSIONER**

**ANNUAL REPORT
TO THE LEGISLATIVE ASSEMBLY
FOR 2023**

David Phillip Jones, K.C.

1 March 2024

**Northwest Territories
Integrity Commissioner**

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This is my tenth Annual Report and covers 2023.

A. JURISDICTION OF THE COMMISSIONER

The Act was amended in 2019¹ to change the title of the office from “Conflict of Interest Commissioner” to “Integrity Commissioner”.

Part 3 of the Act confers jurisdiction on the Integrity Commissioner.

1. Disclosure Statements

- Section 87 of the Act requires Members of the Legislative Assembly to make an annual private disclosure of their private interests (including the private interests of their immediate families) by filing with me a Disclosure Statement detailing specifics of income, assets, liabilities and financial interests.
- Prior to the 2019 amendment to the Act, section 87(1) of the Act specified the deadline by which a Member was required to file their Disclosure Statement with me (namely, the 60th day after the commencement of the first sitting of the Legislative Assembly after the election of the Member—the first sitting was on 16 December 2015, so the deadline anniversary was 16 February 2018).

The 2019 amendment to the Act changed the deadline in section 87(1) from 60 days to 90 days. There was a general election on October 1, 2019. The first sitting of the 19th Legislative Assembly was on Friday, October 25. The 90th day

1. *An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, S.N.W.T. 2019, c. 22.*

thereafter was January 24, and that was the deadline in 2023 for all Members to file their Disclosure Statements for 2022.²

- Section 88 of the Act requires the Members to meet with me following the filing of their Disclosure Statements to ensure that adequate disclosure has been made and to receive advice from me with respect to their obligations under the Act.

I met with the Members of the 19th Legislative Assembly on February 7, 8 and 9, 2023.³

I believe the Members have a satisfactory understanding of their obligations under the Act, and have complied with those obligations.

- Section 89 outlines my responsibility to prepare a public disclosure statement for each member who has provided a Disclosure Statement. I prepared the public disclosure statements and arranged for them to be posted on the Integrity Commissioner's website maintained for this purpose at the Legislative Library in Yellowknife.

In addition, section 89 requires the preparation and posting of a supplementary public disclosure statement where a member has provided me with a Supplementary Disclosure Statement. During the course of the year, I received a number of Supplementary Disclosure Statements and prepared and posted the corresponding supplementary public disclosure statements.

- Section 90 provides that the Integrity Commissioner shall destroy any disclosure statements filed by former Members six years after the person ceased to be a Member (with certain exceptions, none of which is applicable).

When the 17th Assembly ended in 2015, I diarized the future destruction in 2021 of the disclosure statements for those Members who were not re-elected in 2015. I confirm that I have destroyed the relevant previous disclosure statements.

2. There was a general election on November 14, 2023. The first sitting of the 20th Legislative Assembly was on December 8, 2023. The ninetieth day thereafter will be March 7, 2024, and that will be the deadline for Members of the 20th Legislative Assembly to file their Disclosure Statements for 2023 and subsequent years.

3. I met with the Members of the 20th Legislative Assembly on February 20, 21 and 22, 2024.

Similarly, with the end of the 18th Assembly in 2019, I diarized the future destruction of the disclosure statements for October 2025 for those Members who were not re-elected in the October 1, 2019 general election.⁴

- Sections 97 and 98 permit the Speaker, Premier, Members or former members to request written advice and recommendations from the Integrity Commissioner on any matter respecting conflicts of interest and obligations under Part 3 (Conflict of Interest) of the Act.

I received a number of such requests during the course of the year.

Because information provided and relating to the requests and any advice and recommendations of the Integrity Commissioner are confidential, I am not at liberty to provide any details about such requests. However, I am always available to respond to such requests.

2. Authorized Exceptions

- Under section 85(4), the Integrity Commissioner may authorize a Member, corporation owned or controlled by the Speaker or a Minister or his or her immediate family, or former member to accept an appointment, benefit, contract or employment, or to engage in an activity that they may otherwise be prohibited from accepting or engaging in, subject to such conditions as the Commissioner considers appropriate to impose, provided that the Commissioner is satisfied that the contract or activity is fair and reasonable and not contrary to the public interest. Section 99(1)(b) requires the Integrity Commissioner to identify any such approved contract in the Commissioner's Annual Report.
- I have previously exercised my discretion to permit a corporation (Concept Energy Ltd.) in which Mr. Rocky Simpson, MLA for Hay River South, is a shareholder to complete two contracts with the NWT Government which were in process at the time he was elected as a Member. One contract related to an office building supplied to NTPC. The second contract was with the Department of Infrastructure and related to the rental and sale of an office and sewage tank located into their yard at Enterprise. The completion of both of these projects was entrusted to Mr. Simpson's legal advisor, and Mr. Simpson was not to be involved personally.

4. With the end of the 19th Assembly in 2023, I have diarized the future destruction of the disclosure statements for 2029 for those Members who were not re-elected in the November 14, 2023 general election.

I have also previously exercised my discretion to permit a corporation (Martselos Services Ltd.) in which Ms. Frieda Marselos, MLA for Trebacha, is a shareholder to continue with a catering contract at NWT Power's Taltson Hydro facility, which was awarded through a public tendering process.

- I have not exercised this discretion in 2023 to authorize any other contracts.

3. Extensions of time

Pursuant to section 99(1)(a)(i), I report that all of the Members filed their annual disclosure statements by the January 24, 2023 deadline or a short extension authorized by me.

4. Complaints under the Members' Code of Conduct

The 2019 amendment to the Act added section 74.1 which requires the Legislative Assembly to adopt a Code of Conduct that establishes standards of conduct for Members. The Code of Conduct remains in force from Assembly to Assembly until amended or replaced. Sections 100 to 102 of the Act requires the Integrity Commissioner authority to receive, investigate and report on complaints about alleged breaches of the Code of Conduct.

I received a number of complaints in 2023 alleging breaches of the Member's *Code of Conduct*.

In September 2023, I reported to the Assembly about a complaint about Katerina Nokleby, MLA returning to and remaining in Yellowknife notwithstanding its having been evacuated. I found that the Member had breached the *Code of Conduct*, and recommended the Assembly reprimand and fine Ms. Nokleby \$7,500 (\$3,500 of which was a donation already made by Ms. Nokleby, and an additional fine of \$4,000 payable to the Assembly). The Assembly accepted my finding and recommendation.

In September 2023, I dismissed a complaint by the Hon. Shane Thompson about comments made by Ms. Nokleby. I found the comments to be political discourse, not harassment, and therefore not a breach of the *Code*.

In August 2023, I received a complaint by a citizen alleging that comments made by the Hon. Paulie Chinna breached the *Code of Conduct*. In February 2024, I dismissed the complaint on the basis that there were insufficient grounds to warrant an inquiry.

In October 2023, I received a complaint by a citizen alleging that comments made by Ms. Nokleby breached the *Code of Conduct*. In February 2024, I dismissed the complaint as being frivolous, vexation, and not made in good faith, and there were insufficient grounds to warrant an inquiry.

There is one outstanding complaint that is still in the process of being investigated.

5. Complaints about alleged conflicts of interest by a Member or former Member

I did not receive any complaints in 2023 about alleged conflicts of interest by a Member or former Member.

B. AMENDMENTS TO COMPLAINTS PROCESS

As a result of the experience with Mr. Norn, the Legislative Assembly in 2022 amended the complaint process in section 102(2).⁵

Previously, the Integrity Commissioner acted as a gate keeper determining whether to dismiss a complaint for any of the reasons set out in section 102 or refer it to a Sole Adjudicator. The amendment gives the Integrity Commissioner the discretion to conduct an inquiry and report on the outcome and recommended sanction (if any) to the Legislative Assembly (which is the situation in the other jurisdictions in Canada), rather than automatically being required to refer a matter to a Sole Adjudicator for inquiry (which was unique in Canada). The amendment does still provide the Integrity Commissioner with discretion to refer a matter to a Sole Adjudicator in appropriate circumstances.

The amendment also gives the the Integrity Commissioner discretion to refer a complaint under the *Member's Code of Conduct* to an alternative dispute resolution process.

In my view, these amendments have been helpful, particularly in dealing with complaints under the *Code of Conduct*.

For whatever reason, there was a spate of complaints in 2023 under the *Code of Conduct*, perhaps related to the upcoming election. I am concerned that not every complaint about a Member's personal life or conduct rises to the level of a breach of the *Code*.

C. CANADIAN CONFLICT OF INTEREST NETWORK ("CCOIN")

All of the commissioners across the country belong to the Canadian Conflict of Interest Network. CCOIN provides a helpful resource whose members have generally similar legislation and face generally similar issues. In addition, CCOIN meets annually in early September.

5. SNWT 2022, c. 17.

The September 2023 meeting took place in Halifax. Most of the Commissioners and staff were able to attend. The business sessions were excellent, and the social events were convivial.

D. ACKNOWLEDGMENTS

I would like to publicly thank the staff in the Clerk's Office at the Legislative Assembly for their very able, willing, effective and cheerful assistance to me—and to Members and Ministers—in the administration of the conflict of interest legislation and *Code*.

I would also like to thank my assistant, Linda Volz, in my office in Edmonton for her support to me in performing this function.

F. CONTACT INFORMATION

I can be contacted as follows:

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All of which is respectfully submitted this 1st day of March 2024 by:



David Phillip Jones, K.C.
Integrity Commissioner