



Legislative Assembly of Nunavut

ANNUAL REPORT APRIL 2025 -
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OFFICE OF THE INTEGRITY COMMISSIONER

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Integrity Commissioner



COMMISSIONER'S MESSAGE

This year marks the 25th anniversary of the enactment of the Nunavut Integrity Act. It was passed May 24, 2001 at the sitting of the Legislative Assembly in Iqaluktuuttiaq, formerly known as Cambridge Bay.

At the time of division of the Northwest Territories, legislation that was in force was adopted by Nunavut, at least on a preliminary basis. Accordingly, Nunavut initially had a Conflict of Interest Commissioner, who operated under the Legislative Assembly and Executive Council Act, Part III. The Honourable Robert Stanbury served initially as Nunavut's Conflict of Interest Commissioner, and then as its first Integrity Commissioner after the enabling legislation had been passed.

He was requested to undertake a review of the NWT Conflict of Interest legislation, the 1999 Report of the Conflict of Interest Review Panel and the legislation in other Canadian jurisdictions governing the ethical conduct of provincially elected members. The Legislative Assembly, in enacting its own Integrity Act, wanted a blend of traditional Inuit values together with accepted standards of conduct from other jurisdictions regarding elected members of office.

Mr. Stanbury prepared a comprehensive report entitled “**For a Culture of Integrity**”. The objective was to put in place clear, understandable legislation, which was cost effective and which represented the blending of principles referenced above. This detailed Report also provided a draft model Integrity Act. This Report may be accessed at www.integritycom.nu.ca/content/culture-integrity

In the Introduction to this Report, the Honourable Robert Stanbury states:

“A new Territory at the dawn of a new millennium faces infinite opportunity and infinite challenges. Nunavut is at once old and new – Canada's oldest and youngest society, a land of ancient roots, a dynamic present and an onrushing future. A fundamental challenge is to set standards for its public officials that will do justice to its people's dreams, aspirations and values. That is a priority of the new Legislative Assembly of Nunavut as it builds a sound foundation for the future. Conflict of interest legislation elsewhere has often developed in reaction to past ethical lapses by politicians. Without such a historical burden, Nunavut legislators have had a clean slate on which to write rules for themselves and their successors to ensure that their public duty will always prevail over private advantage...”.

This Model Integrity Act contained the principles which guide the conduct of elected members of the Assembly to this day, including openness, consultation and accountability. With very few amendments, this legislation continues to guide elected members as they undertake their duties of elected office.

Mr. Stanbery passed away in February 2017 at the age of 87. The Legislative Assembly of Nunavut, and Nunavut as a whole have benefitted enormously from his dedicated work and this Report acknowledges his very significant contribution to public governance in Nunavut.



OVERVIEW

The Integrity Commissioner is an independent officer of the Legislative Assembly of Nunavut. This means that he or she is free from all influences and outside direction in carrying out his or her duties. The Integrity Commissioner is responsible to the entire Legislative Assembly and to all of Nunavummiut. Some jurisdictions refer to the person as the Conflict of Interest Commissioner, others call him or her the Ethics Commissioner. All provinces and territories, as well as the House of Commons and Senate have an officer with similar responsibilities to Nunavut's Integrity Commissioner. As will be outlined in more detail in this Report, the main duty of the Integrity Commissioner is to assist elected members of the Assembly with their fundamental duty to perform their functions with transparency and honesty, in accordance with the provisions of the Integrity Act.

I have served as Integrity Commissioner for the Legislative Assembly of Nunavut during the period October 2018 - 2023. This spanned the last two years of the Fifth Assembly and the first half of the Sixth Assembly. In October 2023 I was requested to undertake a further 5 year term, which I accepted. The Integrity Act states that the Integrity Commissioner is to provide an annual report to the Legislature and this constitutes my report for the period April 2025 to March 2026.

Integrity is a foundational aspect of any healthy democracy and democratic values and institutions cannot be maintained without it. To act with integrity has a larger meaning than acting within the confines of the existing laws. It requires a broader concept of living up to the trust placed on elected members that they will work for the benefit of all citizens independently and without regard to their personal interests. The common

good must be prioritized over personal gain and this must occur whether or not it is witnessed in a public fashion.

During a time of publicised corruption, self dealing and conflicts of interest in other countries, creating the fear of erosion of democratic institutions, it becomes all the more urgent that elected officials in our dominion demonstrate with transparency the high ethical standards that matches and validates the trust Nunavummiut have placed in their representatives.

The framework of integrity in public institutions requires transparency and accountability. It requires clear frameworks which monitor ethical conduct, with the capacity to expose and sanction conduct that fails to meet those requirements. The Nunavut Integrity Act is the primary vehicle for these requirements. Its approach is preventative rather than punitive, while mandating significant sanctions when the provisions of the Act have not been met.



OBLIGATIONS OF MEMBERS UNDER THE INTEGRITY ACT

The obligations of elected members set out in the Integrity Act are specific and fall into two broad categories:

1. The duty to avoid conflicts of interest in their ongoing duties as an elected member and to arrange their personal affairs and businesses in a way that prevents conflicts of interest arising;
2. Provide disclosure in the form of a Public Disclosure Statement each year so that members of the public can be assured of the transparency of the member's interests and the interests of his or her family. If financial circumstances, business interests or other activities change during the course of the year, members are required to report this in the form of a Supplementary Statement.

In addition to the broad areas of obligations set out above, there are a number of detailed obligations set out in the Integrity Act. These include:

- To refrain from accepting any gift or benefit that may be connected to or affect the member's performance of his or her duties;
- Not to misuse confidential information that a member may have as a result of being an elected official, which information is not available to the public;
- Not to use their position as an elected member to influence the decisions of other organizations, boards, tribunals or other persons;

- Not to engage in paid lobbying to advance the interests of other entities, organizations or individuals.

Ministers or members of Cabinet have a more rigorous set of obligations which prevent them from engaging in any other employment or profession, participating in active business interests or owning certain investments or acting as a director or officer in any such undertaking. If a Minister has an active business, or investments, those interests must be liquidated or placed in a blind trust. The Minister can have **no** involvement or knowledge regarding the ongoing business or investment interests, which must be operated or managed by an independent third party. The identity and nature of the business interest placed in a blind trust must be disclosed to the public.

Members are also obliged to abide by the stated principles in the Integrity Act. These are set out in Appendix 1 to this Report.

In addition to the duties under the Integrity Act, members have also adopted a Code of Conduct which speaks to broad principles of proper and honourable conduct. The Legislative Assembly and Executive Council Act, in particular section 18(1)(c) and section 11, provides that the Legislative Assembly has the power to discipline members, including the power to censure, to suspend and to expel members. The Legislative Assembly has exercised this power of discipline in the past. For types of actions or conduct which do not fall within the parameters of the Integrity Act, the Assembly has the power to address these. The Integrity Commissioner does not have the statutory authority to monitor or enforce adherence to the Members' Code of Conduct.

All of these obligations are in place in order to maintain the confidence of the public that elected members' first and only focus in doing their work is the interests of the public and Nunavut as a whole.



ROLE, DUTIES AND ACTIVITIES OF THE INTEGRITY COMMISSIONER

The Integrity Commissioner is appointed by the Commissioner of Nunavut, on the recommendation of the Legislative Assembly. I was appointed on October 23, 2018 for a term of five years, which term was renewed for a further five years in October 2023.

The Integrity Commissioner is an independent officer of the Legislative Assembly and cannot be removed from office except for cause or incapacity. As Integrity Commissioner I am responsible for impartially administering the Integrity Act. I have taken an oath to perform the duties of the office impartially and not to disclose any confidential information or advice except in accordance with the Integrity Act. Decisions made by the Integrity Commissioner are not subject to any appeal.

EDUCATION AND ADVICE

The main role of the Integrity Commissioner is to help members understand their obligations under the Integrity Act and to provide guidance to prevent conflicts of interest from arising and to properly deal with those conflicts that do arise. Following a Territorial election, members attend an orientation given by the Integrity Commissioner in order to acquaint members with their obligations under the Integrity Act. The orientation is given to all members whether newly elected or returning incumbents. It also outlines procedures under the Act and the possible consequences of failing to abide by the obligations imposed.

The Integrity Commissioner also provides ongoing advice regarding all of the obligations imposed under the Integrity Act, such as gifts and benefits which may be offered to a member, proper activities and appropriate exercise of a member's duties of office and handling of confidential information. The Integrity Commissioner is an important resource for the MLAs. This advisory role is considered to be the most important function of the Integrity Commissioner. As such, the Integrity Commissioner must be detached from local interests and influences, be reasonably available to members seeking advice, and to provide that advice clearly and promptly.

Each member is required to meet with the Integrity Commissioner within ninety days of his or her election, and annually thereafter. The main purpose of the meeting is to review the contents of the member's Public Disclosure Statements, and to obtain advice on the member's general and specific obligations under the Integrity Act. In addition, these meetings allow the Integrity Commissioner to understand the individual circumstances of each elected member and to develop a relationship of candour and trust between the Commissioner and members.

ENFORCEMENT

The Integrity Commissioner also has an important role to enforce the provisions of the Integrity Act. This includes receiving complaints made in conformity with the requirements of the Act, investigating a matter set out in such a complaint, conducting a hearing if necessary regarding the complaint, and reporting to the Assembly as to the outcome of the matter. The Commissioner also has the authority to commence an investigation on his or her own initiative.

Allegations of an MLA's misconduct (i.e., a contravention of a specific provision of the Integrity Act) are received by the Integrity Commissioner and investigated and reported upon pursuant to a process detailed in sections 36-45 of the Act. The allegations must be set out in a sworn affidavit, and must specify what sections of the Integrity Act the complainant believes have been breached. As Integrity Commissioner, I have extensive powers

granted by the legislation to compel the provision of documents, information or for a person to attend for the purpose of providing information necessary for the conduct of the investigation. I may also request the issuance of a search warrant and other related authorities.

Any member of the public can request that the Integrity Commissioner review an alleged contravention of the Integrity Act by an MLA. A complaint regarding conduct that does not fall under the specific provisions of the Integrity Act cannot be acted on by the Integrity Commissioner.

There is a class of senior public officials who are excluded from initiating a review by the Integrity Commissioner. These officials are listed in subsection 36(1.1) of the Act. The Legislative Assembly itself can, by resolution, request a review by the Integrity Commissioner. The Premier can request a review with respect to a Minister.

Any report arising from an investigation by the Integrity Commissioner is tabled by the Speaker in the Legislative Assembly once it is in session. The Report must set out the nature of the alleged contravention of the Act, the facts as found by the Commissioner in his or her investigation, and whether those facts support a finding that a member has breached one or more of the obligations imposed under the Integrity Act. If the Integrity Commissioner finds that a member has contravened the Act, the Report must set out recommendations as to sanction or penalty. These can include that no further action be taken, that a member be reprimanded, fined or undertake remedial actions. The most severe sanction is that the member's seat be declared vacant or removal of the member from his or her elected position.

The Assembly must either completely accept or completely reject the findings and recommendations of the Integrity Commissioner. The Assembly cannot inquire further into the matter, nor can it substitute its findings or sanction in place of those found and recommended by the Integrity Commissioner.

Absent the express and clear consent of a member who is the subject of a complaint, the existence or lack of a complaint with the Office of the Integrity Commissioner remains confidential unless or until a report arising from such a complaint is tabled in the Legislative Assembly. This assists in ensuring that the complaint process does not become a political tool for improper purposes.

Reports arising from reviews conducted by the Integrity Commissioner are posted on the website of the Integrity Commissioner.
(www.integritycom.nu.ca)

ONGOING REVIEW OF THE LEGISLATION

The Integrity Commissioner also provides advice respecting any recommended changes to the Integrity Act and is also required to do a formal review of the Act every five years. This advice and recommendations are presented to the Management and Services Board of the Legislative Assembly for consideration and action (which can involve amendments of the Integrity Act).

The Act was recently amended in 2024, coming into force in 2025.

DUTIES UNDER THE ELECTIONS ACT

The Integrity Commissioner has been assigned duties under the Nunavut Elections Act. It establishes rules governing elections, and creates offences relating to illegal activities and breaches of the election rules. A summary conviction offence under the Elections Act normally is punishable in court by a fine or imprisonment, or both. In the “Enforcement” part of the Elections Act, the Act establishes a diversion process whereby an alleged offender can avoid a formal prosecution in Court. This is done by entering into a Compliance Agreement with the Integrity Commissioner if the Commissioner is of the opinion that this process is appropriate in the circumstances. A Compliance Agreement is an agreement whereby an

alleged offender agrees, in exchange for the stay of prosecution of the offence, to one or more conditions, e.g.:

- to accept responsibility for the offence
- to make a public apology
- to do or refrain from doing any action relating to the offence
- to pay a sum of money to the GN, or
- to perform community service

Entering into a Compliance Agreement is voluntary and without prejudice to the position of the alleged offender. The involvement of the Integrity Commissioner in negotiating a Compliance Agreement commences when the police advise the Integrity Commissioner of any case where, in the course of an investigation, the police have reasonable and probable grounds for believing that an individual has committed an offence under the Elections Act.

Under the Elections Act, it is mandated that a Protocol Agreement be in place as between the Chief Electoral Officer, the Integrity Commissioner, the RCMP and the prosecuting authorities. This is for the purpose of clarifying the roles of each of these parties in enforcement proceedings. This Agreement was prepared and executed in 2025 in preparation for the fall election.

A general election was held in October 2025. As at the date of writing this Report, I received notice from the Chief Electoral Officer that seven (7) individuals were alleged to have breached various provisions of the Elections Act. This list was also provided to the RCMP. I have received no information from either the Chief Electoral Officer or the RCMP as to the investigation(s) of any of these alleged breaches.

In communications after the election, I was advised by the Chief Electoral Officer that it was sufficient for him to provide the names of persons who were not in compliance with the requirements of the Elections Act and it was not up to him to request the RCMP to investigate the matters. Communications by me to the RCMP to gain some clarity on the status of these matters remained unanswered. As a result, I am not aware whether **ANY** investigations for potential prosecutions were conducted by the RCMP or the CEO, and whether **ANY** matters were brought before the Courts instead of being referred to me as Integrity Commissioner to determine whether a Compliance Agreement was appropriate instead. The entire mandated process appears not to have been undertaken, either by the CEO requesting that the RCMP investigate allegations of breach of the Elections Act, or, having received information as to these alleged breaches, the RCMP failing to take action. It is possible that the RCMP were of the view that investigations had to be requested. In any event, clearly the process of potential diversion and Compliance Agreements entirely failed. In addition, it may be that enforcement and accountability regarding alleged offences may have entirely failed as well. As stated, it is not known to me whether there were any prosecutions, or any accountability respecting alleged breaches of the Elections Act.

However, as a result of the above, the provisions of any future Protocol Agreement must clarify this in order to ensure that accountability is effected respecting any established breaches of the Elections Act. Alternatively, the Elections Act can be amended to articulate this process.

ADDITIONAL DUTIES ASSIGNED TO THE INTEGRITY COMMISSIONER

Under section 24(2.1) additional responsibilities may be undertaken by the Integrity Commissioner at the request of the Management and Services Board.

Deputy Heads

In 2014 the Management and Services Board amended the manner in which Deputy Ministers and Heads of Public Bodies provided disclosure of assets and liabilities. Previously these statements were provided to the Premier for review. By direction of the MSB, these statements are now provided to the Integrity Commissioner for review. The normal practice is for the Integrity to contact the Deputy Minister of the Department of the Executive and Intergovernmental Affairs to request submission of disclosure statements by a date specified by the Commissioner.

Independent Officers and the Clerk of the Assembly

As with Deputy Ministers, the MSB requested that the Integrity Commissioner obtain annual Disclosure Statements from the 4 Independent Officers of the Assembly (Languages Commissioner, Chief Electoral Officer, Access to Information and Protection of Privacy Commissioner and the Representative for Children and Youth), as well as the Clerk of the Assembly so that these positions reflect the same transparency as senior civil servants and elected members.

Executive Assistants and Executive Secretaries

The Management and Services Board (MSB) has given an additional assignment to the Integrity Commissioner in relation to the personal staff employed by each Minister of the Government of Nunavut (GN), i.e., executive assistants (EA) and executive secretaries (ES). It is my interpretation of this direction that it includes Ministerial Political Advisors, or MPA's.

This direction indicates that the Integrity Commissioner shall continue the practice vetting conflict of interest by reviewing completed disclosure

statements of senior staff, to be completed on commencement of their employment. The requirement (set out in the Ministerial Procedures Manual) that Disclosure Statements be completed by senior assistants upon **commencing** employment, and revised with changes in circumstances, has not been fulfilled, nor is there a protocol which entrenches the need to access advice regarding conflicts of interest. While I have been contacted by some members of senior staff for advice regarding potential conflicts of interest, the formal step of completing disclosure statements needs to be addressed as part of the initial employment documentation.

ACTIVITIES DURING THE PERIOD APRIL 2025 – MARCH 2026

GENERAL

- Providing ongoing advice to elected members. The most common areas of advice sought were:
 - Assistance in completing or what information should be included in Public Disclosure Statements and Supplementary Statements;
 - Remuneration, gifts and benefits such as permitted outside sources of income, receipt of gifts, travel and hospitality, such as attending a work site, conference or meetings;
 - Conflicts of interest in various situations such as volunteer activities, family member's employment, participation in business enterprises;

Contact was usually made by phone and email. At times additional information was required in order to assess circumstances. Advice given over the phone was followed up with written confirmation. As indicated previously, the provision of guidance and advice to members is of very significant importance in the duties of the Integrity Commissioner.

- Providing orientation to elected members following the October 2025 election;
- Meeting with members in person in Iqaluit to become acquainted with new members, discuss possible issues under the Integrity Act and provide general information and advice;

- Interviews with the media regarding the role and jurisdiction of the Integrity Commissioner;
- Responding to inquiries from members of the public regarding the complaint process and jurisdiction of the Integrity Commissioner.

INDEPENDENT OFFICERS AND CLERK

- Issuing call for annual Public Disclosure Statements and reviewing same;
- Requesting initial Public Disclosure Statements from two newly appointed Independent Officers (ATIPP Commissioner and Languages Commissioner);
- Reporting to the Speaker upon completion of reviews of Disclosure Statements;
- Providing advice to Independent Officers regarding potential conflict of interest situations.

DEPUTY MINISTERS AND SENIOR STAFF

- Issuing call for and review of annual Public Disclosure Statements and reviewing same. At times, additional information or clarification was required regarding Statements;

- Providing advice to Deputy Ministers and senior staff regarding potential conflicts of interest situations.

ELECTION RELATED MATTERS

- Federal Election April 2025 – prepared and provided to elected members a Guideline regarding permitted political activities respecting the federal election.
- Provided advice regarding restricted activities during the Caretaker period prior to the Nunavut election. The Caretaker Convention requires that the government (in the case of Nunavut, the Executive Council), is not to undertake new initiatives, policies or expenditures during this period (the period between issuance of the election writ, and the swearing in of a new Executive Council). Restraint is to be exercised regarding expenditure of funds, and no resources can be utilized for partisan purposes. This is to ensure that the existing members of government do not occupy a position of advantage or influence respecting the upcoming election;
- The Integrity Act sets out limitations regarding a number of matters for Ministers (sections 16 and 17) regarding the time that they actively occupy a cabinet position. When an election has been called, regular members cease to be members of the Assembly. However, Ministers retain their positions until a new Cabinet has been selected after the election. This ensures that the business of government can continue without interruption.

The Integrity Act also imposes restrictions on former Ministers of the Assembly and Executive Council as a whole (sections 21, 22 and 23).

This “cooling off” period is in place for a period of six (6) months after an elected member ceases to be a member of cabinet. Its purpose is to ensure that former Ministers do not improperly benefit themselves or others as a result of their former position in cabinet. It creates a temporal buffer zone intended to protect the integrity of the public service. This cooling off period occurs with respect to individual Ministers when they make a decision to leave their cabinet position or to not seek re-election. The Integrity Commissioner no longer has jurisdiction over former Ministers, however the Integrity Act provides that should a former Minister breach these provisions, he or she is liable to criminal prosecution, and if convicted, liable to a fine not exceeding \$10,000.00.

Advice was provided in a number of instances respecting the nature and restrictions in the cooling off period.

INTERACTION WITH OTHER COMMISSIONERS

As Integrity Commissioner for Nunavut, I belong to a national network of Commissioners with similar mandates in the other northern territories, the provinces, the federal House of Commons and the federal Senate. It is called the Canadian Conflict of Interest Network, or CCOIN for short. This group of Conflict of Interest Commissioners, Ethics Commissioners and Integrity Commissioners normally meets annually, usually in September, and keeps in close contact throughout the year to share common experiences, challenges and best practices to assist each other with their duties of office. Decisions made by Commissioners are kept in a central database which can be accessed by Commissioners.

This Annual Meeting is truly a working meeting. Issues of relevance in the various jurisdictions are reviewed and discussed. Guest speakers are often invited to make presentations which assist Commissioners in how they undertake their responsibilities. There are updates of current reviews and investigations. One of the most important aspects of the Annual Meeting is

to reinforce the collegial network of Commissioners. It is not unusual for a Commissioner to seek advice from Commissioners from other jurisdictions. I have benefited from the advice and perspectives of my colleagues, as well as the data base of decisions and opinions maintained for the benefit of all Commissioners.

In 2025 the meeting was held in Victoria, BC. Each participant provides a brief summary of issues and activities in their respective jurisdictions. In addition to this, topics on the agenda include issues that are common to and of assistance to all Commissioners (such as the role of independent legal counsel in hearing or inquiry proceedings, evidentiary practices regarding investigations, etc.). This meeting offers an important opportunity to learn best practices as well as develop and maintain relationships with fellow Commissioners.



LEGISLATIVE STAFF AND FACILITIES

My work as Integrity Commissioner for Nunavut could not be accomplished without the assistance of the staff of the Legislative Assembly. Much of my work is done remotely and my office does not maintain any administrative staff. The Clerk's Office assists greatly in all manner of functions. These include arranging meetings with elected members while I am in Iqaluit, facilitating contact with elected members, transmitting annual Disclosure Statements of the members to me and providing information and context regarding past practices of the Assembly. In addition to this, other staff members provide technical assistance, legal perspectives, research and travel arrangements. I could not fulfil my responsibilities without this ongoing support. I extend my sincere gratitude to all those who have continued to assist me in fulfilling my duties of office.

Katherine R. Peterson, K.C.

Integrity Commissioner, Nunavut.

APPENDIX 1

Principles

2. This Act is founded on the following principles:

- (a) integrity is the first and highest duty of elected office;
- (b) the people of Nunavut are entitled to expect those they choose to govern them to perform their public duties and arrange their private affairs in a way that promotes public confidence in each member's integrity, that maintains the Legislative Assembly's dignity and that justifies the respect in which society holds the Legislative Assembly and its members;
- (c) the members of the Legislative Assembly are committed, in reconciling their public duties and private interests, to honour that expectation with openness, objectivity and impartiality, and to be accountable for so doing;
- (d) the Legislative Assembly can serve the people of Nunavut most effectively if its members come from a spectrum of occupations and continue to participate actively in the economic and social life of the community.