



**Annual
Report of the
Saskatchewan
Conflict of Interest Commissioner
and Registrar of Lobbyists**

2023-2024



**Office of the
Registrar of Lobbyists
Saskatchewan**

June 28, 2024

The Honourable Randy Weekes
Speaker of the Legislative Assembly of Saskatchewan
Room 129 Legislative Assembly Building
2405 Legislative Drive
Regina, SK S4S 0B3

Dear Mr. Speaker:

I have the pleasure and honour to present to you the *Annual Report of the Conflict of Interest Commissioner and Registrar of Lobbyists* for the period of April 1, 2023 to March 31, 2024.

This Report is submitted pursuant to Section 25 of *The Members' Conflict of Interest Act*, Chapter M -11.11, Statutes of Saskatchewan, 1993.

Yours respectfully,



Maurice Herauf, K.C.
Saskatchewan Conflict of Interest Commissioner
and Registrar of Lobbyists

Table of Contents

Commissioner and Registrar’s Message..... 5

Mandates..... 6

SASKATCHEWAN CONFLICT OF INTEREST COMMISSIONER

Responsibilities of the Conflict of Interest Commissioner..... 9

Obligations of Members..... 9

Advising Members 10

Advice and Opinions from the Commissioner 10

Public Disclosure 14

Gifts 15

Education..... 16

Previous Recommendations for Legislative Amendments 17

OFFICE OF THE REGISTRAR OF LOBBYISTS

Did you know? 19

History 20

Obligations of Public Office Holders 20

Interjurisdictional Cooperation 21

www.sasklobbyistregistry.ca 21

OFFICE NEWS

Upcoming Provincial Election 22

Budget 23

Acknowledgements and Appreciation..... 24



Maurice Herauf, K.C.
Saskatchewan Conflict of Interest Commissioner
and Registrar of Lobbyists

COMMISSIONER AND REGISTRAR'S MESSAGE

I have now completed the fourth year of my five year term as Conflict of Interest Commissioner and Registrar of Lobbyists.

Notable changes were accomplished during the fiscal year 2023-2024. A bulletin was added to the Conflict of Interest Office website outlining information for Candidates seeking Provincial Election. This feature is especially germane given the provincial election later this upcoming year.

I would like to extend thanks to Elections Saskatchewan for providing a link from the information provided to candidates on the Election Saskatchewan website to the information we now provide to Candidates on the Conflict of Interest website.

We continue to enhance the utility of the website which was launched in October of 2022. Under the Resources for Members section information was added regarding Sponsored Travel and Post-Political Office.

The other notable project our office completed this year was a major upgrade to the Saskatchewan Lobbyist Registry. The upgrade brought our aging software up to date and provides better security access for lobbyists.

Additionally, as Members began to think ahead to the upcoming election, we fielded inquiries around election and post-political office responsibilities. It is encouraging that Members are considering such issues proactively.

I would like to pay homage to Ron Samways, who retired from this office in June 2023. For thirteen years Ron had been the mainstay for ensuring that the members' financial disclosure process and consultations ran smoothly and on time. Thank you for your dedicated service, Ron. Enjoy your retirement.

MANDATES

The Legislative Assembly is assisted in its duties by many officers who fulfill a variety of roles. These include the Officers of the Legislative Assembly who assist the Legislative Assembly in making government accountable and responsive to the public. These officers help to monitor government spending, assist individual citizens with concerns about their treatment by government entities, protect the interests of children, receive concerns about the release of government information and other privacy matters and assist Members of the Legislative Assembly to avoid conflicts of interest.

CONFLICT OF INTEREST COMMISSIONER

Since 1993, Members of the Legislative Assembly of Saskatchewan have been governed by legislation regarding their conduct as members. *The Members' Conflict of Interest Act* includes specific prohibitions regarding conflicts of interest and the use of insider information. It regulates member participation in government contracts and provides general disclosure requirements for all members.

The Commissioner performs a variety of roles under the Act. One such role is that of assisting members in understanding their obligations under the Act.

To assist in the understanding of their obligations the Commissioner may provide written advice or recommendations. The Commissioner is also available to meet with members to clarify this advice when requested or required.

Each year, members must complete and file a confidential disclosure statement with the Commissioner. From the detailed private disclosure statements, the Commissioner prepares public disclosure statements. The public disclosure statements are deposited with the Clerk of the Legislative Assembly and are available on-line for public inspection.

After filing a private disclosure statement, the member and, if available, the member's spouse must meet with the Commissioner to ensure that adequate disclosure has been made and to obtain advice on the member's obligations under the Act.

The Commissioner may determine that the advice and recommendations provided to individual members have a broader general application and may therefore provide the advice as guidelines to all members.

The Commissioner may also conduct investigations and inquiries under the Act. In essence, it is the responsibility of the Commissioner to ensure that each Member of the Legislative Assembly maintains a high standard of ethical conduct.

REGISTRAR OF LOBBYISTS

In 2014, *The Lobbyists Act* established that the Conflict of Interest Commissioner would also serve as Saskatchewan's Registrar of Lobbyists. In August 2016 the Saskatchewan lobbyists act came into force.

The Office of the Registrar of Lobbyists is responsible for designing, implementing and operating the province's lobbyist registry, promoting and educating the general public, stakeholders and the lobbyist community about *The Lobbyists Act*, and ensuring compliance and conformity of lobbyists to *The Lobbyists Act*.

The Registrar provides directions to lobbyists and may conduct an investigation if there is reason to believe one is necessary to ensure compliance with the Act. The Registrar also has the authority to level an administrative penalty up to \$25,000 on those who are found to be in breach of the Act.



RESPONSIBILITIES OF THE CONFLICT OF INTEREST COMMISSIONER

The duties of the Commissioner are to:

- Act as an advisor to members to ensure they meet their obligations under the Act;
- Meet with each member at least annually to review the disclosure of the member's financial interests;
- Gather information in response to requests made under the Act; and
- Undertake a formal inquiry into alleged contraventions of the Act.

OBLIGATIONS OF MEMBERS

Persons elected to the Legislative Assembly of Saskatchewan are subject to statutory obligations designed to avoid any conduct that may constitute a conflict of interest on the part of the member. These statutory obligations are set forth in *The Members' Conflict of Interest Act* (the Act).

Members are prohibited from using information that they have acquired as Members of the Legislative Assembly and which is not available to the general public, for the purpose of advancing their private interests or the private interests of a family member or associate.

Additionally, a member must not use his or her position to influence other decision makers to advance the private interest of the member, his or her family or an associate.

Members are prevented by statute from accepting, except in specific circumstances, any gifts or benefits offered to them in respect to carrying out of the member's duties.

ADVISING MEMBERS

The Commissioner's primary role is that of an advisor to members. He encourages all members to consult with him at the earliest possible opportunity if they have questions or concerns about their obligations so that a potential conflict of interest can be avoided.

Requests for opinions come in various forms. Members may have an informal conversation with the Commissioner or may make a formal request for a written response. After inquiry and research, the Commissioner provides an opinion as to whether there is a conflict. If a member has or may have a conflict of interest, the Commissioner can make recommendations specifying a timeframe for compliance.

ADVICE AND OPINIONS FROM THE COMMISSIONER

The Conflict of Interest Commissioner receives enquiries on an interesting variety of matters. For a majority of citizens of the province these matters would pose no real or perceived problem. Members of the Legislative Assembly, however, must deal with matters through a different lens and they rely on this office for guidance.

This is particularly true for new members and the Conflict of Interest Commissioner ensures that he discusses the obligations, responsibilities and expectations of their new role with regard to *The Members' Conflict of Interest Act*.

As cabinet responsibilities change and duties of other government and opposition members are reassigned, MLAs seek advice to avoid any real or perceived conflicts with their new responsibilities.

Consultations can be initiated through formal means, such as a letter or by a phone call or email enquiry. Either avenue of initiating a consultative conversation reinforces the commitment of members to abide by the spirit and intent of the Act.

I encourage all members to check out our new website as it was designed specifically with members in mind and contains helpful information on a large number of topics that I regularly get requested to provide advice on.

Although advice can be provided on any topic, in general, advice sought can be characterized within the following categories:

GIFTS

Inquiries concerning gifts include whether they can be accepted and under what circumstances.

Eligible gifts received from a single source must be reported when the value is \$200 or more for a single gift or the cumulative value of gifts from a single source reaches that threshold.

OUTSIDE ACTIVITIES

The Office has received inquiries regarding outside activities concerning volunteer board activities in community organizations, sponsoring charitable events and attendance at events.

REPORTING AND DISCLOSURE

What is required to be disclosed to the Commissioner and what becomes public generates a fair number of inquiries. Assets of private companies held by members have always had to be disclosed to the Commissioner but not to the public.

BUSINESS AND FINANCIAL INTERESTS

Becoming an elected member sometimes requires a significant change to a member's former career. I dealt with a large number of questions from members around investments, business dealings and government contracts involving the member or his/her family. Businesses and partnerships, contracts, investments and other financial interests must be disclosed to the Commissioner.

As a number of members have resigned or retired during the course of this year, and we move towards an election year, I received a larger than usual amount of inquiries regarding post-political office and other financial topics. As always, each situation presents slightly different so I encourage members to continue to reach out with their questions and issues.

FAMILY

The definition of family, with respect to a member, means the member's spouse and dependent children. Over the past year questions regarding family members involve a myriad of issues including the employment or volunteer activities of a spouse, child or other family members.

TAKING PART IN DECISIONS

Members often seek advice on when it is appropriate to participate in a decision before the Legislative Assembly, the Executive Council or one of their respective committees. Questions related to personal investments tend to be the most often asked question of the Commissioner.

CONTRACTS

The office receives a large number of inquiries regarding government contracts and a member's ability to retain current contracts (for those who are newly elected) or enter into new contracts. Although we received fewer inquiries from sitting members this year it is still worth the reminder that all members are prohibited from participating in government contracts.

Understanding Section 15 of The Members' Conflict of Interest Act is especially important for members to ensure they fully understand what is and is not allowed once they are elected. It reads as follows:

Prohibition of participation in government contracts

s.15(1) ... government contract means a contract entered into with the Crown for any purpose, and includes any contract for:

- a) the supply to or by the Crown of any goods or services;
- b) the sale, lease or other disposition of any real property to or by the Crown;
- c) the construction of any public work for the Crown;
- d) the determination of compensation, or damages with respect to real property taken, damaged, or purchased by the Crown;

- e) the determination of compensation or damages to be paid by the Crown in cases not provided for in clause (d); or
- f) the lending of moneys to or by the Crown.

(3) in this section and in sections 16 and 17, a member participates in a government contract where the member;

- a) is, or has a right to become, in the member's personal capacity, a party to or beneficially interested in the contract; or
- b) is a shareholder, partner, director, manager or officer of, or has an interest in, a business that;
 - i) is, or has a right to become, a party to or beneficially interested in the contract; or
 - ii) has a subsidiary which is, or has a right to become, a party to or beneficially interested in the contract.

(5) except as specifically provided in this or any other Act, no member shall participate in a government contract.

Section 3 of the Regulations has recently been amended to update the list of exemptions from section 15 of the Act. This update removed or clarified references to legislation that no longer exists or has been renamed, along with removal of references that are outdated.

RECUSAL

Members who have reasonable grounds to believe they may be in a conflict of interest position must disclose the general nature of the conflict and withdraw from participating in consideration of the matter.

PUBLIC DISCLOSURE

Members of the Legislative Assembly are required to file a **Member's Private Disclosure Statement** with the Commissioner every year by March 31. After a general election or a by-election that statement must be filed within 90 days.

Amendments to *The Members' Conflict of Interest Act* passed in 2020 now also require former members to file a final disclosure statement within 60 days from when they ceased to be a member.

During the 2023-2024 year that this report covers three members vacated their seat. These former members complied with the requirement to file a final private disclosure statement within the 60 day period. As well, the three new members elected in by-elections completed their financial disclosure statement on time.

Once again, I am pleased to report that all members have complied with the requirement to file a private disclosure statement by March 31, 2024.

I reviewed all private disclosure statements with each member in person. All interviews were completed by May 2, 2024.

Members are encouraged to familiarize themselves with the gift disclosure provisions in the Disclosure Statement and remember that gift disclosure is for the CALENDAR year and must be submitted with the Private Members Disclosure Statement.

I would like to thank all members for working with this office and making the transition from Ron Samways to Sandra Arberry smooth and efficient.

GIFTS

All members receive a booklet called “Accepting and Disclosing Gifts: A Guide for Members”.

We strive to remain current and up to date on topics and issues that members experience in their daily work and personal lives. To that end, we have reviewed our Gift Guide for members and updated this guide to include additional contemporary examples and situations a member may come across.

The Lobbyists Act also contains a gift prohibition that Members should familiarize themselves with.

The update has been posted to our website so that members can easily download the information.

As to when a member can accept gifts is an ongoing concern.

The legislation provides that members are permitted to accept only those gifts or benefits that are received as an incident of protocol or social obligations that normally accompany the responsibilities of office. This applies to gifts given to the member either directly or indirectly. In the absence of protocol or social obligation, the gift is not allowed under section 7 of the Act.

Members should avoid circumstances where a reasonable person might conclude that the gift or benefit given was intended to influence the member in carrying out their duties.

EDUCATION

CCOIN (Canadian Conflict of Interest Network) is comprised of the various Integrity and Conflict of Interest Commissioners across the country at the federal, provincial and territorial levels of government and primarily those who have jurisdiction over members of legislative bodies.

The organization meets on an annual basis to discuss issues of common interest and to seek the advice and view of colleagues concerning matters related to conflicts of interest and ethics in our changing society.

2023 ANNUAL CONFERENCE

The 2023 Annual conference was held in Halifax, Nova Scotia.

All meetings were held in historic Province House, Canada's oldest legislature building. Representatives from Federal, Provincial and Territorial jurisdictions attended the conference. Many topics of interest were discussed. New initiatives from a number of jurisdictions were outlined. All in all, it was a very worthwhile conference and I look forward to attending the 2024 conference in Quebec City.

PREVIOUS RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS

Over the past three years recommendations were made for amendments to:

Section 22 – codify salary and benefit provisions for the Commissioner

Section 34 – clarification to the offence provision for former members of Executive Council

Section 7 – require disclosure of gifts by former members

Section 27 – provide authority for reconsideration of an opinion

To date, none of these proposed amendments have been acted upon. I would urge the government to consider these suggested amendments.



**Office of the
Registrar of Lobbyists
Saskatchewan**

DID YOU KNOW?

The upcoming Provincial General Election affects both Public Office Holders and lobbyists in terms of lobbying.

For purposes of *The Lobbyists Act*, members of the Saskatchewan Legislative Assembly are no longer public office holders once the election period begins. However, cabinet ministers remain in their position until after the election period is over and a new cabinet minister is appointed, so are still considered public office holders during the election period. Therefore, during the election period a lobbyist does not have to register any lobbying activities on regular MLA's but must continue to register any lobbying activities involving the Premier, Ministers, and of course, public servants.

Specifically, public office holders and lobbyists should be aware of potential conflicts (real or perceived) in the following election areas:

- Contributions – from individuals and charities
- Lobbying Public Office Holders before and during an election
- Working on a campaign
- Advertising – grassroots campaign
- Transition Teams

For further information or clarification, please do not hesitate to contact the Saskatchewan Registrar of Lobbyists at:

srladmin@sasklobbyistregistry.ca OR
(306) 787-0800

HISTORY

The Saskatchewan lobbyists legislation came into force on August 23, 2016.

The purpose of *The Lobbyists Act* is to enhance the integrity and accountability of government by fostering openness and transparency about who is attempting to influence decisions made by provincial public office holders.

In Saskatchewan lobbying may be done by consultant lobbyists or in-house lobbyists. If you are characterized as a lobbyist, you must create an account on the Lobbyist Registrar's website and then regularly disclose details of your lobbying activities with provincial public office holders by registering this information on the lobbyists' registry. This information becomes available to the public as soon as it has been accepted by the Registrar.

OBLIGATIONS OF PUBLIC OFFICE HOLDERS

The Saskatchewan lobbyist database is an online tool which allows interested parties to search and discover who is lobbying whom in the Saskatchewan public service. Targets of communication can include elected members of the Saskatchewan Legislative Assembly, its staff, and senior members of government ministries, as well as Crown Corporations and some Boards.

The Lobbyists Act does not place any obligation on public office holders to report communication or association with lobbyists.

All reporting requirements are the responsibility of lobbyists. The Act contains compliance measures and quite severe penalties should a lobbyist be found non-compliant with the Act and its reporting requirements.

INTERJURISDICTIONAL COOPERATION

The Lobbyists Registrars and Commissioners Network (LRCN) is an informal group of commissioners and registrars from Canadian jurisdictions at the federal, provincial/territorial and municipal levels who administer and supervise the lobbying regimes in their respective jurisdictions. Two municipal jurisdictions, Ottawa and Toronto have been grandfathered into this organization, recognizing their experience and history within the lobbying context. The LRCN has a long-standing practice of sharing information, legislative developments, and best practices in the conduct of our respective responsibilities.

Registrars, commissioners, and their staff meet twice a year, including one meeting in person. This meeting is usually held in the fall in a different jurisdiction. Discussions include updates on jurisdiction developments, trends, and issues of the day. We may also meet via conference call(s) throughout the year to discuss important matters as they arise.

The 2023 LRCN in person meeting was held in Victoria, British Columbia. This year there was a lot of discussion around technology – how to use it to educate, assist in transparency, accountability, compliance and security. There was also an informative session on legislative reviews and Codes of Conduct. The LRCN members continue to discuss ways to integrate jurisdictional differences to make lobbying registration more consistent across jurisdictions.

The 2024 LRCN Conference will be held in Ottawa.

WWW.SASKLOBBYISTREGISTRY.CA

In 2022 we began the first piece of upgrading our lobbyist registry with the project being completed in March 2024. As mentioned, this upgrade has little outward facing changes aside from a more secure sign in and registration submission process. The majority of the upgrade ensures our software is up-to-date and allows us to track and monitor registrations for better compliance.



OFFICE NEWS

The Saskatchewan Provincial General Election will be in the fall of 2024. Recognizing that the general election will create the need for specific, election related materials in order to ensure stakeholders understand the rules and regulations surrounding lobbying prior to and during an election, this office encourages lobbyists and Public Office Holders to contact us for any elections related questions.

How does an election affect me?

Check out our Saskatchewan Lobbyist Registry website or information on the Conflict of Interest website to find out.

BUDGET

The fiscal year for the office runs from April 1, 2023 – March 31, 2024.

**Conflict of Interest Commissioner and
Office of the Registrar of Lobbyists
Budget Summary
For Fiscal Year 2023-2024**

Object of Expenditure Breakdown	2023-2024
Personal Services	\$406,000
Contractual Services	\$90,000
Communications	\$2,000
Travel & Business	\$14,000
Supplies & Services	\$92,000
Equipment & Assets	<u>\$ 24,000</u>
	<u>\$628,000</u>

ACKNOWLEDGMENTS AND APPRECIATION

OUTSIDE ASSISTANCE

As a two-person office, we rely on support and assistance from various branches of the Legislative Assembly. I wish to acknowledge and sincerely thank Information Technology Services, Member Services and Financial Services for their expert advice and outstanding guidance and assistance throughout the year.

OFFICE STAFF

I would be remiss if I did not express my sincere gratitude to Sandra Arberry, Deputy Registrar for her tremendous assistance during my term as Commissioner/Registrar.

As you know Sandra was appointed Deputy Registrar in 2015 with the inception of the passing of *The Lobbyists Act*. She has been instrumental in establishing and managing the office, administering the legislation and lobbyist registry and assisting in my conflict of interest mandate. She is a talented and valuable resource and appreciated colleague.

