

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

2024-2025



**Office of the
Registrar of Lobbyists
Saskatchewan**

July 31, 2025

The Honourable Todd Goudy
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, 2024, to March 31, 2025.

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

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

COMMISSIONER AND REGISTRAR'S MESSAGE

I have completed my first five year term as Conflict of Interest Commissioner and Registrar of Lobbyists. I was recently reappointed for another five year term commencing July 1, 2025. I am grateful for the opportunity to continue to serve in this capacity for another term.

Fiscal year 2024-2025 was an extremely busy year for my office. Four investigations into the conduct of members were undertaken and completed, these can be found on our website. The election in October 2024 resulted in half of the members not returning: 21 decided not to run again and 10 were defeated. These 31 members were required to complete a final public disclosure statement and have an exit interview with me. This process was mandated by amendments to *The Members' Conflict of Interest Act* in 2020. All 31 non-returning members complied with their final statutory duties as required by the Act.

The converse of 31 members not returning was that 31 of the 61 members elected in October 2024 were new members. My office undertook to offer training sessions with all members relating to their duties under the Act. These training sessions are ongoing.

The 2020 amendments to the Act also permitted members to seek the confidential opinions and recommendations of the Commissioner for a period of one year from when the member ceases to be a member. Former members have made extensive use of this provision on issues relating to cooling-off periods, exemptions, contracts, employment opportunities, etc.

Providing opinions and guidance to 31 former members and 61 current members has kept my two-person office very busy.

Related to this, my second mandate as Registrar of Lobbyists has also seen an uptick in lobbyists requesting opinions and guidance. We have also conducted a number of outreach and training sessions in our efforts to maintain compliance with and awareness of the *Lobbyists Act*.

Overall, I have been pleased with the proactive measures taken by both members and lobbyists and look forward to continuing these beneficial arrangements going forward.

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 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 regarding *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 website as it was designed specifically with members in mind and contains helpful information on a large number of topics that this office routinely gets requests 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. This office dealt with a large number of questions from members about investments, business dealings and government contracts involving the member or their family. Businesses and partnerships, contracts, investments and other financial interests must be disclosed to the Commissioner.

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 have involved 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. Generally, 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 comprehend 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 money 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.

EXEMPTIONS

The ban against members participating in a government contract is subject to exemptions with the Commissioner's approval. The first exemption is contained in s.16 of *The Members' Conflict of Interest Act* and applies to current members. The second exemption is contained in s.34 of the Act and applies to former members of Executive Council.

Both provisions contain a two-part test that must be satisfied before the Commissioner can exempt the member or former members from participating in a government contract.

I had occasion to deal with these provisions in the case of Joe Hargrave, who requested an exemption under both provisions.

S.34(8) of the Act directs that the Commissioner include in the annual report a summary of all exemptions granted to former members of Executive Council. A summary of the Joe Hargrave exemption application follows.

APPROVAL OF JOE HARGRAVE, FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY PARTICIPATING IN A GOVERNMENT CONTRACT

In 2016, Mr. Joe Hargrave was elected to the Saskatchewan Legislature to represent Prince Albert Carlton and was re-elected to that office in 2020. Mr. Hargrave served in the provincial Cabinet in various capacities, including as Minister of SaskBuilds and Procurement. Mr. Hargrave ceased to be a member of Cabinet on May 27, 2024, and ceased to be a Member of the Legislative Assembly on October 1, 2024.

Mr. Hargrave also owned a car dealership in Melfort (the “Dealership”). From time to time, government vehicles under the responsibility of the Central Vehicle Agency (“CVA”) or Crown corporations are brought to the Dealership for service maintenance, cleaning and/or detailing (“Vehicle Services”) at set prices available to other customers.

Under Saskatchewan law, no member of the Saskatchewan Legislative Assembly shall participate in a government contract. Similarly, no former member of Executive Council may knowingly accept a contract or benefit that is awarded, approved or granted by a decision-maker for 12 months after ceasing to hold office. This would include the contracts between CVA, Crown corporations and the Dealership.

Mr. Hargrave applied to the Conflict of Interest Commissioner pursuant to ss. 16 and 34 of *The Members’ Conflict of Interest Act*, SS 1993, c M-11.11 (“Act”) to approve his participation in government contracts through the Dealership.

The relevant sections of the Act are sections 15(5), sections 16(1), (2) and (4), and s. 34(1), (4), (5) and (6):

Prohibition of participation in government contracts

15(5) Except as specifically provided in this or any other Act, no member shall participate in a government contract.

...

Exemption from prohibition

16(1) A member may apply to the commissioner for approval to participate in a government contract.

(2) The commissioner may approve a member’s participation in a government contract, if, in the opinion of the commissioner:

- (a) the consideration and terms of the government contract are fair and reasonable; and
- (b) it is not contrary to the public interest to allow the member to participate.

(3) The commissioner may impose any terms and conditions that the commissioner considers appropriate on an approval given pursuant to subsection (2).

...

Offence respecting former members of Executive Council

34(1) No former member of the Executive Council shall knowingly, during the 12 months after the date he or she ceased to hold office:

- (a) accept a contract or benefit that is awarded, approved or granted by a government decision-maker;
- (b) make representations to a government decision-maker on his or her behalf or on behalf of another person with respect to a contract or benefit;
- (c) accept a contract or benefit from any person to make representations to a government decision-maker with respect to a contract or benefit that is or is to be awarded, approved or granted by a government decision-maker; or
- (d) be an associate of a person who has received a contract or benefit that is awarded, approved or granted by a government decision-maker.

...

(4) A former member of the Executive Council may apply to the commissioner for an exemption from the application of subsection (1) with respect to a contract or benefit or a class of contracts or benefits.

(5) On the application of a former member of the Executive Council pursuant to subsection (4), the commissioner may exempt the contract or benefit or class of contracts or benefits from the application of subsection (1) if, in the opinion of the commissioner:

- (a) the consideration and terms of the contract or benefit are fair and reasonable; and
- (b) it is not contrary to the public interest to exempt the contract or benefit or class of contracts or benefits from the application of subsection(1).

(6) The commissioner may impose any terms and conditions that the commissioner considers appropriate on an exemption granted pursuant to subsection (5).

As the Dealership was charging the same rates for services and parts to CVA and Crown corporations that it makes available to members of the public, I concluded that the consideration and terms of the contracts were fair and reasonable. I also concluded it was not contrary to public interest to allow Mr. Hargrave to participate in these contracts because of these rates and because of the Dealership's location: the Dealership was the closest Chrysler dealership and prohibiting it from accepting government contracts with CVA and Crown corporations could have required government employees to travel up to two hours roundtrip to have a vehicle serviced.

On November 5, 2024, I therefore approved exemptions for Mr. Hargrave under ss. 16 and 34 retroactive to August 14, 2024 (the date the exemption request was received) on the following terms and conditions:

1. The Dealership must charge the same rates for Vehicle Services and parts to CVA and Crown corporations that it charges to members of the public for the same Vehicle Services and parts;
2. The Dealership must contract with CVA and Crown corporations pursuant to the same terms and conditions that it enters into with members of the public; and
3. The Dealership must maintain records of the rates for Vehicle Services and parts charged to CVA and Crown corporations, including invoices of the amounts paid, going forward until the end of the 12-month cooling off period.

PUBLIC DISCLOSURE

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.

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 of being elected.

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 2024-2025 year that this report covers 31 members either elected not to run again or were defeated. All these former members complied with the requirement to file a final private disclosure statement within the 60 day period.

Once again, I am pleased to report that all members have complied with the requirement to file a private disclosure statement by the date specified in the Act.

I reviewed all private disclosure statements with each member in person. All interviews were completed by May 2025.

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 reviewed our Gift Guide for members and updated this guide to include additional contemporary examples and situations a member may come across.

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.

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

EDUCATION

2024 ANNUAL CONFERENCE

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.

The 2024 Annual conference was held in Quebec City.

Representatives from the Federal, Provincial and Territorial jurisdictions attended the conference. Many topics of interest were discussed. New initiatives from several jurisdictions were outlined. All in all, it was a very worthwhile conference, and I look forward to attending the 2025 conference in Victoria, British Columbia.

COGEL

The office is also an active member of the Council on Governmental Ethics Laws organization. COGEL is a professional organization for government agencies and other organizations working in ethics, elections, freedom of information, lobbying, and campaign finance. COGEL meets annually with the purpose of facilitating the exchange of information and best practices with presentations, discussion forums and planning sessions led by respected professionals in North America, and sometimes internationally.

We did not attend the conference this year due to other fiscal commitments.



**Office of the
Registrar of Lobbyists
Saskatchewan**

DID YOU KNOW?

Inquiries received in the office usually focus on the same general questions. Specifically, we address questions and provide guidance about:

- the difference between providing information, advocacy and lobbying
- whether a particular organization or individual is subject to the *Lobbyists Act* and needs to register
- the gift giving provision in the Lobbyists Act as it pertains to “lobbying days”
- definition of coalition, affiliates and subsidiaries
- general administrative issues such as how to set up an account, changing a password or updating/ending a registration.

We also dealt with a couple of new and interesting questions that had never been raised. We include those questions here for interest and future information.

- If a First Nations operates a separate, but band-controlled entity is that organization required to register?

The answer was yes. In this case the entity was under the supervision of the First Nations Board but was considered an independent agency and the people who worked there did not meet the definition of a [Band] employee. Therefore, we required them to register.

- Question around the definition of Senior Filer. A company indicated their management board essentially filled the role of CEO so felt the Director of that Board should be the Senior Filer, not the COO for the organization, despite the fact the registration in the Federal Registry listed the COO.

After much consideration, and due to specific circumstances, we allowed the head of the Board to be designated the Senior Filer. This was a one-off and would not normally be allowed.

As always, we encourage lobbyists and other stakeholders to contact this office for any questions, clarifications or assistance.

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 2024 LRCN in person meeting was held in Ottawa.

The 2025 LRCN Conference will be held in New Brunswick.

OFFICE NEWS

The Lobbyist Registry saw modest growth in registrations during this fiscal year, consistent with recent years. As 2024-2025 was an election year in Saskatchewan, requests for guidance and assistance increased slightly. Specifically, we saw an increase in the number of inquiries from public office holders seeking advice and direction on cooling off periods as well as new public office holders interested in learning more about their responsibilities with regards to the Saskatchewan *Lobbyists Act*.

TRAINING AND EDUCATION

As part of a proactive approach to achieving compliance with the *Lobbyists Act*, the office continues to provide training and education sessions to lobbyists, public officer holders and other interested stakeholders.

This year was a particularly busy year as many existing and potential lobbyists were proactive in learning about how the General Provincial Election might affect their work and lobbying responsibilities. Prior to the election the office conducted five online training sessions with various lobbying groups. The feedback from these groups was positive with participants indicating some of the information was new to them and helpful to ensure they remained compliant with the legislation during and after the electoral period.

Post-election the office also met with a large group of new and returning members. While the *Lobbyists Act* places no responsibility on behalf of a member the session focused on what lobbying was and wasn't, talked about lobbying days at the Assembly, reminded them about accepting gifts from lobbyists and how to access the Registry to ensure lobbyists communicating with them were properly registered.

BUDGET

The fiscal year for the office runs from April 1, 2024 – March 31, 2025.

**Conflict of Interest Commissioner and
Office of the Registrar of Lobbyists
Budget Summary
For Fiscal Year 2024-2025**

Object of Expenditure Breakdown	2024-2025
Personal Services	\$406,000
Contractual Services	\$90,000
Communications	\$2,000
Travel & Business	\$21,500
Supplies & Services	\$38,000
Equipment & Assets	\$ 11,500
	<u>\$569,000</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.

