



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

**2021-2022**



**Office of the  
Registrar of Lobbyists  
Saskatchewan**

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June 30, 2022

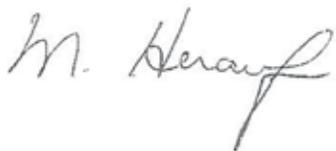
The Honourable Randy Weekes  
Speaker of the Legislative Assembly of Saskatchewan  
Room 129 Legislative Assembly Building  
2405 Legislative Drive  
Regina, SK S4S 0B3

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, 2021 to March 31, 2022.

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, Q.C.  
Saskatchewan Conflict of Interest Commissioner  
and Registrar of Lobbyists



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## COMMISSIONER AND REGISTRAR'S MESSAGE

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

I am honored to be the fourth Conflict of Interest Commissioner and the second Registrar of Lobbyists appointed for Saskatchewan. I officially commenced my duties as Commissioner/Registrar on July 1, 2020. I am now two years into my five year mandate and during this past year have made some significant changes.

This year I was pleased to be able to meet personally with a majority of the members while conducting my annual consultation meetings. It is always easier to speak in person to someone and I appreciate being able to put a name to a face now. I wish to thank the members for their promptness in filing their disclosure statements and the ease in which the meetings were conducted.

Several administrative changes were made over the course of the year which I know will be of benefit to the office moving forward. We finally have an approved records retention and disposal policy. This formal policy provides certainty to retention and disposal periods.

This year we also began work on a stand-alone website for the Conflict of Interest office. As a result of creating this website the Office now has a defined visual identity and logo which I am excited to showcase and begin using once the website is launched. I wish to thank Engineered Code Consulting and Amplify Digital Marketing for their hard work on this project and all their creative and professional input.

Finally, through an initiative by the Legislative Assembly Information Technology Services, in January the office underwent a migration to Microsoft 365. My thanks to Technology Services and Powerland Computers for working with us in facilitating this transition.

## 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.

## SASKATCHEWAN CONFLICT OF INTEREST COMMISSIONER



## 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.

It is worth reiterating that in September 2020, the Act was amended, and the Commissioner can now provide advice to former members for up to 12 months following the date on which former members ceased to hold office. Prior to this amendment, the Commissioner did not have the authority to provide advice and opinions to former members.

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### *The Members' Conflict of Interest Act*

**s.27(3)** The opinion and recommendations of the commissioner are confidential, but may be released by the member or with the written consent of the member

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## 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*.

The office has always participated in the orientation of new members but last year, due to COVID, our interaction with members has been much different. As opposed to appearing in person and meeting with members face-to-face, a video presentation was created with assistance from Legislative Assembly Services which members could access on-line.

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.

As a result of changes to the Act I received a fair number of requests from former members. Most often inquiries were of a business related nature, cooling off periods, lobbying and employment opportunities.

Although advice can be provided on any topic, in general, advice sought can generally 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.

#### 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.

- 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.

I think it an opportune time to reiterate that it appears that increased education and information would be beneficial to potential candidates in advance of their becoming elected so they are more fully aware of the business repercussions should they be elected to office.

## 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 2021-2022 year that this report covers one member resigned his seat to run as a candidate in the Federal Election held on September 20, 2021. This former member 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 March 31, 2022. Due to the by-election that was held on February 15, 2022, the newly elected member was not required to file his first private disclosure statement until May 15, 2022.

The initial letters to all members regarding their obligations for filing these statements were sent on January 7, 2022. The first private disclosure statement was received and filed on January 11, 2022.

I reviewed all private disclosure statements with each member in person, except for three members whose circumstances required a telephone review. All interviews, except for the member who was elected on February 15, 2022, were completed by April 28, 2022. These interviews were my first opportunity to personally meet the majority of members. Due to COVID restrictions all interviews last year were conducted via telephone.

We look forward to launching the COIC website in the summer of 2022. One of the advantages of having a dedicated website for this office is that it will allow members the opportunity to complete their private disclosure statements by using the fillable forms on-line.

## GIFTS

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

Last year the office updated and streamlined this booklet, which now includes a detachable desktop placemat that members can tear off for a quick and handy reference guide. The booklet outlines the Gift Rule and provides samples of acceptable and non-acceptable instances for when an MLA can accept gifts and/or benefits.

Each member receives a copy of this brochure and once the website is launched, it will be available for Members to download.

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, customs 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, custom 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 his or her duties.

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

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# GIFT GUIDE FOR MEMBERS

— at a glance —

TICKETS



GIFT BASKETS



SERVICE



MEALS



SPONSORED TRAVEL

RELATIONSHIP  
OF DONOR

VALUE OF  
GIFT

CAN I  
ACCEPT?

PROTOCOL  
OR SOCIAL  
OBLIGATION?

## THE GIFT RULE

### *The Members' Conflict of Interest Act*

7(1) Neither a member nor any of the member's family shall accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of the member's duties of office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) Where a gift or personal benefit mentioned in subsection (2) is greater than \$200 in value, or where the total value received directly or indirectly from one source in any 12-month period is greater than \$200, the member shall immediately file with the commissioner a disclosure statement.

(4) The disclosure statement required pursuant to subsection (3) shall:

- (a) be in the form prescribed by the regulations; and
- (b) indicate the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.

(5) For the purposes of this section, "gift or personal benefit" includes:

- (a) an amount of money, if there is no obligation to repay it;
- (b) a service, hospitality or property, including the use of property, that is provided without charge or for a charge that is less than its commercial value; and
- (c) any other gift or personal benefit prescribed in the regulations.

## BREAK IT DOWN

The basic rule is that you are prohibited from accepting a gift given to you in connection with the performance of your duties as an elected official. This applies to gifts given to you either directly or indirectly.

If a gift is offered to a family member, the same considerations apply as if the gift were given to you directly. Your partner and dependent children are considered your "family members".

**\*\* You can accept gifts given to you as an "incident of protocol or social obligation".**

You must immediately disclose receipt of a gift with a likely value of \$200 or more to the Conflict of Interest Commissioner.



# EXAMPLES OF ACCEPTABLE / NON-ACCEPTABLE GIFTS

## DONATIONS

**EXAMPLE 1:** After giving a speech at a local service club, you are presented with a laptop computer worth \$1,200. You would like to donate the laptop to a local non-profit group.

You may accept the gift as an incident of protocol. If you do donate the laptop, you may not claim a tax benefit. It must be disclosed as it is worth over \$200.

**EXAMPLE 2:** You receive a limited edition print from an oil company operating in your constituency. You would like to donate the print to a local library.

Regardless of whether you intend to keep it or not, you should politely decline this gift, given that the company is in an industry regulated by government.

## SPONSORED TRAVEL

**EXAMPLE 1:** You are offered a trip to another country or part of the province as a “fact-finding” tour.

This type of sponsored travel May Be acceptable IF connected to your official duties and there is a benefit to the people of Sask., e.g. the tour relates to an important employment sector in your riding or involves an industry related to your portfolio. Seek advice from the Conflict of Interest Commissioner prior to undertaking.

**EXAMPLE 2:** You have been invited to be the keynote speaker at an event in another city, with airfare and accommodations offered by the organizers

This type of sponsored travel May Be acceptable in certain circumstances. You should seek advice from the Conflict of Interest Commissioner prior to accepting.

## CHARITABLE EVENTS

**EXAMPLE 1:** A homeless shelter in your constituency invites you to a fundraising dinner. Tickets are \$300, \$225 of which is tax deductible. The dinner is a personal benefit which you may accept as part of the protocol or social obligations of office. You do not need to disclose the gift as the value received is \$75.

**EXAMPLE 2:** You have been invited to participate in a charity golf tournament. One of the major corporate sponsors of the event, a pulp mill operator, has offered to cover your entrance fees. As the sponsor is in an industry regulated by the Province, you should pay your own entrance fees if you participate.

## COMPLIMENTARY PASSES AND MEMBERSHIPS

**EXAMPLE 1:** An airline company offers you a free pass to its airport lounges.

As the lounges provide a quiet and comfortable space in which to work while traveling on official business, you may accept. Disclosure is required as it is likely worth over \$200.

**EXAMPLE 2:** A private golf and country club offers you a free membership.

As there is likely little or no use of the amenities that would help you carry out your official duties, you should decline the offer.

## GIFTS TO FAMILY MEMBERS

**EXAMPLE 1:** A local business competing for a government contract sends your daughter a complimentary ski pass to a ski resort.

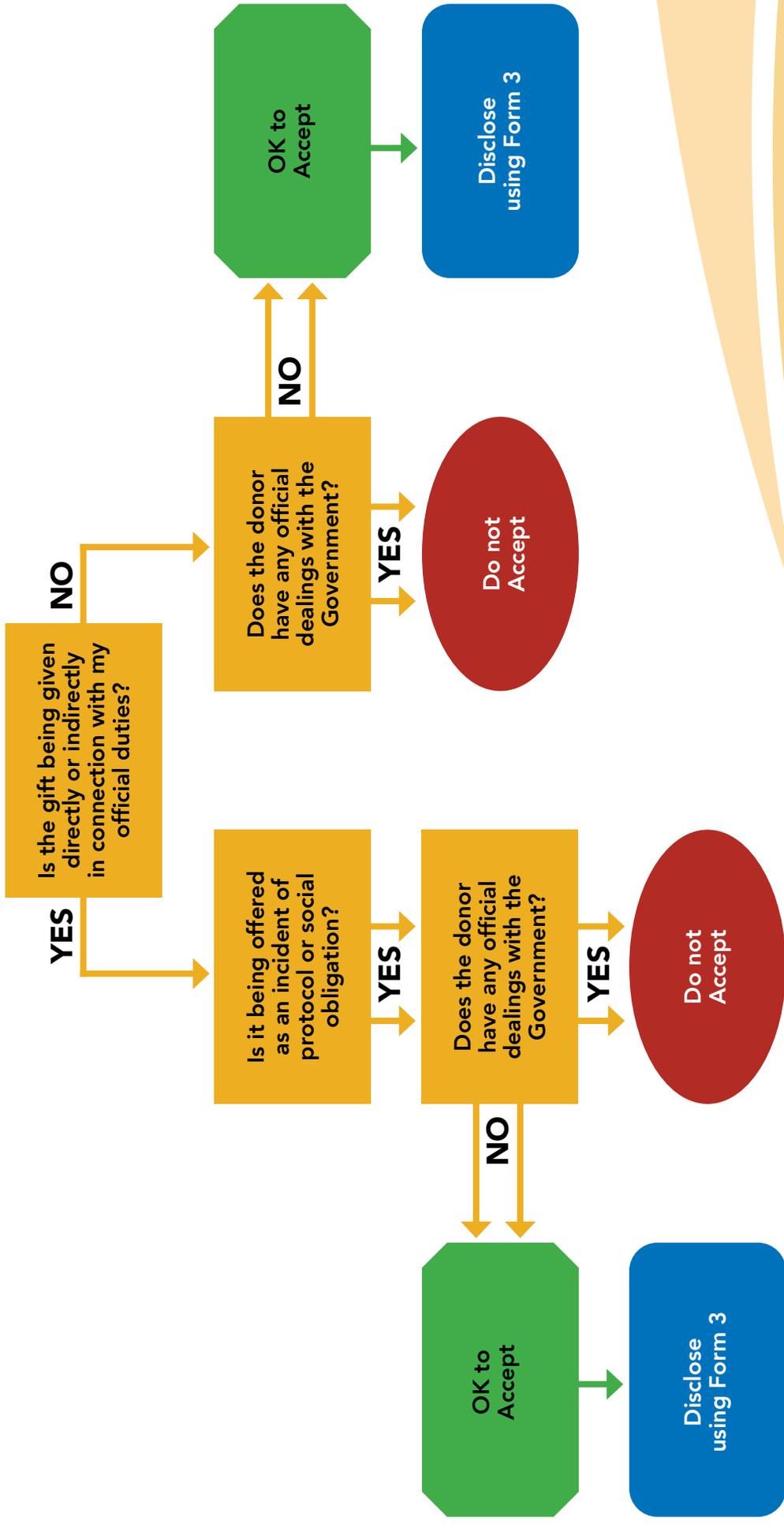
Unless there are circumstances that indicate otherwise, it looks like the gift may have been given to your daughter because of her relationship to you. In effect, the gift was indirectly given to you. The gift should not be accepted as it appears to place you under an obligation to the donor.

**EXAMPLE 2:** You have been invited to a leadership awards ceremony sponsored by the Chamber of Commerce. The invitation includes your spouse. Tickets to the ceremony cost \$150 each.

You may accept the free tickets as part of the protocol or social obligations of office. If you attend on your own, you do not need to disclose the gift as the value of the personal benefit is less than \$200. However if your spouse attends with you, disclosure is required as the combined value of both tickets is more than \$200.

This flowchart summarizes the general process to follow when offered a gift.

## ACCEPTING AND DISCLOSING GIFTS



# EXAMPLE OF FORM 3

DOWNLOAD THE FULL FORM FROM <https://publications.saskatchewan.ca/#/products/8160>  
OR call the Office of the Conflict of Interest Commissioner and we will send you an electronic copy.

## CONFIDENTIAL



SASKATCHEWAN

## FORM 3 — MEMBER

### MEMBER'S GIFT OR PERSONAL BENEFIT DISCLOSURE STATEMENT

#### MEMBER:

Section 7 of *The Members' Conflict of Interest Act* states, in part, that:

- 7(1) Neither a member nor any of the member's family shall accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of the member's duties of office.
- (2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.
- (3) Where a gift or personal benefit mentioned in subsection (2) is greater than \$200 in value, or where the total value received directly or indirectly from one source in any 12-month period is greater than \$200, the member shall immediately file with the commissioner a disclosure statement.
- (4) The disclosure statement required pursuant to subsection (3) shall:
- (a) be in the form prescribed by the regulations; and
  - (b) indicate the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.
- (5) For the purposes of this section, "gift or personal benefit" includes:
- (a) an amount of money, if there is no obligation to repay it;
  - (b) a service, hospitality or property, including the use of property, that is provided without charge or for a charge that is less than its commercial value; and
  - (c) any other gift or personal benefit prescribed in the regulations.

#### 1. Single fee, gift or benefit received and valued in excess of \$200:

Name and Address of Donor: \_\_\_\_\_

Nature of Fee, Gift or Benefit: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_ Value: \_\_\_\_\_

Describe the circumstances under which the fee, gift or other benefit was received: \_\_\_\_\_

If the fee, gift or benefit was received indirectly from a source other than the donor listed above, what is the name and address of the source?

#### 2. Fees, gifts and other benefits received from one source in 12-month period exceeding \$200 in total:

Name and Address of Donor: \_\_\_\_\_

Nature of Fee, Gift or Benefit: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_ Value: \_\_\_\_\_

Describe the circumstances under which the fee, gift or other benefit was received: \_\_\_\_\_

If any of the fees, gifts or other benefits were received indirectly from a source other than the donor listed above, what is the name and address of the source?

# **ITEMS THAT COULD BE CONSIDERED GIFTS**

**PRIZES**

**DONATIONS**

**SPONSORED TRAVEL**

**PROMOTIONAL ITEMS**

**COMPLIMENTARY PASSES AND MEMBERSHIPS**

**EVENTS AND HOSPITALITY**

**CHARITABLE EVENTS**

It's always better to error on the side of caution and not accept a gift or benefit

**OR**

contact us for further discussion prior to accepting.

If you have any questions please do not hesitate to contact us:



Conflict of Interest Commissioner  
630-1855 Victoria Avenue  
Regina, SK

306-787-0800

## **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.

## **2021 ANNUAL CONFERENCE**

The 2021 Annual Conference was scheduled to be held in Yellowknife, NWT. However, due to COVID the conference was cancelled and instead the Commissioners participated in an on-line session via Zoom.

This was the second Annual Conference held virtually. Once again, I found the interaction invaluable as we have many common issues between all Provinces and Territories.

## RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS

### Salary

#### Section 22

The salary of the Commissioner is currently fixed by the Board of Internal Economy. The salary and benefits of all other independent officers of the Legislative Assembly are set out in their respective governing legislation. For purposes of consistency and transparency it would be advisable to codify the salary of the Commissioner in *The Members' Conflict of Interest Act*. To do so section 22 of The Act would need to be repealed and the following substituted:

#### Salaries, Allowances and Expenses

22 (1) Subject to subsections (2) and (3), the Conflict of Interest Commissioner and Registrar of Lobbyists shall be paid a salary equal to the average salary of all Deputy Ministers and Acting Deputy Ministers of the Government calculated as at April 1 in each year.

(2) Any benefits or payments that may be characterized as deferred income, retirement allowances, separation allowances, severance allowances or payment in lieu of notice are not to be included in calculating the average salary of all Deputy Ministers and Acting Deputy Ministers pursuant to clause (1).

(3) If, as a result of calculation made pursuant to clause (1), the salary of the Conflict of Interest Commissioner and Registrar of Lobbyists would be less than the Conflict of Interest Commissioner and Registrar of Lobbyists' previous salary, the Conflict of Interest Commissioner and Registrar of Lobbyists is to be paid not less than his or her previous salary.

(4) The Conflict of Interest Commissioner and Registrar of Lobbyists is entitled to receive any benefits of office and economic adjustments that are provided generally to Deputy Ministers.

(5) The Conflict of Interest Commissioner and Registrar of Lobbyists is entitled to be paid an allowance for travel and other expenses incurred in the performance of the duties of the Conflict of Interest Commissioner and Registrar of Lobbyists at a rate pursuant to *The Public Service Regulations, 1999*, for employees of the public service.

(6) The salary of the Conflict of Interest Commissioner and Registrar of Lobbyists shall be paid out of the general revenue fund.

#### [Offence respecting former members of Executive Council](#)

##### Section 34

Section 34 is a charging provision for potential offences that relate to former members of cabinet dealing with government contracts during the 12 month cooling off period from when the former member “ceased to hold office.” A successful prosecution could lead to a fine not exceeding \$50,000.

In my view, there is some ambiguity with the phrase “ceased to hold office.” It could be interpreted as the date that members ceased to hold office as a Minister of the Crown or hold office in general based on resignation, retirement, etc. I would suggest that the current wording applies to when the member ceases to hold office as a Minister of the Crown. This interpretation avoids the provision having application to a member who ceased to be a member of Executive Council many years prior to when that member ceased to be a member for retirement, resignation, or other reasons. This would be in line with the cooling off period in Section 9(1) of The Lobbyists Act which clearly specifies that a former member of Executive Council cannot lobby for one year from when that member “ceased to be a Minister of the Crown.”

I recommend that section 34(1) be amended by deleting the words “to hold office” and substitute the words “to be a member of Executive Council” with the amendment.

Section 34(1) would read: No former member of the Executive Council shall knowingly, during the 12 months after the date he or she ceased to be a member of Executive Council.”

#### [Previous Recommendations](#)

##### Section 7 and Section 27

I also recommend that consideration be given to two amendments proposed in last year’s annual report concerning Sections 7 and 27 of The Act. Section 7 relates to a proposed amendment to the gift provision. Section 27 relates to a proposed amendment that provides for reconsideration of an opinion.





**Office of the  
Registrar of Lobbyists  
Saskatchewan**

## DID YOU KNOW?

On September 14, 2020, An Act to Amend the Lobbyists Act came into force. The amendments brought forward were as follows:

- Reduced the number of hours from 100 to 30 as the threshold upon which an “in-house” lobbyist is required to register and report their activities
- Required charitable non-profit organizations to now register unless they have less than 5 lobbyists whose combined lobbying is less than 30 hours per year
- Defined the term “gifts or personal benefits” and prohibited lobbyists from providing gifts to government officials except as a matter of protocol or social obligations and then the value of those gifts must not exceed \$200.

Initially, the gift prohibition did not cause any concern either. The office fielded calls seeking clarification on the application of this prohibition and as mentioned in last year’s report, posted several Registrar’s Directives on the Saskatchewan Registrar of Lobbyists website. However, with the lifting of COVID restrictions some lobbyists have resumed the accepted and previously used practice of hosting functions wherein public office holders are invited to be in attendance with various lobbyists.

Prior to the 2020 amendments this practice was never questioned. However, since September 2020 this type of activity may now fall under the gift prohibition. Further, it is important to remember that *The Lobbyists Act* is a companion piece to *The Members Conflict of Interest Act* and so the gift guidelines which regulate members from accepting gifts also apply in this scenario.

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***If there is any question about the function you are attending as a public office holder, or hosting as a lobbyist, it’s best to contact this office to discuss the particulars before the event.***

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## HISTORY

The Saskatchewan Lobbyists legislation came into force 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.

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

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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) through the year to discuss important matters as they arise.

The 2021 LRCN in person meeting, scheduled to be held in Victoria, BC was held virtually.

## **[WWW.SASKLOBBYISTREGISTRY.CA](http://WWW.SASKLOBBYISTREGISTRY.CA)**

In January of this year, in conjunction with the Legislative Assembly Information Technology Services department we undertook a migration to Microsoft 365. As part of this migration we began the process of updating the technology that forms the foundation of our website, the lobbyist registry and database. This project is expected to continue and be completed over the coming years. We are looking forward to these changes as they are focused on ensuring the registry continues to remain secure, reliable, highly available and scalable. While we do not anticipate any disruptions these upgrades may result in some external changes affecting stakeholders.

We will make every effort to communicate these changes in advance and are looking forward to the new updated site. We will keep you posted!

## RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS

Gift Provision

s.12

Amendments were made to *The Lobbyists Act* in 2020 which defined the term “gifts or personal benefits” and prohibits lobbyists from providing gifts to government officials except as a matter of protocol or social obligations and the value of those gifts must not exceed \$200.

Inadvertently, a provision requiring lobbyists to disclose any gifts provided to public office holders was not included in this amendment. To correct this omission, I would suggest that an amendment be made to the gift provision in section 12 and to the prescribed forms contained in the Regulations. This would formalize the requirement to disclose any gifts given by a lobbyist to a public office holder to be disclosed on the lobbyist registration form.

As members are required to disclose any gifts over \$200 that are received, the same requirement for lobbyists to disclose gifts provided would maintain a system of checks and balances that is perfectly transparent and accountable for both parties.

This amendment was suggested in the 2020-2021 Annual Report as well.

### REMINDER

Lobbyists in Saskatchewan must be cautious when they are considering giving or offering any gift or personal benefit (including event or conference invitations) to public office holders. Giving or promising a gift or personal benefit to a public office holder whom you intend to lobby may invite them to breach the restrictions to which they are subject as a public office holder or place them in a conflict of interest. As a result, you could breach your obligations as a lobbyist under *The Lobbyists Act*.

The onus remains on lobbyists to ensure that the offer of any gift or personal benefit to a public office holder complies with *The Lobbyists Act* before they make the offer.

It is important to note that an offer of a gift or personal benefit to a public office holder itself can be a breach of section 12 of the Act, even if the public office holder ultimately does not accept or does not end up receiving or keeping the gift or personal benefit.



## OFFICE NEWS

### Operational Records Retention, Classification and Disposal Schedule

With the valuable assistance from the Provincial Archives of Saskatchewan, Information Management Unit, this office developed a records retention and disposal schedule. The schedule was approved by the Public Records Committee on December 13, 2021.

Prior to this point retention and disposal policies were developed by Commissioners without the assistance of Provincial Archives and were unwritten policies.

The formal written policy provides certainty to retention and disposal periods. The schedule now provides that member's private disclosure statements, which are confidential as per *The Members' Conflict of Interest Act*, are kept for a period of five years from when the member ceased to be a member. Thereafter, these statements can be destroyed. To ensure confidentiality the private disclosure statements that may be destroyed will be shredded by our office without going to a private agency. Prior to destruction the private disclosure statements are kept in a locked file cabinet situated in a locked office which is only accessible to the Commissioner and two staff members.

### Conflict of Interest Commissioner website

Most Canadian jurisdictions have an independent website devoted to the Office of the Conflict of Interest Commissioner. Currently, the only web presence for the Saskatchewan Conflict of Interest Commissioner is contained within the pages on the Saskatchewan Legislative Assembly website. It is difficult to find and is quite brief. Essentially, the page provides a brief history and summary of the mandate for my office

as well as a short comment on investigations and disclosures. It also contains a mention about the Registrar of Lobbyists. Members' annual public disclosure statements are posted on the Legislative Assembly website but in a different section, not directly associated with the Conflict of Interest Commissioner.

In an effort to bring my office in line with best practice, make information more easily accessible to the public and members as well as underscore that this office is an independent officer of the Legislative Assembly, I have undertaken the development of a stand-alone website for the Saskatchewan Conflict of Interest Commissioner.

Work commenced on this official website during this fiscal year and development is almost complete. I anticipate the website will be officially launched in the summer of 2022.

The website is geared toward providing information to members and the general public about the mandate of the Commissioner and the responsibilities of the members. The intent is to have flexibility to allow the Commissioner to add more information as the need arises. Members will be pleased to note that the website will provide fillable forms for the private disclosure process and gift disclosure statements.

Even though the office will have an independent website once complete, the members public disclosure statements will continue to be posted and reside on the Legislative Assembly website.

An official launch will be promoted in the summer of 2022. Stay tuned!

## BUDGET

The fiscal year for the office runs from April 1, 2021 – March 31, 2022.

As with previous years, the budget remained relatively unchanged, with slight adjustments for cost of living offset by a decrease in expenses, for a total budget decrease compared to 2020-2021.

**Conflict of Interest Commissioner and  
Office of the Registrar of Lobbyists  
Budget Summary  
For the Fiscal Year 2021-2022**

Object of Expenditure Breakdown	<u>2021-2022</u>
Personal Services	\$402,906
Contractual Services	\$131,573
Communications	\$ 1,500
Travel & Business	\$ 14,280
Supplies & Services	\$ 6,180
Equipment & Assets	<u>\$ 19,500</u>
	<b><u>\$575,939</u></b>

## ACKNOWLEDGMENTS AND APPRECIATION

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### OUTSIDE ASSISTANCE

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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

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I would be remiss if I did not express my sincere gratitude to Sandra Arberry, Deputy Registrar, and Ron Samways, who assists this office with the filing of Members Private and Public Disclosure statements, for their tremendous assistance during my term as Commissioner/Registrar.

#### **Sandra Arberry, Deputy Registrar and Executive Operations Officer**

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.

#### **Ron Samways, Contractor**

Ron has been with the office since The Honourable Ronald Barclay, Q.C. was appointed as the Commissioner. He is tremendously respected, and his good humour and charismatic personality add a dimension to the office that is greatly missed when he is not here.



June 30, 2022

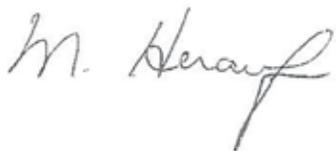
The Honourable Randy Weekes  
Speaker of the Legislative Assembly of Saskatchewan  
Room 129 Legislative Assembly Building  
2405 Legislative Drive  
Regina, SK S4S 0B3

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, 2021 to March 31, 2022.

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, Q.C.  
Saskatchewan Conflict of Interest Commissioner  
and Registrar of Lobbyists



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## COMMISSIONER AND REGISTRAR'S MESSAGE

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

I am honored to be the fourth Conflict of Interest Commissioner and the second Registrar of Lobbyists appointed for Saskatchewan. I officially commenced my duties as Commissioner/Registrar on July 1, 2020. I am now two years into my five year mandate and during this past year have made some significant changes.

This year I was pleased to be able to meet personally with a majority of the members while conducting my annual consultation meetings. It is always easier to speak in person to someone and I appreciate being able to put a name to a face now. I wish to thank the members for their promptness in filing their disclosure statements and the ease in which the meetings were conducted.

Several administrative changes were made over the course of the year which I know will be of benefit to the office moving forward. We finally have an approved records retention and disposal policy. This formal policy provides certainty to retention and disposal periods.

This year we also began work on a stand-alone website for the Conflict of Interest office. As a result of creating this website the Office now has a defined visual identity and logo which I am excited to showcase and begin using once the website is launched. I wish to thank Engineered Code Consulting and Amplify Digital Marketing for their hard work on this project and all their creative and professional input.

Finally, through an initiative by the Legislative Assembly Information Technology Services, in January the office underwent a migration to Microsoft 365. My thanks to Technology Services and Powerland Computers for working with us in facilitating this transition.

## 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.

## SASKATCHEWAN CONFLICT OF INTEREST COMMISSIONER



## 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.

It is worth reiterating that in September 2020, the Act was amended, and the Commissioner can now provide advice to former members for up to 12 months following the date on which former members ceased to hold office. Prior to this amendment, the Commissioner did not have the authority to provide advice and opinions to former members.

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### *The Members' Conflict of Interest Act*

**s.27(3)** The opinion and recommendations of the commissioner are confidential, but may be released by the member or with the written consent of the member

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## 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*.

The office has always participated in the orientation of new members but last year, due to COVID, our interaction with members has been much different. As opposed to appearing in person and meeting with members face-to-face, a video presentation was created with assistance from Legislative Assembly Services which members could access on-line.

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.

As a result of changes to the Act I received a fair number of requests from former members. Most often inquiries were of a business related nature, cooling off periods, lobbying and employment opportunities.

Although advice can be provided on any topic, in general, advice sought can generally 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.

#### 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.

- 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.

I think it an opportune time to reiterate that it appears that increased education and information would be beneficial to potential candidates in advance of their becoming elected so they are more fully aware of the business repercussions should they be elected to office.

## 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 2021-2022 year that this report covers one member resigned his seat to run as a candidate in the Federal Election held on September 20, 2021. This former member 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 March 31, 2022. Due to the by-election that was held on February 15, 2022, the newly elected member was not required to file his first private disclosure statement until May 15, 2022.

The initial letters to all members regarding their obligations for filing these statements were sent on January 7, 2022. The first private disclosure statement was received and filed on January 11, 2022.

I reviewed all private disclosure statements with each member in person, except for three members whose circumstances required a telephone review. All interviews, except for the member who was elected on February 15, 2022, were completed by April 28, 2022. These interviews were my first opportunity to personally meet the majority of members. Due to COVID restrictions all interviews last year were conducted via telephone.

We look forward to launching the COIC website in the summer of 2022. One of the advantages of having a dedicated website for this office is that it will allow members the opportunity to complete their private disclosure statements by using the fillable forms on-line.

## GIFTS

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

Last year the office updated and streamlined this booklet, which now includes a detachable desktop placemat that members can tear off for a quick and handy reference guide. The booklet outlines the Gift Rule and provides samples of acceptable and non-acceptable instances for when an MLA can accept gifts and/or benefits.

Each member receives a copy of this brochure and once the website is launched, it will be available for Members to download.

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, customs 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, custom 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 his or her duties.

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

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Saskatchewan Conflict of  
Interest Commissioner

# GIFT GUIDE FOR MEMBERS

— at a glance —

TICKETS



GIFT BASKETS



SERVICE



MEALS



SPONSORED TRAVEL

RELATIONSHIP  
OF DONOR

VALUE OF  
GIFT

CAN I  
ACCEPT?

PROTOCOL  
OR SOCIAL  
OBLIGATION?

## THE GIFT RULE

### *The Members' Conflict of Interest Act*

7(1) Neither a member nor any of the member's family shall accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of the member's duties of office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.

(3) Where a gift or personal benefit mentioned in subsection (2) is greater than \$200 in value, or where the total value received directly or indirectly from one source in any 12-month period is greater than \$200, the member shall immediately file with the commissioner a disclosure statement.

(4) The disclosure statement required pursuant to subsection (3) shall:

- (a) be in the form prescribed by the regulations; and
- (b) indicate the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.

(5) For the purposes of this section, "gift or personal benefit" includes:

- (a) an amount of money, if there is no obligation to repay it;
- (b) a service, hospitality or property, including the use of property, that is provided without charge or for a charge that is less than its commercial value; and
- (c) any other gift or personal benefit prescribed in the regulations.

## BREAK IT DOWN

The basic rule is that you are prohibited from accepting a gift given to you in connection with the performance of your duties as an elected official. This applies to gifts given to you either directly or indirectly.

If a gift is offered to a family member, the same considerations apply as if the gift were given to you directly. Your partner and dependent children are considered your "family members".

**\*\* You can accept gifts given to you as an "incident of protocol or social obligation".**

You must immediately disclose receipt of a gift with a likely value of \$200 or more to the Conflict of Interest Commissioner.



# EXAMPLES OF ACCEPTABLE / NON-ACCEPTABLE GIFTS

## DONATIONS

**EXAMPLE 1:** After giving a speech at a local service club, you are presented with a laptop computer worth \$1,200. You would like to donate the laptop to a local non-profit group.

You may accept the gift as an incident of protocol. If you do donate the laptop, you may not claim a tax benefit. It must be disclosed as it is worth over \$200.

**EXAMPLE 2:** You receive a limited edition print from an oil company operating in your constituency. You would like to donate the print to a local library.

Regardless of whether you intend to keep it or not, you should politely decline this gift, given that the company is in an industry regulated by government.

## SPONSORED TRAVEL

**EXAMPLE 1:** You are offered a trip to another country or part of the province as a “fact-finding” tour.

This type of sponsored travel May Be acceptable IF connected to your official duties and there is a benefit to the people of Sask., e.g. the tour relates to an important employment sector in your riding or involves an industry related to your portfolio. Seek advice from the Conflict of Interest Commissioner prior to undertaking.

**EXAMPLE 2:** You have been invited to be the keynote speaker at an event in another city, with airfare and accommodations offered by the organizers

This type of sponsored travel May Be acceptable in certain circumstances. You should seek advice from the Conflict of Interest Commissioner prior to accepting.

## CHARITABLE EVENTS

**EXAMPLE 1:** A homeless shelter in your constituency invites you to a fundraising dinner. Tickets are \$300, \$225 of which is tax deductible. The dinner is a personal benefit which you may accept as part of the protocol or social obligations of office. You do not need to disclose the gift as the value received is \$75.

**EXAMPLE 2:** You have been invited to participate in a charity golf tournament. One of the major corporate sponsors of the event, a pulp mill operator, has offered to cover your entrance fees. As the sponsor is in an industry regulated by the Province, you should pay your own entrance fees if you participate.

## COMPLIMENTARY PASSES AND MEMBERSHIPS

**EXAMPLE 1:** An airline company offers you a free pass to its airport lounges.

As the lounges provide a quiet and comfortable space in which to work while traveling on official business, you may accept. Disclosure is required as it is likely worth over \$200.

**EXAMPLE 2:** A private golf and country club offers you a free membership.

As there is likely little or no use of the amenities that would help you carry out your official duties, you should decline the offer.

## GIFTS TO FAMILY MEMBERS

**EXAMPLE 1:** A local business competing for a government contract sends your daughter a complimentary ski pass to a ski resort.

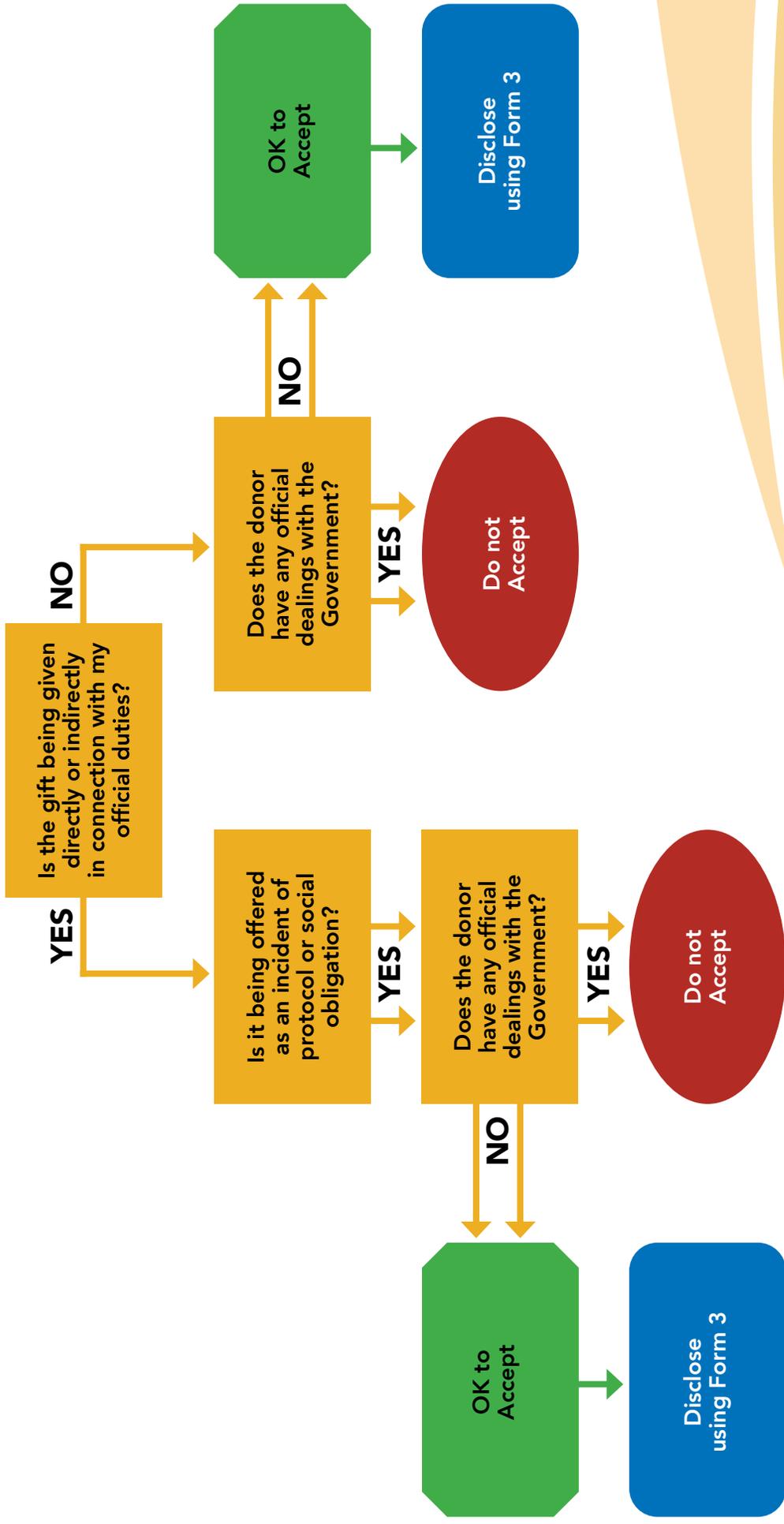
Unless there are circumstances that indicate otherwise, it looks like the gift may have been given to your daughter because of her relationship to you. In effect, the gift was indirectly given to you. The gift should not be accepted as it appears to place you under an obligation to the donor.

**EXAMPLE 2:** You have been invited to a leadership awards ceremony sponsored by the Chamber of Commerce. The invitation includes your spouse. Tickets to the ceremony cost \$150 each.

You may accept the free tickets as part of the protocol or social obligations of office. If you attend on your own, you do not need to disclose the gift as the value of the personal benefit is less than \$200. However if your spouse attends with you, disclosure is required as the combined value of both tickets is more than \$200.

This flowchart summarizes the general process to follow when offered a gift.

## ACCEPTING AND DISCLOSING GIFTS



# EXAMPLE OF FORM 3

DOWNLOAD THE FULL FORM FROM <https://publications.saskatchewan.ca/#/products/8160>  
OR call the Office of the Conflict of Interest Commissioner and we will send you an electronic copy.

## CONFIDENTIAL



SASKATCHEWAN

## FORM 3 — MEMBER

### MEMBER'S GIFT OR PERSONAL BENEFIT DISCLOSURE STATEMENT

#### MEMBER:

Section 7 of *The Members' Conflict of Interest Act* states, in part, that:

- 7(1) Neither a member nor any of the member's family shall accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of the member's duties of office.
- (2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.
- (3) Where a gift or personal benefit mentioned in subsection (2) is greater than \$200 in value, or where the total value received directly or indirectly from one source in any 12-month period is greater than \$200, the member shall immediately file with the commissioner a disclosure statement.
- (4) The disclosure statement required pursuant to subsection (3) shall:
- (a) be in the form prescribed by the regulations; and
  - (b) indicate the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.
- (5) For the purposes of this section, "gift or personal benefit" includes:
- (a) an amount of money, if there is no obligation to repay it;
  - (b) a service, hospitality or property, including the use of property, that is provided without charge or for a charge that is less than its commercial value; and
  - (c) any other gift or personal benefit prescribed in the regulations.

#### 1. Single fee, gift or benefit received and valued in excess of \$200:

Name and Address of Donor: \_\_\_\_\_

Nature of Fee, Gift or Benefit: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_ Value: \_\_\_\_\_

Describe the circumstances under which the fee, gift or other benefit was received: \_\_\_\_\_

If the fee, gift or benefit was received indirectly from a source other than the donor listed above, what is the name and address of the source?

#### 2. Fees, gifts and other benefits received from one source in 12-month period exceeding \$200 in total:

Name and Address of Donor: \_\_\_\_\_

Nature of Fee, Gift or Benefit: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_ Value: \_\_\_\_\_

Describe the circumstances under which the fee, gift or other benefit was received: \_\_\_\_\_

If any of the fees, gifts or other benefits were received indirectly from a source other than the donor listed above, what is the name and address of the source?

# **ITEMS THAT COULD BE CONSIDERED GIFTS**

**PRIZES**

**DONATIONS**

**SPONSORED TRAVEL**

**PROMOTIONAL ITEMS**

**COMPLIMENTARY PASSES AND MEMBERSHIPS**

**EVENTS AND HOSPITALITY**

**CHARITABLE EVENTS**

It's always better to error on the side of caution and not accept a gift or benefit

**OR**

contact us for further discussion prior to accepting.

If you have any questions please do not hesitate to contact us:



Conflict of Interest Commissioner  
630-1855 Victoria Avenue  
Regina, SK

306-787-0800

## **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.

## **2021 ANNUAL CONFERENCE**

The 2021 Annual Conference was scheduled to be held in Yellowknife, NWT. However, due to COVID the conference was cancelled and instead the Commissioners participated in an on-line session via Zoom.

This was the second Annual Conference held virtually. Once again, I found the interaction invaluable as we have many common issues between all Provinces and Territories.

## RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS

### Salary

#### Section 22

The salary of the Commissioner is currently fixed by the Board of Internal Economy. The salary and benefits of all other independent officers of the Legislative Assembly are set out in their respective governing legislation. For purposes of consistency and transparency it would be advisable to codify the salary of the Commissioner in *The Members' Conflict of Interest Act*. To do so section 22 of The Act would need to be repealed and the following substituted:

#### Salaries, Allowances and Expenses

22 (1) Subject to subsections (2) and (3), the Conflict of Interest Commissioner and Registrar of Lobbyists shall be paid a salary equal to the average salary of all Deputy Ministers and Acting Deputy Ministers of the Government calculated as at April 1 in each year.

(2) Any benefits or payments that may be characterized as deferred income, retirement allowances, separation allowances, severance allowances or payment in lieu of notice are not to be included in calculating the average salary of all Deputy Ministers and Acting Deputy Ministers pursuant to clause (1).

(3) If, as a result of calculation made pursuant to clause (1), the salary of the Conflict of Interest Commissioner and Registrar of Lobbyists would be less than the Conflict of Interest Commissioner and Registrar of Lobbyists' previous salary, the Conflict of Interest Commissioner and Registrar of Lobbyists is to be paid not less than his or her previous salary.

(4) The Conflict of Interest Commissioner and Registrar of Lobbyists is entitled to receive any benefits of office and economic adjustments that are provided generally to Deputy Ministers.

(5) The Conflict of Interest Commissioner and Registrar of Lobbyists is entitled to be paid an allowance for travel and other expenses incurred in the performance of the duties of the Conflict of Interest Commissioner and Registrar of Lobbyists at a rate pursuant to *The Public Service Regulations, 1999*, for employees of the public service.

(6) The salary of the Conflict of Interest Commissioner and Registrar of Lobbyists shall be paid out of the general revenue fund.

#### [Offence respecting former members of Executive Council](#)

##### Section 34

Section 34 is a charging provision for potential offences that relate to former members of cabinet dealing with government contracts during the 12 month cooling off period from when the former member “ceased to hold office.” A successful prosecution could lead to a fine not exceeding \$50,000.

In my view, there is some ambiguity with the phrase “ceased to hold office.” It could be interpreted as the date that members ceased to hold office as a Minister of the Crown or hold office in general based on resignation, retirement, etc. I would suggest that the current wording applies to when the member ceases to hold office as a Minister of the Crown. This interpretation avoids the provision having application to a member who ceased to be a member of Executive Council many years prior to when that member ceased to be a member for retirement, resignation, or other reasons. This would be in line with the cooling off period in Section 9(1) of The Lobbyists Act which clearly specifies that a former member of Executive Council cannot lobby for one year from when that member “ceased to be a Minister of the Crown.”

I recommend that section 34(1) be amended by deleting the words “to hold office” and substitute the words “to be a member of Executive Council” with the amendment.

Section 34(1) would read: No former member of the Executive Council shall knowingly, during the 12 months after the date he or she ceased to be a member of Executive Council.”

#### [Previous Recommendations](#)

##### Section 7 and Section 27

I also recommend that consideration be given to two amendments proposed in last year’s annual report concerning Sections 7 and 27 of The Act. Section 7 relates to a proposed amendment to the gift provision. Section 27 relates to a proposed amendment that provides for reconsideration of an opinion.





**Office of the  
Registrar of Lobbyists  
Saskatchewan**

## DID YOU KNOW?

On September 14, 2020, An Act to Amend the Lobbyists Act came into force. The amendments brought forward were as follows:

- Reduced the number of hours from 100 to 30 as the threshold upon which an “in-house” lobbyist is required to register and report their activities
- Required charitable non-profit organizations to now register unless they have less than 5 lobbyists whose combined lobbying is less than 30 hours per year
- Defined the term “gifts or personal benefits” and prohibited lobbyists from providing gifts to government officials except as a matter of protocol or social obligations and then the value of those gifts must not exceed \$200.

Initially, the gift prohibition did not cause any concern either. The office fielded calls seeking clarification on the application of this prohibition and as mentioned in last year’s report, posted several Registrar’s Directives on the Saskatchewan Registrar of Lobbyists website. However, with the lifting of COVID restrictions some lobbyists have resumed the accepted and previously used practice of hosting functions wherein public office holders are invited to be in attendance with various lobbyists.

Prior to the 2020 amendments this practice was never questioned. However, since September 2020 this type of activity may now fall under the gift prohibition. Further, it is important to remember that *The Lobbyists Act* is a companion piece to *The Members Conflict of Interest Act* and so the gift guidelines which regulate members from accepting gifts also apply in this scenario.

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***If there is any question about the function you are attending as a public office holder, or hosting as a lobbyist, it’s best to contact this office to discuss the particulars before the event.***

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## HISTORY

The Saskatchewan Lobbyists legislation came into force 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.

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

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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) through the year to discuss important matters as they arise.

The 2021 LRCN in person meeting, scheduled to be held in Victoria, BC was held virtually.

## **[WWW.SASKLOBBYISTREGISTRY.CA](http://WWW.SASKLOBBYISTREGISTRY.CA)**

In January of this year, in conjunction with the Legislative Assembly Information Technology Services department we undertook a migration to Microsoft 365. As part of this migration we began the process of updating the technology that forms the foundation of our website, the lobbyist registry and database. This project is expected to continue and be completed over the coming years. We are looking forward to these changes as they are focused on ensuring the registry continues to remain secure, reliable, highly available and scalable. While we do not anticipate any disruptions these upgrades may result in some external changes affecting stakeholders.

We will make every effort to communicate these changes in advance and are looking forward to the new updated site. We will keep you posted!

## RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS

Gift Provision

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Amendments were made to *The Lobbyists Act* in 2020 which defined the term “gifts or personal benefits” and prohibits lobbyists from providing gifts to government officials except as a matter of protocol or social obligations and the value of those gifts must not exceed \$200.

Inadvertently, a provision requiring lobbyists to disclose any gifts provided to public office holders was not included in this amendment. To correct this omission, I would suggest that an amendment be made to the gift provision in section 12 and to the prescribed forms contained in the Regulations. This would formalize the requirement to disclose any gifts given by a lobbyist to a public office holder to be disclosed on the lobbyist registration form.

As members are required to disclose any gifts over \$200 that are received, the same requirement for lobbyists to disclose gifts provided would maintain a system of checks and balances that is perfectly transparent and accountable for both parties.

This amendment was suggested in the 2020-2021 Annual Report as well.

### REMINDER

Lobbyists in Saskatchewan must be cautious when they are considering giving or offering any gift or personal benefit (including event or conference invitations) to public office holders. Giving or promising a gift or personal benefit to a public office holder whom you intend to lobby may invite them to breach the restrictions to which they are subject as a public office holder or place them in a conflict of interest. As a result, you could breach your obligations as a lobbyist under *The Lobbyists Act*.

The onus remains on lobbyists to ensure that the offer of any gift or personal benefit to a public office holder complies with *The Lobbyists Act* before they make the offer.

It is important to note that an offer of a gift or personal benefit to a public office holder itself can be a breach of section 12 of the Act, even if the public office holder ultimately does not accept or does not end up receiving or keeping the gift or personal benefit.



## OFFICE NEWS

### Operational Records Retention, Classification and Disposal Schedule

With the valuable assistance from the Provincial Archives of Saskatchewan, Information Management Unit, this office developed a records retention and disposal schedule. The schedule was approved by the Public Records Committee on December 13, 2021.

Prior to this point retention and disposal policies were developed by Commissioners without the assistance of Provincial Archives and were unwritten policies.

The formal written policy provides certainty to retention and disposal periods. The schedule now provides that member's private disclosure statements, which are confidential as per *The Members' Conflict of Interest Act*, are kept for a period of five years from when the member ceased to be a member. Thereafter, these statements can be destroyed. To ensure confidentiality the private disclosure statements that may be destroyed will be shredded by our office without going to a private agency. Prior to destruction the private disclosure statements are kept in a locked file cabinet situated in a locked office which is only accessible to the Commissioner and two staff members.

### Conflict of Interest Commissioner website

Most Canadian jurisdictions have an independent website devoted to the Office of the Conflict of Interest Commissioner. Currently, the only web presence for the Saskatchewan Conflict of Interest Commissioner is contained within the pages on the Saskatchewan Legislative Assembly website. It is difficult to find and is quite brief. Essentially, the page provides a brief history and summary of the mandate for my office

as well as a short comment on investigations and disclosures. It also contains a mention about the Registrar of Lobbyists. Members' annual public disclosure statements are posted on the Legislative Assembly website but in a different section, not directly associated with the Conflict of Interest Commissioner.

In an effort to bring my office in line with best practice, make information more easily accessible to the public and members as well as underscore that this office is an independent officer of the Legislative Assembly, I have undertaken the development of a stand-alone website for the Saskatchewan Conflict of Interest Commissioner.

Work commenced on this official website during this fiscal year and development is almost complete. I anticipate the website will be officially launched in the summer of 2022.

The website is geared toward providing information to members and the general public about the mandate of the Commissioner and the responsibilities of the members. The intent is to have flexibility to allow the Commissioner to add more information as the need arises. Members will be pleased to note that the website will provide fillable forms for the private disclosure process and gift disclosure statements.

Even though the office will have an independent website once complete, the members public disclosure statements will continue to be posted and reside on the Legislative Assembly website.

An official launch will be promoted in the summer of 2022. Stay tuned!

## BUDGET

The fiscal year for the office runs from April 1, 2021 – March 31, 2022.

As with previous years, the budget remained relatively unchanged, with slight adjustments for cost of living offset by a decrease in expenses, for a total budget decrease compared to 2020-2021.

**Conflict of Interest Commissioner and  
Office of the Registrar of Lobbyists  
Budget Summary  
For the Fiscal Year 2021-2022**

Object of Expenditure Breakdown	<u>2021-2022</u>
Personal Services	\$402,906
Contractual Services	\$131,573
Communications	\$ 1,500
Travel & Business	\$ 14,280
Supplies & Services	\$ 6,180
Equipment & Assets	<u>\$ 19,500</u>
	<b><u>\$575,939</u></b>

## ACKNOWLEDGMENTS AND APPRECIATION

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### OUTSIDE ASSISTANCE

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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

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I would be remiss if I did not express my sincere gratitude to Sandra Arberry, Deputy Registrar, and Ron Samways, who assists this office with the filing of Members Private and Public Disclosure statements, for their tremendous assistance during my term as Commissioner/Registrar.

#### **Sandra Arberry, Deputy Registrar and Executive Operations Officer**

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.

#### **Ron Samways, Contractor**

Ron has been with the office since The Honourable Ronald Barclay, Q.C. was appointed as the Commissioner. He is tremendously respected, and his good humour and charismatic personality add a dimension to the office that is greatly missed when he is not here.

