



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

**2022-2023**



**Office of the  
Registrar of Lobbyists  
Saskatchewan**



June 30, 2023

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, 2022 to March 31, 2023.

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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## COMMISSIONER AND REGISTRAR'S MESSAGE

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

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

Major changes were accomplished during the fiscal year 2022-2023. The most significant change was the launch of the Conflict of Interest office website in October 2022. The launch of the website coincided with the use of a new visual identity and logo. Both of these features will appear prominently throughout this annual report.

The focus of the website is to provide useful and timely information to members of the Legislative Assembly and the public about the role and mandate of the Commissioners office.

In order to ensure that members' financial disclosures can be accomplished in a relatively easy manner fillable on-line forms were added. For the most part members were quick to adopt and utilize the forms for the 2022 financial disclosure process which was recently completed. I wish to thank the members for their promptness and cooperation in filing their disclosure statements and the ease with which the consultation meetings were conducted.

Our office will continue to enhance the utility of the website. To that end, we are in the process of adding information concerning "Sponsored Travel" under the Resources for Members section.

In anticipation of the launch of the website a review and revamp of all regulations made pursuant to *The Members' Conflict of Interest Act* was undertaken. The majority of the regulations and forms have been in place since 1993. It is our intention to review the regulations and forms on a more timely basis from now on.

A special thank you to the Ministry of Justice officials who assisted with this project.

As the Registrar of Lobbyists, I received a number of calls from former public office holders with regards to section 9 of The Lobbyists Act. Specifically, these former public office holders wanted to discuss how the cooling off period related to them and their new endeavors. It is gratifying to know that public office holders are aware of the legislation and being proactive in how it affects them.

## 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.



COIC

Conflict of Interest Commissioner

S A S K A T C H E W A N

## RESPONSIBILITIES OF THE CONFLICT OF INTEREST COMMISSIONER

The duties of the Commissioner are to:

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

## OBLIGATIONS OF MEMBERS

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

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

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

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

## ADVISING MEMBERS

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

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

## ADVICE AND OPINIONS FROM THE COMMISSIONER

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

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

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

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

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

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

### GIFTS

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

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

### OUTSIDE ACTIVITIES

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

### REPORTING AND DISCLOSURE

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

### BUSINESS AND FINANCIAL INTERESTS

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

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

## FAMILY

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

## TAKING PART IN DECISIONS

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

## CONTRACTS

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

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

### **Prohibition of participation in government contracts**

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

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

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

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

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

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

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

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## ***RECUSAL***

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

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## 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 2022-2023 year that this report covers three members resigned their seat. All of these former members complied with the requirement to file a final private disclosure statement within the 60 day period. As well, one new member elected in a by-election completed his financial disclosure statement on time.

Once again, I am pleased to report that all members have complied with the requirement to file a private disclosure statement by March 31, 2023.

I reviewed all private disclosure statements with each member in person. All interviews were completed by May 2, 2023.

## GIFTS

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

We always strive to remain current and up to date on topics and issues that members experience in their daily work and personal lives. To that end, we have reviewed our Gift Guide for members and have started work on updating this guide to include additional contemporary examples and situations a member may come across. The update will also include a refresher on sponsored travel.

Once completed we will post 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.

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

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## **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.

## **2022 ANNUAL CONFERENCE**

The 2022 Annual Conference was held in Yellowknife, NWT.

This was my first opportunity to personally meet my CCOIN colleagues and I was very pleased to be able to discuss and learn about topics of interest in our respective jurisdictions.

## **PREVIOUS RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS**

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

Section 22 – codify salary and benefit provisions for the Commissioner

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

Section 7 – require disclosure of gifts by former members

Section 27 – provide authority for reconsideration of an opinion

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



Office of the  
Registrar of Lobbyists  
Saskatchewan

## DID YOU KNOW?

The term lobbyist encompasses a number of different functions. Job titles that usually include a lobbyist function can include Government Relations, External Relations, Activist or Government Affairs/Advisor. Regardless of the title, you are lobbying if you meet 4 criteria:

- you are getting paid
- to communicate
- with a public office holder
- for the purpose of influencing one or more outcomes

For public office holders who leave public service and take on a position that includes a lobbyist function it is important to remember that there are cooling off periods before they can begin to lobby. These cooling off periods are to ensure that a public office holder does not unfairly utilize their prior contacts and relationships to advance their new agenda. Cooling off periods assist in ensuring an equal playing field and set standards and guidelines for public officials when meeting with lobbyists.

For greater certainty, a former public office holder may not have any contact with the department for which she/he was responsible. This includes phone calls to set up meetings for other lobbyists or introductions.

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### ***s.9(3) Prohibitions on former public office holders lobbying {Chiefs of Staff}***

***... no former public office holder who was formerly employed in the office of a minister of the Crown or the office of a former minister of the Crown shall lobby the ministry or government institution for which the minister or former minister is or was responsible for a period of six months after the date on which he or she ceases to be employed in the office.***

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

The 2022 LRCN in person meeting was held in Quebec City. Along with some lively panel discussions and guest lecturers the Clerk of the National Assembly of Quebec hosted our group for lunch, a tour of the building and a great discussion on elected officials and their obligations with regards to lobbyists.

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

In 2022 we began the first piece of upgrading our lobbyist registry. The majority of this project will continue and be completed over the coming year. We are looking forward to these changes as they are focused on ensuring the registry continues to remain secure, reliable, highly available and user friendly. 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.



## OFFICE NEWS

### Conflict of Interest Commissioner website

We are pleased to announce that on October 17, 2022, the official, stand-alone Conflict of Interest Commissioner website was launched.

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. Members took advantage of the fillable forms for the private disclosure process and gift disclosure statements that are available on the website and the response was positive for ease of use and application.

Please remember that members' public disclosure statements will continue to be posted and reside on the Legislative Assembly website.

I would like to extend my thanks to Amplify Digital Marketing for working with us to create the fillable forms, new logo and branding and for Engineered Code Consulting for putting everything together and creating an easy to navigate, user friendly website.

## BUDGET

The fiscal year for the office runs from April 1, 2022 – March 31, 2023.

**Conflict of Interest Commissioner and  
Office of the Registrar of Lobbyists  
Budget Summary  
For the Fiscal Year 2022-2023**

Object of Expenditure Breakdown	2022-2023
Personal Services	\$406,000
Contractual Services	\$137,800
Communications	\$ 1,500
Travel & Business	\$ 15,000
Supplies & Services	\$ 2,900
Equipment & Assets	<u>\$ 32,800</u>
	<b><u>\$596,000</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, K.C. was appointed as the Commissioner. He is tremendously respected, and his good humor and charismatic personality add a dimension to the office that is greatly missed when he is not here.









