



**MANITOBA
LEGISLATIVE ASSEMBLY**

**ANNUAL REPORT OF
THE ETHICS COMMISSIONER**

Jeffrey Schnoor, K.C.

2024



MANITOBA LEGISLATIVE ASSEMBLY
Ethics Commissioner
303 - 386 Broadway
Winnipeg, MB R3C 3R6

July 2, 2025

The Honourable Tom Lindsey
Speaker of the Legislative Assembly
Province of Manitoba
Rm. 244 Legislative Building
Winnipeg, MB R3C 0V8

Dear Speaker Lindsey,

I am pleased to present my annual report for the year ending December 31, 2024. The report is made pursuant to section 56(1) of *The Conflict of Interest (Members and Ministers) Act*.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jeffrey Schnoor'.

Jeffrey Schnoor, K.C.
Ethics Commissioner



ETHICS COMMISSIONER

ANNUAL REPORT 2024

Introduction

New legislation governing the conduct of members of the Legislative Assembly came into force on October 4, 2023, the day after the most recent provincial election. *The Conflict of Interest (Members and Ministers) Act* replaced *The Legislative Assembly and Executive Council Conflict of Interest Act*, a statute that was badly out of date.

This is my second annual report as Ethics Commissioner under the new Act. Before that, I submitted seven annual reports as Conflict of Interest Commissioner, as the position was known under the previous statute.

In this report, I will highlight some of the main provisions of the Act and some of my activities during the past year.

The Act can be viewed at [C.C.S.M. c. C171 \(gov.mb.ca\)](http://C.C.S.M.c.C171.gov.mb.ca). More complete information about the Act can be found on the Ethics Commissioner's website: www.ethicsmanitoba.ca.

Dealing with Conflicts of Interest

The Act defines conflict of interest: "a member is in a conflict of interest when the member exercises an official power, duty or function that provides an opportunity to further their private interests or those of their family or to improperly further another person's private interests.". It is important to note that a conflict of interest exists if there is an opportunity for a member to prefer a private interest over the public interest. The key is that the member acts appropriately if the opportunity exists.

The Act specifies that a member must not do certain things if a conflict of interest exists:

- A member must not make a decision or participate in making a decision related to the exercise of an official power, duty or function if the member knows or reasonably should know that, in making the decision, the member would be in a conflict of interest.
- A member must not use their position to seek to influence a decision of another person so as to further the member's private interests or those of their family or to improperly further another person's private interests.

A member who has reasonable grounds to believe that they have a conflict of interest in a matter before the Legislative Assembly or the Executive Council (Cabinet), or a committee of either of them, or the board of a government agency on which the member serves, must, if present at a meeting considering the matter,

- disclose the general nature of the conflict of interest;
- withdraw from the meeting without voting or participating in consideration of the matter; and
- refrain at all times from trying to influence the matter.

Except where the disclosure is made at a meeting of Cabinet or one of its committees, the clerk or secretary of the meeting must make a record of the disclosure and file it with the Ethics Commissioner. It is then posted to the Commissioner's website. No such disclosures were received as of December 31, 2024.

The Disclosure Process

Transparency is an important part of the Act. Subject to some exceptions, every member of the Legislative Assembly must disclose their assets, liabilities and sources of income. All disclosures are made by members online through a portal that I established.

Members must file a draft of their disclosure statement with the Ethics Commissioner within 60 days of assuming office. If requested, they must meet with the Commissioner to discuss their disclosure. They must file a finalized disclosure statement within 90 days of assuming office.

This process is repeated annually. Members must file an updated draft of their disclosure statement with the Ethics Commissioner within 30 days after the date established by the Commissioner for the annual review. Once again, if requested, they must meet with the Commissioner to discuss their disclosure. Members must file a finalized annual disclosure statement within 60 days after the date established by the Commissioner.

In addition, members must file a statement reporting a material change to the information on their most recent disclosure statement. This must be done within 60 days after the change.

After they have been reviewed and accepted by the Commissioner, all finalized disclosure statements from members are posted to www.ethicsmanitoba.ca and can be viewed under 'Public Disclosures' / 'Search Member Statements'.

Cabinet ministers must file additional disclosure statements covering assets, liabilities and sources of income that would otherwise be excluded from disclosure. These additional statements are kept confidential by the Commissioner.

The disclosure statements required after the October 3, 2023 election were posted to the Ethics Commissioner's website on January 19, 2024.

The annual review required by the Act was held in October and November of 2024 and I again met with all 57 members of the Legislative Assembly. The disclosure statements from that review were posted on November 22, 2024.

Meetings and Advice

In addition to the formal meetings described above, I am available to members at any time to provide confidential written or oral advice on any questions they may have about their obligations under the Act.

During 2024, I had approximately 135 phone calls, meetings or email exchanges with members on a wide variety of topics (some covered more than one issue and some exchanges involved multiple calls, emails or meetings). Some of these calls and meetings included help to members with the online disclosure process.

In addition, following a byelection on June 18, 2024, I provided an orientation to the new member.

The Act sets out certain restrictions on the activities that former members and ministers may undertake after their departure from office. I responded to two requests for advice about these provisions of the Act. Under the new Act, former members can now ask for a written opinion regarding their intended activities. One written opinion was provided this year.

Gifts

With some exceptions, the Act requires members to disclose all gifts with a value exceeding \$250 within 60 days of receipt. This year, 37 disclosures of gifts were received and posted to the Ethics Commissioner's website.

Private Air Travel

Members may not accept travel on a non-commercial chartered or private aircraft – other than one owned or leased by the Crown – that is connected, directly or indirectly, with the performance of their official powers, duties or functions unless the member receives approval from the Ethics Commissioner before accepting the travel or the travel is required for the performance of the member's office. In either case, information about the travel must be posted to the Ethics Commissioner's website.

As of December 31, 2024, two requests were sought and approved in advance and two statements respecting travel required for the performance of a member's office were received after the travel was completed.

Requests for Inquiries

Any member of the Legislative Assembly who has reasonable grounds to believe that another member has contravened the Act may ask the Ethics Commissioner to give an opinion on whether the other member has breached the Act. Only a member of the Legislative Assembly can make this request. The Commissioner has broad powers to investigate the alleged contravention.

If, after conducting an inquiry, the Commissioner is of the opinion that the member has contravened this Act, the Commissioner may recommend that any of the following penalties be imposed:

- the member be reprimanded;
- the member be fined an amount not exceeding \$50,000;
- the member's right to sit and vote in the Assembly be suspended for a specified period or until the fulfilment of a condition imposed by the Commissioner;
- the member's seat be declared vacant.

The Assembly must consider a report of the Commissioner within 10 sitting days after the report is tabled. The Assembly can either order the penalty recommended by the Commissioner be imposed or can reject the recommendation. The Assembly cannot impose a penalty other than the one recommended by the Commissioner and cannot inquire further into the matter. The Assembly's decision is final and conclusive.

As of December 31, 2024, seven requests to investigate an alleged contravention of the Act had been received. Two reports were completed and submitted to the Legislative Assembly. Both reports related to section 10 of the Act: prohibitions on contracts with the Government of Manitoba. In both cases, I determined that the Act had been breached but recommended that no penalty should be imposed. The recommendations in both reports were accepted by the Legislative Assembly. Both reports can be found at the Ethics Commissioner's website, under 'Publications and Resources'/'Investigation Reports'. Investigations into the remaining requests for inquiry are ongoing.

Errors in the Act

As I have noted for several years, the new Act contains several drafting errors that should be corrected:

1. Gifts and personal benefits – publication (s. 7)

Certain gifts and personal benefits must be reported to the Ethics Commissioner. However, there is no requirement or authority for the Commissioner to make this information available to the public by posting it on the Commissioner's website and by providing it to the office of the Clerk of the Legislative Assembly. This contrasts with the

provisions respecting the disclosure of assets, liabilities and sources of income by members and the disclosure of private air travel, both of which do provide for publication.

I devised an interim solution by which members consent on their gift disclosure form to their disclosure being made public; however, members are free to withhold this consent. So far, no member has done so, but the risk remains.

This section needs to be amended to provide that the Commissioner must make gift disclosures available to the public.

2. Non-compliance – gifts and travel (s. 24)

Section 24 requires the Ethics Commissioner to report to the Speaker certain situations in which a member is not in compliance with the Act. These include:

- failure to file the member's annual disclosure statement within the specified time;
- failure to file a disclosure statement reporting a material change within the specified time;
- failure to provide additional information requested by the Commissioner;
- failure to file a Minister's additional disclosure statement within the specified time; and
- failure to meet with the Commissioner when so requested.

However, the following situations are not covered:

- failure to file a disclosure of a gift or personal benefit within the specified time; and
- failure to file a disclosure of private air travel (already taken) within the specified time.

The section needs to be amended to include these two situations:

3. Destruction of records (s. 43)

This section requires the Ethics Commissioner to destroy all records relating to a member 24 months after they cease to be a member. However, there is an exception for "a disclosure statement that is required to be made available to the public under section 20". That refers to the disclosure statement of assets, liabilities, and sources of income that members must file after assuming office and annually thereafter. The exception does not cover disclosures of gifts and private air travel. This makes no sense since those records will already be on the Commissioner's website and at the office of the Clerk of the Legislative Assembly (assuming the change respecting the reporting of gifts is made).

Subsection 43(2) needs to be amended to include all records that have been made available to the public.

4. Approved trusts

Clause 19(4)(i) provides that “an interest or asset that has been entrusted to another person under subsection 10(4) or 12(2)” is to be excluded from a member’s disclosure statement. This refers to a “blind” trust approved by the Ethics Commissioner and is appropriate since, once the trust is established, a member won’t know what is in it. However, trusts can also be established under clause 11(2)(a) and this has not been listed as an exclusion from the member’s disclosure statement.

Clause 19(4)(i) needs to be amended to include a reference to clause 11(2)(a).

These are minor changes that should be easily accommodated within a statute law amendment bill. I renew my request that these amendments be made as soon as possible.

Relationships with other jurisdictions

As always, the Canadian Conflict of Interest Network (CCOIN) has been an invaluable source of information and support. CCOIN is an informal organization that brings together Ethics and Conflict of Interest Commissioners from across the country and I am grateful for the opportunity to consult with and learn from my colleagues. We met by videoconference in the spring and met in person in Quebec City in the fall of 2024.

Our office also belongs to the Council on Governmental Ethics Laws (COGEL) and a similar organization within the international francophone community, le Réseau francophone d'éthique et de déontologie parlementaires. These memberships provide a broadened perspective on ethical issues.

Lobbyists Registry

In addition to being the Ethics Commissioner for the Manitoba Legislative Assembly, I am also Manitoba’s Lobbyist Registrar. *The Lobbyists Registration Act* is companion legislation that contributes to the ethical framework within which the members of the Legislative Assembly work. Although that Act has no requirement for an annual report, I have made it my practice, in the interests of public education, to provide some information about the operation of that legislation here.

The Act is based on the principle that lobbying, when done ethically, is a legitimate activity and is part of the democratic process. The Registry brings a measure of transparency to that activity, providing information to the public about who is attempting to influence government and the details of the lobbying. Under the Act, consultant lobbyists (those paid to lobby for others) file detailed returns in the online registry, documenting their lobbying activities, and senior officers of organizations file detailed returns documenting the lobbying activities of their organization’s in-house lobbyists. There is no cost to file a return and no cost to search the online registry.

Certain types of organizations and certain activities are excluded from the Act. For example, in-house lobbying that does not constitute a significant part of an individual's duties does not have to be registered. The regulation to the Act defines this as at least 100 hours annually; when multiple individuals have a duty to lobby, the hours are added together as if performed by one employee. The Act does not apply to charitable or non-profit organizations, unless they are constituted to serve employer, union or professional interests or the interests of for-profit organizations.

The Lobbyist Registrar has no enforcement powers. Instead, a failure to comply with the Act is an offence, making it a matter for prosecution in the courts.

The following provides some statistical information as of December 31, 2024; statistics from the previous three years are shown in brackets. There was a significant increase in the number of active consultant lobbyists returns: 141 (113, 112, 92) at the end of 2024. There were 78 (75, 70, 65) active returns filed by senior officers on behalf of organizations, with 302 (303, 294, 285) in-house lobbyists being identified.

I also take this opportunity to remind lobbyists that, as of October 4, 2023, *The Lobbyists Registration Act* prohibits lobbyists from giving or promising any gift or benefit to a public official being lobbied, except if given as an incident of protocol or social obligation that normally accompany the duties or responsibilities of the public official. An Interpretation Bulletin explaining the prohibition on gift-giving and the exception can be found at our website.

More information about the Act and the registry (including how to search the registry at no cost) can be found at www.lobbyistregistrar.mb.ca.

Reappointment

On a personal note, I am pleased to report that I have again been reappointed as Ethics Commissioner (and Lobbyist Registrar and Information and Privacy Adjudicator). The reappointment is for a five-year term, ending on December 31, 2029. I am deeply grateful for the continued confidence of the Legislative Assembly and for the kind words that were put on the record during the consideration of the resolution to reappoint.

Conclusion

I would again like to thank the office of the Clerk of the Legislative Assembly. The support of Rick Yarish and his staff has been invaluable. I am particularly grateful for allowing me the use of their offices for my annual meetings with members and for the work done on developing new procedures for tabling and considering investigation reports.

I would also like to thank the Administration Branch of the Legislative Assembly of Manitoba, led by its Executive Director, Deanna Wilson. Special thanks go to Zdenek Ondracek, IT Director, and Sebastian Czigler for their continued support of the online disclosure process.

Finally, I would like to express my appreciation to Holly Mackling, my assistant and the Deputy Lobbyist Registrar. As my role has expanded, so has hers and I am deeply grateful for her invaluable work and support throughout the year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Schnoor", with a long horizontal flourish extending to the right.

Jeffrey Schnoor, K.C.
Ethics Commissioner