



MANITOBA LEGISLATIVE ASSEMBLY
OFFICE OF THE ETHICS COMMISSIONER

REPORT OF
JEFFREY SCHNOOR, K.C.
ETHICS COMMISSIONER

**Re: The Honourable Wab Kinew, Premier and Minister of Intergovernmental
Affairs and International Relations and Minister responsible for Indigenous
Reconciliation and Member of the Legislative Assembly for Fort Rouge**

August 27, 2025

I. Background

1. On March 24, 2025, CBC Manitoba published an article on its website stating that Premier Wab Kinew had travelled to the 2023 and 2024 Grey Cup games on an airplane chartered by the Winnipeg Blue Bombers. Among other things, the article contained an allegation that, in doing so, Premier Kinew had breached section 8 of *The Conflict of Interest (Members and Ministers) Act* (“the Act”).

2. Section 8 deals specifically with “private air travel”. I will discuss it in greater detail later in this report. However, in a nutshell, section 8 states that a member of the Legislative Assembly may not “accept travel” on a “non-commercial chartered or private aircraft”, other than one owned or leased by the Crown, that is related to their official duties. There was no similar provision in the conflict of interest legislation that applied in Manitoba before the coming into force of the current Act on October 4, 2023 and there are no similar provisions in the conflict of interest legislation in all but two other Canadian jurisdictions (Alberta¹ and legislation governing federal Cabinet ministers and certain federal public office holders²).

3. There are two exceptions to the prohibition in section 8:

- a) A member may accept private air travel if they have obtained prior approval from the Ethics Commissioner. If the Commissioner approves the travel, information about the travel is posted to the Commissioner’s website and is available to the public.
- b) Alternatively, a member may accept private air travel without the prior approval of the Ethics Commissioner, if it is required for the performance of their duties. In that case, they must file information about the travel with the Commissioner

¹ *Conflict of Interest Act* (Alberta), s. 7.1.

² *Conflict of Interest Act* (Canada), s. 12.

within 30 days after the travel has been completed. This information is then posted to the Commissioner's website and is available to the public.

4. The article stated that Premier Kinew had not obtained the prior approval of the Ethics Commissioner and had not filed a disclosure of the travel after it had been completed. It also stated that, according to Premier Kinew, he had paid for his travel on the Blue Bombers charter flight and he therefore believed that section 8 did not apply.

5. Premier Kinew phoned me shortly after the article appeared. He explained his view that section 8 did not apply because he had paid for the two flights. I told him that, in reading section 8 in the past, I had not contemplated a scenario in which a member had paid for their travel on a non-commercial chartered or private aircraft; I had viewed the section as intended to prohibit free junkets. I indicated that the interpretation of section 8 in this case turns on the meaning of the phrase "accept travel" which, in my view, is ambiguous. I advised him that I could not give him a definitive opinion at that point without further consideration and recommended that he file disclosures of both flights, out of an abundance of caution. In doing so, I noted that, even though he was well past the 30-day deadline for filing the disclosures, section 40 of the Act empowers the Ethics Commissioner to extend any deadlines in the Act³ and I was granting him an extension to allow him to file the disclosures.⁴

6. Premier Kinew accepted my advice and he filed disclosures of the two flights later that day (March 24, 2025).

³ Section 40 provides as follow:

Extension of time

40 When this Act provides that a member is to do anything by a time or within a specified period of time, the commissioner may, before or after the time has expired, extend the time period.

⁴ In my view, the public interest is best served by fostering a culture of education and compliance. Recognizing that the Act is still relatively new, I have often granted extensions of time to members, both Government and Opposition.

7. Also later that day, MLA Greg Nesbitt submitted a request that I investigate the alleged breaches of the Act by Premier Kinew. The following is the text of his request:

I am writing to formally request that your office investigate possible violations of the *Conflict of Interest (Members and Ministers) Act* by Premier Wab Kinew, specifically regarding his travel arrangements to the 2023 and 2024 Grey Cup games. Recent reporting by CBC News has raised significant concerns about Premier Kinew accepting privately chartered flights without your approval or public disclosure, as required by the Act.

The *Conflict of Interest Act*, in effect since October 2023, explicitly prohibits members and ministers from accepting travel on non-commercial chartered or private aircraft unless such travel is explicitly approved by your office. According to CBC's reporting, there is no public record indicating Premier Kinew sought or obtained such approval for either flight.

....

Given these facts, the lack of transparent public disclosure, and the broader ethical implications raised by concerned advocates, I respectfully request your office undertake a thorough investigation. Manitobans deserve full transparency and accountability from their elected officials, particularly when it comes to potential conflicts of interest involving Premier Kinew.

Thank you for your prompt attention to this matter.

8. I have omitted a portion of MLA Nesbitt's request as it related to matters outside the scope of the Act.

9. This report will address the specific facts of Premier Kinew's travel to the two Grey Cup games and the request from MLA Nesbitt. This report also provides an opportunity to give some broader guidance about section 8 to assist all members going forward.

II. The Inquiry Process

10. Section 46 of the Act provides:

Notice of inquiry

46 Before conducting an inquiry, the commissioner must give the member whose conduct is the subject of the inquiry reasonable notice.

11. I wrote to Premier Kinew on March 25, 2025 and provided him with the required notice. I asked him to provide me with any relevant documents, invoices, emails, letters or other communications, whether in paper or electronic form; in particular, I asked for anything to or from the Winnipeg Football Club (the Blue Bombers) relating to these flights. I advised Premier Kinew that he could, if he wished, provide me with a written response to the request for an inquiry. On April 8, 2025, Premier Kinew provided me with a written response, as well as proof of payment for the flights. His response is attached as Appendix A and I will quote from it at relevant points in this report.

12. I also wrote to the Winnipeg Football Club (the Blue Bombers) and asked them for detailed information about the two charter flights. They provided me with a very helpful response and I am grateful for their assistance.

III. Relevant Provisions of the Act

13. Earlier in this report, I summarized the relevant parts of section 8. The following is its full text:

Private air travel

8(1) A member must 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 the member's official powers, duties or functions, unless

(a) the member receives approval from the commissioner before accepting the travel;
or

(b) the travel is required for the performance of the member's office.

Commissioner's approval

8(2) For an approval request regarding travel on a non-commercial chartered or private aircraft, the commissioner must consider the following:

(a) whether alternative methods of travel are available;

(b) whether approving the request will create a conflict or the perception of a conflict between a private interest and the member's official powers, duties or functions and, if so, whether the public benefit of the travel outweighs the conflict or perception of one.

Approval to be made public

8(3) Within 30 days after approving a request, the commissioner must make the following information available to the public:

- (a) the name of the member who accepted the travel;
- (b) the date, place of origin and destination of the travel;
- (c) the name of the person who provided the travel;
- (d) the circumstances in which the travel was accepted;
- (e) any other information the commissioner determines should be made public.

Member to report on required travel

8(4) A member who accepts travel on a non-commercial chartered or private aircraft, as permitted under clause (1)(b), must file with the commissioner a statement containing the information set out in clauses (3)(a) to (e) within 30 days after travelling, and the commissioner must make the statement available to the public.

IV. Facts

14. The facts of this matter are straightforward and not in dispute.

15. The Winnipeg Blue Bombers played in the 2023 and 2024 Grey Cup games. In 2023, they chartered a flight to the city in which the game was played from Nolinor Aviation and in 2024 they chartered a flight from Air Canada. The response from the Winnipeg Football Club explained the circumstances of these charters:

For clarity, the football team, coaching staff, trainers, etc., fly on a separate plane that is arranged for by the CFL. Having regard to the flight secured by the WFC, after players' family, staff, board members, etc. are accounted for, and keeping in mind the need to ensure these individuals will be safe during their travels, the WFC will invite certain corporate partners and certain season ticket members to travel on the charter. In addition, the WFC has invited the holder of the office of the Premier and Mayor for several years as well.

16. Their response also explained why flights are chartered:

As you can appreciate, a CFL football team will only know it is playing in the Grey Cup approximately one week in advance. Depending on the City hosting the Grey Cup, direct travel is either not an option or there are simply insufficient domestic flights available due to the regular travelling public and fans attending the Grey Cup.

17. In 2023, Premier Kinew flew to and from the site of the game, Hamilton, Ontario, on the flight chartered by the Winnipeg Football Club. He paid \$1,100 to the Winnipeg Football Club, the same amount charged to the other passengers on the plane.

18. In 2024, Premier Kinew flew to Vancouver, British Columbia on a scheduled commercial flight and returned to Winnipeg on the flight chartered by the Winnipeg Football Club. He paid \$650 to the Winnipeg Football Club, again the same amount charged to the other passengers on the plane.

19. The airfare for both flights was set by the Winnipeg Football Club and the same amount was charged to all invited guests. I accept that Premier Kinew paid fair market value for his flights.

V. Issues

20. The request for inquiry submitted by MLA Nesbitt raises two issues:

- a) Does section 8 of the Act apply to the flights taken by Premier Kinew? In particular, does the fact that Premier Kinew paid for his flights affect the applicability of the section?
- b) If section 8 is applicable, did Premier Kinew file the disclosure required by section 8 of the Act?

VI. Analysis

- a. Does section 8 of the Act apply to the flights taken by Premier Kinew? In particular, does the fact that Premier Kinew paid for his flights affect the applicability of the section?**

21. This is fundamentally a question of statutory interpretation and the meaning of specific words. What is “a non-commercial chartered or private aircraft”? What does it mean to “accept travel”?

i. “Non-commercial chartered or private aircraft”

22. In his response, Premier Kinew suggests that a “non-commercial chartered or private aircraft” should be interpreted in accordance with the federal *Aeronautics Act* and its regulations:

My travel to the 2023 and 2024 Grey Cups was on board commercial chartered aircraft, based on information about the aircraft operators as confirmed by the Winnipeg Blue Bombers. Logic dictates that since I was on commercial chartered aircraft, I could not be on “non-commercial chartered or private aircraft,” and therefore did not need to disclose the flights I paid fair market value for. Travel on aircraft is a highly regulated and clearly defined legal area in Canada. For good reason. Safety and economic interests are at stake.

The federal Aeronautics Act R.S.C., 1985, c. A-2, and the regulations they enact in the form of the Canadian Aviation Regulations define the meaning of ‘commercial air services’ in Canada. The Aeronautics Act defines a ‘commercial air service’ as “any use of aircraft for hire or reward” and “hire or reward” is further defined as “any payment, consideration, gratuity or benefit directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft.” This would include, for example, charter flights for which fair-market value is paid. Part VII of the Canadian Aviation Regulations stipulate many of the conditions that commercial air services have to operate under, including the requirement to have an air operator certificate which authorizes one “to operate a commercial air service.” The 2023 flights I paid fair market value for were operated by Nolinor Aviation and the 2024 flight I paid fair market value for was operated by Air Canada. Both Nolinor and Air Canada hold valid air operator certificates in Canada, which makes them commercial air services. This means in both cases I paid fair market value for flights on commercial charter aircraft.

Consequently the flights I paid fair market value for were not on “non-commercial charter or private aircraft.” The section of the Act is likely to have been written to preclude Ministers who had not paid fair market value from travelling on a private jet owned by a rich private citizen, a

situation in which one could reasonably perceive a conflict of interest because of the financial benefit that a hypothetical Minister would gain from not paying the cost of their trip.

23. With respect, I do not agree. As Premier Kinew notes, the purpose of the federal *Aeronautics Act* is safety and so it necessarily takes a broad view of “commercial air service”. This is not the concern of Manitoba’s conflict of interest legislation. The language in section 8 is clearly intended to distinguish private air travel from scheduled commercial air travel and should be given a contextual “plain language” interpretation. In my view, “non-commercial” means travel that is not available or offered to the general public. “Chartered” means flights that are not operated on a regular schedule. For the sake of clarity and future guidance, I would add that “private aircraft” is generally one owned by a person or corporation not otherwise in the business of air travel and primarily for their own use.

24. Accordingly, I conclude that Premier Kinew flew to the Grey Cup games on a non-commercial chartered aircraft.

ii. “Accept travel”

25. Premier Kinew argues in his response that, because he paid fair market value for his two flights, he did not “accept travel”:

The common usage of the term “accept” implies that something is being given to you, which was not the case. I did not consent to receive something, I acquired it. I did not accept a gift, I paid for a flight. For your consideration, when someone rides in an Uber they paid fair market value for one would not say they “accepted” an Uber. They would say they bought an Uber or ordered an Uber.

26. Upon careful reflection, I agree with Premier Kinew’s argument.

27. Section 8 does not say that a “member must not travel . . .”. That would be a clear prohibition on any travel on “non-commercial chartered or private aircraft”, subject to the applicable exceptions. Rather, it says that “a member must not **accept** travel . . .”. This must

have a different meaning. In my view, as Premier Kinew argues, the inclusion of the word “accept” must connote that the travel was free or at less than fair market value.

28. In my view, section 8 is an exception to the gift rules found in section 7 and is not intended to apply to travel for which fair market value was paid.

29. If section 8 did not exist, the gift rules in section 7 would apply to private air travel. Members would be allowed to accept free private air travel up to a value of \$1,000; they would have to disclose the free travel if it had a value between \$250 and \$1,000. Members would never be allowed to accept private air travel with a value exceeding \$1,000.⁵

30. Section 8 is intended to recognize that private air travel may be appropriate and should be permitted in certain circumstances. For example, private air travel may be the only practical way to attend an event in a remote community. Section 8 permits that travel with safeguards: oversight from the Ethics Commissioner or the visibility of public disclosure.

31. Section 8 also provides oversight or visibility to inappropriate junkets: free trips that are really intended for pleasure, not business.

32. Accordingly, I conclude that section 8 applies only to private air travel for which fair market value was not paid. I have found that Premier Kinew paid fair market value for his flights and therefore I find that he did not “accept travel” within the meaning of the Act.

⁵ There would be an exception if the travel was received as an incident of social protocol or custom but it is difficult to imagine when that exception could apply.

b. If section 8 is applicable, did Premier Kinew file the statement as required by section 8 of the Act?

33. Since I have concluded that section 8 did not apply to Premier Kinew's flights to the Grey Cup, he was not required to file a statement and it is not necessary for me to answer this question.

VII. Guidance to All Members

34. Section 8 is complex. In order to assist members as they consider private air travel in the course of their duties, I offer the following guidance:

- a) Members may travel on non-commercial chartered and private aircraft; the Act does not require them to pay for that travel. However, if they do not pay fair market value for the travel, they must obtain the prior approval of the Ethics Commissioner. Alternatively, the travel must be required for the performance of their office and disclosure of the details of the travel must be filed with the Commissioner within 30 days of the travel. If members do not seek the prior approval of the Commissioner, they are encouraged to consult with the Commissioner to confirm that the travel is required for the performance of their office.
- b) Members who pay fair market value for travel on non-commercial chartered and private aircraft are not required to disclose that travel under section 8 of the Act. Members are encouraged to consult with the Commissioner to confirm that the amount they are paying is fair market value.
- c) Members may travel on aircraft owned or leased by the Crown and are not required to disclose that travel under section 8 of the Act.

VIII. Conclusion

35. For the reasons given above, I conclude that Premier Knew has not breached *The Conflict of Interest (Members and Ministers) Act* as alleged by MLA Nesbitt.

Jeffrey Schnoor, K.C.
Ethics Commissioner

Appendix A

Response from Premier Kinew

I am responding to the email you sent on March 25, 2025 regarding a potential investigation due to a complaint based on a disclosure I filed on March 24, 2025 regarding flights for which I personally paid fair market value.

The most important detail is that I went above and beyond my responsibilities under the Conflict of Interest (Members and Ministers) And Related Amendments Act S.M. 2021, c. 23, because I paid fair market value for these flights to watch the Winnipeg Blue Bombers play in the Grey Cup in 2023 and 2024. Since I paid fair market value there is no conflict of interest, real or perceived. I am attaching invoices, receipts and proof of payment (they are in a separate document to protect personal information).

I will now address why I disclosed these flights on March 24, 2025.

I was familiar with the relevant section of the Act when I paid fair market value for these flights which stipulate to “not accept travel on a non-commercial chartered or private aircraft.” However, I did not believe it applied to flights that I pay fair market value for. The common usage of the term “accept” implies that something is being given to you, which was not the case. I did not consent to receive something, I acquired it. I did not accept a gift, I paid for a flight. For your consideration, when someone rides in an Uber they paid fair market value for one would not say they “accepted” an Uber. They would say they bought an Uber or ordered an Uber. The same would apply to any other form of transportation such as train rides, ferry rides, car rides, or plane travel. I paid for market value for a flight on a large plane operated by commercial carriers that carried hundreds of other passengers.

After reading a report in the media about these flights I paid fair market value for on the morning of March 24, 2025 I called you. For reference this media report is the one that included the following verbatim “A spokesperson for the Bombers said the charter is organized for fans, sponsors and families. He said the premier “personally paid fair market value for the trip, even though we believed it wasn't necessary.”” During our call you shared with me a different interpretation of the word “accept” than I outlined above and suggested I should disclose the flights I paid fair market value for. I disclosed the flights I paid fair market value for that day via the Members Portal on the Ethics Commissioner website. The complaint was made about the flights I paid fair market value for later that day. The media now reports these disclosures are public indicating you approved them for public display.

I have apologized publicly for filing this disclosure when I did and repeat that here. I had a different understanding of this relatively new piece of legislation and the potential application of it to flights I pay fair market value for. To illustrate the root of this different interpretation please consider that in no other scenario does the act require me to disclose goods or services that I pay fair market value for, and that I have discussed with you many other scenarios in which I pay for personal goods and services which you have advised me that I do not need to disclose.

However, after researching this section of the act I ask you to reconsider the advice you provided me verbally over the telephone on March 24, 2025, with the understanding that was not a formal opinion you offered, simply a possible interpretation of the act. I am asking you to reconsider and to find that I in fact did not need to disclose the flights I paid fair market value for to the 2023 and 2024 Grey Cups because they are not “travel on a non-commercial chartered or private aircraft.”

My travel to the 2023 and 2024 Grey Cups was on board commercial chartered aircraft, based on information about the aircraft operators as confirmed by the Winnipeg Blue Bombers. Logic dictates that since I was on commercial chartered aircraft, I could not be on “non-commercial chartered or private aircraft,” and therefore did not need to disclose the flights I paid fair market value for. Travel on aircraft is a highly regulated and clearly defined legal area in Canada. For good reason. Safety and economic interests are at stake.

The federal Aeronautics Act R.S.C., 1985, c. A-2, and the regulations they enact in the form of the Canadian Aviation Regulations define the meaning of ‘commercial air services’ in Canada. The Aeronautics Act defines a ‘commercial air service’ as “any use of aircraft for hire or reward” and “hire or reward” is further defined as “any payment, consideration, gratuity or benefit directly or indirectly charged, demanded, received or collected by any person for the use of an aircraft.” This would include, for example, charter flights for which fair-market value is paid.

Part VII of the Canadian Aviation Regulations stipulate many of the conditions that commercial air services have to operate under, including the requirement to have an air operator certificate which authorizes one “to operate a commercial air service.” The 2023 flights I paid fair market value for were operated by Nolinor Aviation and the 2024 flight I paid fair market value for was operated by Air Canada. Both Nolinor and Air Canada hold valid air operator certificates in Canada, which makes them commercial air services. This means in both cases I paid fair market value for flights on commercial charter aircraft.

Consequently the flights I paid fair market value for were not on “non-commercial charter or private aircraft.” The section of the Act is likely to have been written to preclude Ministers who had not paid fair market value from travelling on a private jet owned by a rich private citizen, a situation in which one could reasonably perceive a conflict of interest because of the financial benefit that a hypothetical Minister would gain from not paying the cost of their trip.

My situation is very different. I paid fair-market value to travel on a commercial charter aircraft, an interesting form of travel to be sure but an interesting form of travel that was also available to hundreds of other people who traveled on these commercial charter aircraft alongside me. All this underlines that there was no conflict of interest, real or perceived, but also, I submit to you, that based on the Act I did not have to disclose these flights for which I paid fair market value.

This issue may highlight an area where the act needs to be amended to bring clarity to the intent and purpose of the Act.

That I have now disclosed the flights I paid fair market value for on a commercial charter aircraft signals that I have gone above and beyond my requirements under the act once again, which I am happy to do because the people of Manitoba deserve transparency from Ministers of the Crown.

This has been a learning opportunity. I welcome your guidance on this situation, a potential recommendation on redrafting of this section and all future matters related to the Act in question.