ANNUAL REPORT

2000-2001

Legislative Assembly of Ontario

OFFICE OF THE INTEGRITY COMMISSIONER

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June 26, 2001

The Honourable Gary Carr,
Speaker of the Legislative Assembly
Room 180, Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2

Dear Mr. Speaker:

It is an honour and a pleasure to present the Annual Report of the Office of the Integrity Commissioner for the period April 1, 2000 to March 31, 2001.

This Report is submitted pursuant to section 24 of the *Members' Integrity Act, 1994.*

Yours very truly

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OVERVIEW

A. NEW PREMISES

On February 27th, 2001, the Office of the Integrity Commissioner moved and we are now located at:

Suite 1701,
415 Yonge Street,
Toronto, Ontario, 416-314-8983 (voice)
M5B 2E7 416-314-8987 (fax)

B. NEW COMMISSIONER

The Honourable Robert C. Rutherford served as Integrity Commissioner from December 1st, 1997 until his resignation on March 5th, 2001. The Honourable Gregory T. Evans was immediately appointed Acting Integrity Commissioner by Order-in-Council pursuant to subsection 23(6) of the *Members' Integrity Act, 1994*. Commissioner Evans served as the first Conflict of Interest Commissioner (now known as the Integrity Commissioner) from June 29th, 1988 to November 30th, 1997, and his present appointment terminates upon the appointment of a new Commissioner on the address of the Assembly pursuant to subsection 23(2) of the above *Act.*

C. DISCLOSURE STATEMENTS

On March 12th, 2001, 103 Disclosure Statements were filed with the Clerk of the Legislative Assembly in accordance with s.21(6) of the *Members' Integrity Act, 1994*, and all members were in compliance with the *Act*.

The Disclosure Statements are available for examination by the public and copies are available through the Clerk of the Legislative Assembly.

Section 20(4) of the *Act* provides:

> *The member shall file a statement of material change with the Commissioner, in the form provided by the Commissioner, within 30 days after a change in the income, assets or liabilities of the member or his or her spouse and minor children or an event that causes a person to become or to cease to be a member of the member's family, if the change or event would reasonably be expected to have a significant effect on the information previously disclosed.*

Statements of Material Change filed by members from time to time are kept on file, and do not form part of the public record; however, the information is available upon request. If the information provided is still applicable in the following year, such information will be reflected in the subsequent Disclosure Statement.

During the reporting period of this Annual Report, two Members of the Legislative Assembly resigned their positions as MPPs and bi-elections were held in Ancaster-Dundas-Flamborough-Aldershot on September 7th, 2000 and in Parry Sound-Muskoka on March 22nd, 2001.

The Public Disclosure Statement for the Member for Ancaster-Dundas-Flamborough-Aldershot was filed on March 12th, 2001, and pursuant to s.20(1)(a) of the *Members' Integrity Act*, the Member for Parry Sound-Muskoka has 60 days from his election date to file a Private Disclosure Statement. A Public Disclosure Statement will be filed shortly thereafter.

A vacancy exists in the riding of Vaughan-King-Aurora, as a result of the death of Mr. Al Palladini, MPP on March 7th, 2001, and as of the end of the fiscal year, a bi-election has not been called.

D. NEW WEBSITE

The mandate of the Office of the Integrity Commissioner is to advise, investigate, educate and administer an ethical code of conduct for all Members of the Legislative Assembly. The establishment of the Office in l988 was viewed as a significant step in reassuring the electorate of the integrity of the Legislature and of the Government in an effort to improve and maintain public confidence in our system of government.

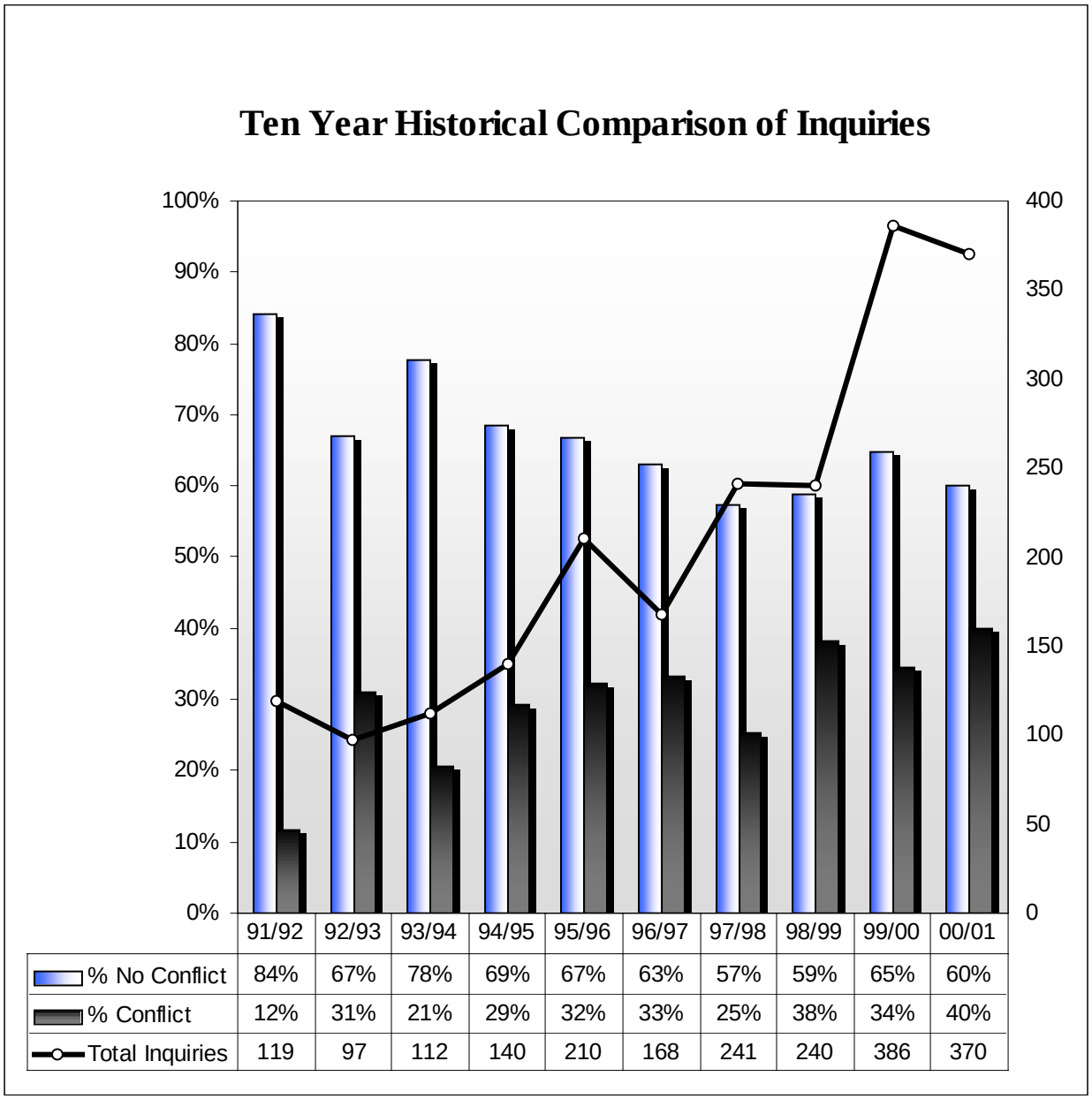
In order to provide enhanced mechanisms to assist in the education of not only the Members of the Legislative Assembly, but also the electorate, the Office of the Integrity Commissioner is pleased to announce the launching of a new website scheduled for the end of May, 2001. The new web address will be ***http://integrity.oico.on.ca***.

E-mail addresses are as follows:

General Mail		*Integrity.Mail@oico.on.ca*
Acting Integrity Commissioner	The Honourable Gregory T. Evans	*greg.evans@oico.on.ca*
Executive Administrative Officer	Lynn Morrison	*lynn.morrison@oico.on.ca*
Technical Support	Charles Hastings	*charlie.hastings@oico.on.ca*
Administrative Assistant	Claire Miller	*claire.miller@oico.on.ca*

INQUIRIES

A. STATISTICS



	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
% No Conflict	84%	67%	78%	69%	67%	63%	57%	59%	65%	60%
% Conflict	12%	31%	21%	29%	32%	33%	25%	38%	34%	40%
Total Inquiries	119	97	112	140	210	168	241	240	386	370

Not all annual percentages total 100%. The difference represents miscellaneous inquiries which were withdrawn or were not within the Commissioner's jurisdiction.

Inquiries Received April 1, 2000 to March 31, 2001

Received From	Number Received	Conflict	No Conflict	No Jurisdiction
Member	363	148	217	5
Spouse	1	0	1	0
Trustee	2	0	2	0
Caucus	2	0	2	0
Cabinet	0	0	1	0
Committee	0	0	0	0
Former Minister	2	0	2	0
TOTAL	**370**	**148**	**224**	**5**

B. GENERAL

Pursuant to s.28(1) of the *Members' Integrity Act, 1994,* the Integrity Commissioner provides advice to members in response to requests for opinions and makes recommendations regarding the members' activities. Rulings by the Commissioner have been made on an *"ad hoc"* basis endeavouring to formulate a consistent body of rulings, anonymized versions of which can be found in the Annual Reports which have been filed for the last eleven years.

All members should consider the principles set out in the Preamble to the *Members' Integrity Act, 1994,* in determining whether the activities in which they propose to engage are in conformity with these principles. Although a member cannot violate any section of the Preamble, the answer to the question whether the member's proposed activities interfere with his or her primary responsibility to represent constituents' interests in the Legislative Assembly and to the Government of Ontario requires the exercise of common sense and good judgment.

In last year's Annual Report, concern was expressed with respect to the failure of members to put inquiries in writing, as required by s.28(4) of the *Act,* which states:

> *"(4) The member's request, the Commissioner's opinion and recommendations and the member's consent, if any, shall be in writing."* (emphasis added)

During this past fiscal year, 174 or 47% of the 370 inquiries made to this office were verbal, a 3% decrease only from the previous year. Comments in last year's Annual Report are worth repeating:

> *"…failure to put the inquiry in writing is not in keeping with the Act or with the procedure established by this office. On occasion, there has been a substantial factual discrepancy between the verbal inquiry and the written confirmation. A written opinion based on all the*

facts provided to the Integrity Commissioner may well protect the MPP from allegations of a conflict of interest which may arise in the future.

…The risk of misunderstanding must be eliminated and the members' cooperation is respectfully requested." (emphasis added)

Honourary Appointments

In the past fiscal year, the Office of the Integrity Commissioner has reviewed its policy with respect to Ministers accepting positions of Honourary Chair, Honourary Member, or Honourary Patron, usually with a charitable organization.

Black's Law Dictionary defines 'honourary':

> *"As applied to public offices and other positions of responsibility or trust, this term means either that the office or title is bestowed upon the incumbent as a mark of honor or compliment, without intending to charge him with the active discharge of the duties of the place, or else that he is to receive no salary or other compensation in money, the honor conferred by the incumbency of the office being his only reward. In other contents or usages, it means attached to or growing out of some honor or dignity or honourable office, or else it imports an obligation or duty growing out of honor or trust only, as distinguished from legal accountability, the honor conferred by the incumbency of the office being his only reward."*

Upon election, and every year thereafter, all members are required to provide the Integrity Commissioner with information regarding offices, directorships or similar positions held by them in any corporation or other organization. Members, with the exception of Ministers, may retain or accept directorships or honourary positions in these entities, but must be careful that conflicts of interest do not arise. Members are required to devote their full attention to the discharge of their responsibilities as members and if the ability of the member to perform his or her duties is affected due to the amount of time required, such activity would be incompatible with his or her role as a member.

Section 10 of the *Members' Integrity Act* states:

> *"A member of the Executive Council shall not,*
> *…*
> *(c) hold an office or directorship, unless holding the office or directorship is one of the member's duties as a member of the Executive Council, or the office or directorship is in a social club, religious organization or political party."*

No member, including Ministers, may use the prestige of his or her office to raise funds nor should he or she personally solicit or give the impression that he or she is personally soliciting funds for an organization or personally inviting potential contributors to fundraising events. Any role other than that as an Honourary Chair, etc. would be inappropriate.

Should the organization's mandate fall within the jurisdiction of the Minister, or in fact, be a Ministry stakeholder, such appointment would be inappropriate.

As a public office holder, the member may permit the organization to use his name as MPP only on the organization's letterhead or public announcements, however, he or she should not sign any letters on behalf of the organization, nor should Ministers associate their Ministerial office with the cause in which they are participating.

It is strongly recommended that all members and in particular, Ministers, seek the advice of the Integrity Commissioner before accepting such appointment.

C. SELECTED INQUIRIES UNDER SECTION 28

The following summarized inquiries reflect advice provided by the Commissioner in the past fiscal year. These examples are not exhaustive, are abbreviated due to space limitations, and do not represent every type of issue which may arise in a member's day-to-day activities. The summaries are intended to raise the awareness of members and their staff and bring to their attention potential problematic issues with the expectation that this office will be contacted for advice and guidance. In view of the confidentiality requirements under s.24(2) of the *Act*, it should be remembered that each inquiry has its own particular factual situation and that the opinion is based on that set of facts.

INQUIRY NO. 1

Issue:

A constituent is experiencing difficulties obtaining services, medical treatment and government assistance for her children. By Court Order, the Children's Aid Society has medical stewardship over the children. Can the member assist the constituent?

Opinion:

Although the children are in the care of the mother, the Court Order states that for a period of twelve months, they are subject to the supervision of the Children's Aid Society under certain terms and conditions, i.e. the Society is exclusively responsible for consulting, arranging and consenting to the provisions of all medical treatment as recommended by the physician and the mother may communicate her concerns to the Society.

Although the Legislature and the judiciary are both branches of the provincial government, they are separate and independent and in accordance with parliamentary convention, any encroachment in either direction is strictly forbidden. Our democratic system of government is composed of three branches – Legislative, Executive and Judicial. Each is supreme within its own jurisdiction. A court case is a judicial proceeding with specific provisions for appeals. Legislators should never communicate with a judge or other judicial officer with respect to a matter which is or which has been before the courts.

In addition, the Court Order is very specific as to the provision of medical treatment for the children and if the constituent is not happy with the Court Order, she may consider appealing the Order, in which case, the member may only recommend that the constituent consult with legal counsel. For the member to become involved in any other way may be interpreted as an attempt

to interfere with or attempt to influence the legal process, contrary to the *Members' Integrity Act, 1994.*

INQUIRY NO. 2

Issue:

A member questioned the protocol used by the Sergeant-at-Arms in issuing Demonstrations/Special Events licences to community groups. The Procedural Guidelines/Policies for Booking of Committee Rooms, Legislative Grounds and the Legislative Building states, in part, "*The use of grounds application originates from a Member's office… This shall include letters of support from all residing political parties.*"

Using the principles established by the Office of the Integrity Commissioner, i.e. that a member should have some level of familiarity with an individual or group before writing a letter of reference or support, the member is unable to write a support letter if there is no such familiarity. The member indicated he did not have the resources to ensure the community group was legitimate and felt that without a letter, the organization can have its democratic right to demonstrate limited. He suggested that the onus be placed on the office of the Sergeant-at-Arms as it has the resources for security and background checks.

Opinion:

It is generally recommended to members that when writing letters of reference or support, the following principles should be kept in mind:

(1) Do you know the constituent? If not, it is suggested that the member consider taking a few minutes to speak with the constituent to obtain a comfort level before writing such letter. Ultimately, it is the member's decision whether or not such letter is written.
(2) Letters should be written on constituency letterhead, however, a letter for a personal friend should be written on personal letterhead.
(3) Letters should not be addressed "To Whom It May Concern" as the member loses control over the destination of the letter.

The Office of the Sergeant-at-Arms advised that the letter of support is considered a "sponsorship" letter acknowledging that a particular group is holding a demonstration or special event, and the MPP supports that group. It follows then, that if the member is not in agreement with the views of the group or does not wish to support the group, the member is not required to write the letter. This action does not limit the group's ability to hold the special event or demonstration. They are entitled to approach any member of the Legislative Assembly for a letter.

The reference to "*letters of support from all residing political parties"* refers specifically to *"fundraising, ministry initiatives or media events"* in which case, letters of support are required from all residing parties.

In addition, if the member is participating in the event, invitations must be extended to the other parties and there must be all-party agreement.

It was the Commissioner's opinion that should the member chose to write a letter of support for the event, and the guidelines are followed, such action does not place the member in a conflict of interest.

INQUIRY NO. 3

Issue:

A Minister has inquired as to the appropriateness of a stakeholder organization extending to the caucus an invitation to a Blue Jays baseball game, with the intent that they would discuss business during the game.

Opinion:

Section 6 sets out the guidelines for accepting gifts and benefits,

> *"(1) A member of the Assembly shall not accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office.*
>
> *(2) Subsection (1) does not apply to,*
> *…*
> *(b) a gift or personal benefit that is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities office."*

It is the Commissioner's opinion that a Blue Jays game does not fall within the provisions set out in s.6 and it would, therefore, be inappropriate to accept the invitation.

If a Ministry stakeholder wishes to discuss business, the appropriate forum for such a discussion is within Ministry offices.

INQUIRY NO. 4

Issue:

A member has been offered a complimentary membership in a local private club.

Opinion:

A complimentary membership in a local private club is a personal benefit, and in accordance with s.6 of the *Act*, does not fall within the responsibilities of the office of the MPP. It would, therefore, be inappropriate to accept the membership.

INQUIRY NO. 5

Issue:

A constituent filed a complaint with the Law Society of Upper Canada and despite numerous letters inquiring as to the status of the matter, the constituent has not heard from the Law Society. Can the member inquire as to the status of the matter?

Opinion:
It is the Commissioner's opinion that the member is entitled to request the status of the complaint before the Law Society as such request is considered an activity under s.5 of the *Members' Integrity Act, 1994.*

INQUIRY NO. 6

Issue:
A Minister inquired as to whether he is entitled to ask Ministry officials for the reasons why only some of the Requests For Proposals ("RFP") for certain services were unsuccessful. The Ministry has plans to place an invitation to certain companies to submit an RFP to complete the process.

If the above information is obtained, what guidelines should be used to determine whether that information can be used publicly and whether it would impact on the ongoing RFP process.

Opinion:
The RFP states:

> *"The Minister may be called upon to answer questions regarding the process and criteria used to select the successful proponent."*

It follows that the Minister may be called upon to answer questions regarding the reasons for the two unsuccessful services and as Minister responsible for the RFP, he is entitled to be informed as to the reasons for the services not being awarded. Unless specifically set out otherwise, obtaining such information is normally considered a responsibility of the office of the Minister and/or Parliamentary Assistant.

If there are any doubts as to the impact of public statements on the ongoing RFP process, then public statements should not be made.

INQUIRY NO. 7

Issue:
A member inquired as to the appropriateness of contacting the Ombudsman's office with respect to an investigation by that office involving the constituent.

Opinion:
The constituent's family is represented by counsel, and it was the Commissioner's opinion that it is the counsel's responsibility to make the inquiries of the Ombudsman's office. For the member to become involved may be interpreted as an attempt to interfere with or influence the process, contrary to s.4 of the *Members' Integrity Act, 1994*.

INQUIRY NO. 8

Issue:

A constituent has asked his MPP to *"sit in on his Housing Tribunal hearing to ensure that he gets a fair hearing."*

Opinion:

The constituent is suggesting that the member use his position for intimidation purposes, contrary to s.4 of the *Act*. If the constituent is not happy with the decision of the Tribunal, he is entitled to pursue appeal processes which may be available to him.

INQUIRY NO. 9

Issue:

A constituent's mother is demanding that her MPP visit her son, a young offender in custody in accordance with the *Child and Family Services Act*, which states:

> *"A child in care has a right,*
> *…*
> *(b) to speak in private with and receive visits from,*
> *…*
> *(iv) a member of the Legislative Assembly of Ontario or of the Parliament of Canada"*

Opinion:

Such provision gives authority to those responsible for the care giving to permit a member of the Legislative Assembly of Ontario to visit with the child in private. It does not, in the opinion of the Commissioner, require the member to visit with the child. Therefore, the member has a right to refuse to meet with the child as requested and such action does not violate the *Act*.

INQUIRY NO. 10

Issue:

A Minister received a complimentary VIP pass to the Toronto Zoo.

Opinion:

Under s.6 of the *Act*, the pass is not considered one of the responsibilities of the office of the Minister and it would, therefore, be inappropriate to accept.

INQUIRY NO. 11

Issue:

A Minister has been invited to attend a Golf Tournament sponsored by various Ministries and agencies of the provincial government.

Opinion:

The Minister's attendance at this event is not a violation of the *Act*, as various Ministries and agencies of the provincial government are participating in the sponsorship of the event. Such

attendance is, therefore, considered a marketing tool, and it is indirectly beneficial to the Government of Ontario.

INQUIRY NO. 12

Issue:

An MPP, on behalf of a constituent, and the Family Responsibility Office were having some difficulties collecting from a payor who lives in British Columbia. Can the MPP write a letter to the payor's Member of the Legislative Assembly in B.C.?

Opinion:

Requesting assistance from a Member of the Legislative Assembly in B.C. does not place the member in violation of the *Members' Integrity Act*. Consideration may also be given to writing directly to the Minister responsible for family issues.

INQUIRY NO. 13

Issue:

A member is considering offering a lottery as a prize at a local community event. There is no financial consideration in order to enter the lottery.

Opinion:

The prize would be purchased through the member's office and it was the Commissioner's opinion that this was not a violation of the *Act*, however, the member should contact the Finance Branch to confirm that the purchase of the prize is an allowable expenditure. In addition, the member should keep in mind that the solicitation of a donated prize is inappropriate as the member is exercising improper influence upon the proposed donor.

INQUIRY NO. 14

Issue:

A member of a Minister's staff attended a two-day conference sponsored by a Ministry stakeholder with expenses paid for by the stakeholder company.

Opinion:

If the Ministry feels that attendance at the conference is beneficial to the Ministry, such attendance is appropriate, however, all expenses should be paid by the Ministry.

As the Minister contacted the Integrity Commissioner as soon as he was made aware of the event, and as the Minister requested the staff member to submit all expenses to the Ministry for payment, it was the Commissioner's opinion that all necessary steps had been taken to avoid placing the Minister in a conflict of interest situation.

INQUIRY NO. 15

Issue:

A member inquired as to the appropriateness of hosting a "Coffee Break" Day on behalf of a local charity. The event would be held either in the constituency office or Queen's Park office.

Opinion:

"Coffee Break" Day is a fundraising event and to be held at the constituency office or Queen's Park office is an inappropriate use of those offices. In addition, solicitation or fundraising by members is inappropriate as it may be interpreted as exercising influence upon the proposed donor, contrary to the *Members' Integrity Act, 1994*.

INQUIRY NO. 16

Issue:

A Minister has been asked by a business in his riding to obtain more information with respect to an investigation by another Ministry.

Opinion:

Any member, including a Minister, is entitled to make inquiries of any government agency, board, commission or department for information with respect to the status of a matter, and the policies and procedures of that agency, board or commission.

However, the Minister must use caution and not advocate on behalf of the business. Parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission. Ministers always wear the cloak of ministerial responsibility. There is no way that their actions, whether verbal or written, and whether in the member's position as an elected member of the Legislature or as a Minister, can be considered by the recipient as other than actions by a Minister and thus could reasonably be considered as attempting to influence a decision.

INQUIRY NO. 17

Issue:

A woman, without representation, requested the assistance of the member with respect to the Family Responsibility Office. Subsequently the woman's ex-spouse sought the assistance of the member, despite having legal counsel. The member advised that she was unable to be of assistance to the ex-spouse as he had legal representation and she was already representing the wife. The ex-spouse threatened to take the matter to the media as the member refused to be of assistance.

Opinion:

The member is unable to be of assistance to the ex-spouse as he is represented by counsel and it is counsel's responsibility to take the steps necessary to represent the ex-spouse.

In addition, for the member to represent both parties in the same matter may place her in a conflict of interest situation.

INQUIRY NO. 18

Issue:

An illiterate constituent who does not have legal representation, has requested that the member meet with him and a lawyer from an insurance company in order to sign a settlement agreement.

Opinion:

The agreement is based on an issue that has been ongoing for a long period of time and although the constituent had legal representation during most of the process, he is no longer represented due to his financial situation. The constituent expects the member to read the settlement and explain the implications of same.

As this is a legal matter, the Commissioner advised that the member is not in a position to provide legal advice and it would, therefore, be inappropriate to get involved.

INQUIRY NO. 19

Issue:

The Chair of an agency used an internal mailing list for personal fundraising purposes.

Opinion:

Immediately upon learning this information, the Minister responsible for the agency, contacted the Integrity Commissioner for advice. As a result of the discussion, the Minister requested that all Ministry agencies review and implement a policy regarding the use of mailing lists.

Although the improper use of the mailing list put the member in a potential conflict of interest, it was the Commissioner's opinion that the Minister showed good faith in contacting the Integrity Commissioner at the earliest opportunity and took the steps necessary to avoid such a conflict in the future.

INQUIRY NO. 20

Issue:

A Minister's Executive Assistant received a money order in the amount of $1,000 in return for assistance provided over a long period of time.

Opinion:

Acceptance of the money order is inappropriate and may place not only the Minister, but also the Executive Assistant, in a conflict of interest situation.

As the Executive Assistant contacted the Integrity Commissioner at the earliest opportunity after receipt of the gift and in accordance with the advice provided, the Executive Assistant returned the money order, and was advised that she had taken all the steps necessary to avoid a violation of the *Act* by the Minister.

The Commissioner also suggested that the Executive Assistant consider contacting the Conflict of Interest Commissioner who administers the "*Conflict of Interest and Post-Service Directive*" for individuals in her position.

INQUIRY NO. 21

Issue:

A Minister has been approached by a campaign committee raising funds for a facility in the Minister's constituency, with a request that the Minister introduce the campaign team to locally based prospective donors and attend the meetings.

Opinion:

The Minister, as a member, is entitled to advise the campaign team members, however, to personally arrange for and attend meetings with prospective donors is inappropriate as such action may be interpreted as participating in the solicitation of donations, which is not considered one of the responsibilities of the office of an MPP or Minister.

INQUIRY NO. 22

Issue:

A Minister inquired as to the appropriateness of hosting a Christmas party in the Ministry Boardroom. The reception would be funded by the Riding Association and the guests would be Ministry stakeholders and political supporters.

Opinion:

If the Minister wishes to host a Christmas party, expenses should be incurred by the Ministry.

If the party is to be sponsored by the Riding Association it is inappropriate to hold the event in the Minister's office or the constituency office. In this case, the party should be hosted by the Member in his or her capacity as an MPP, and not as a Minister.

INQUIRY NO. 23

Issue:

A Minister has been asked by a local library to provide a letter of support for funding from the Provincial Government. The guidelines for the application state that the library *"may wish to obtain a letter of support for their application from their local MPP."*

Opinion:

It was the Commissioner's opinion that the guidelines were only a suggestion and not a specific criterion for the acceptance of applications for funding.

It is an accepted convention that there are limitations on the ability of a Minister to act on behalf of constituents and parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission. Ministers always wear the cloak of ministerial responsibility and there is no way that their actions, whether

verbal or written, and whether in the member's position as an elected member of the Legislature or as a Minister, can be considered by the recipient as other than actions by a Minister, and thus could reasonably be considered as attempting to influence a decision.

A letter of support may be written directly to the Minister responsible and must be on the member's constituency letterhead.

INQUIRY NO. 24

Issue:

A member requested clarification with respect to Commissioners for Taking Affidavits and Notary Publics.

Opinion:

Section 1 of the *Commissioners for Taking Affidavits Act* specifically provides that by virtue of the office of a member of the Legislative Assembly, an MPP is a Commissioner for Taking Affidavits. A Notary Public has greater powers in terms of what they may sign, under the *Notaries Act*, and such powers do include the signing of affidavits. Only barristers and solicitors are notary publics by virtue of their office; all other Canadian citizens must apply for the appointment.

INQUIRY NO. 25

Issue:

A member received a call from a television reporter in Saskatchewan, asking corroboration of information provided by an individual in a witness protection program. The member had been approached for assistance two years prior and when the member was unable to be of assistance, the individual threatened to kill himself, his wife and children. The member reported the threat to the police and subsequently, the Children's Aid Society removed the children from the home. The member did not wish to release this information to the reporter and was seeking the advice of the Integrity Commissioner.

Opinion:

Records held by Members of Provincial Parliament are excluded from coverage under the *Freedom of Information Act*, therefore, Members do not have an obligation to disclose information received in their offices.

As a practical approach, the Commissioner suggested that the basic privacy principles be applied to day-to-day activities, being sensitive as to whether it is appropriate and in this respect, Part III of the *Freedom of Information Act* may provide guidance to the member.

INQUIRY NO. 26

Issue:

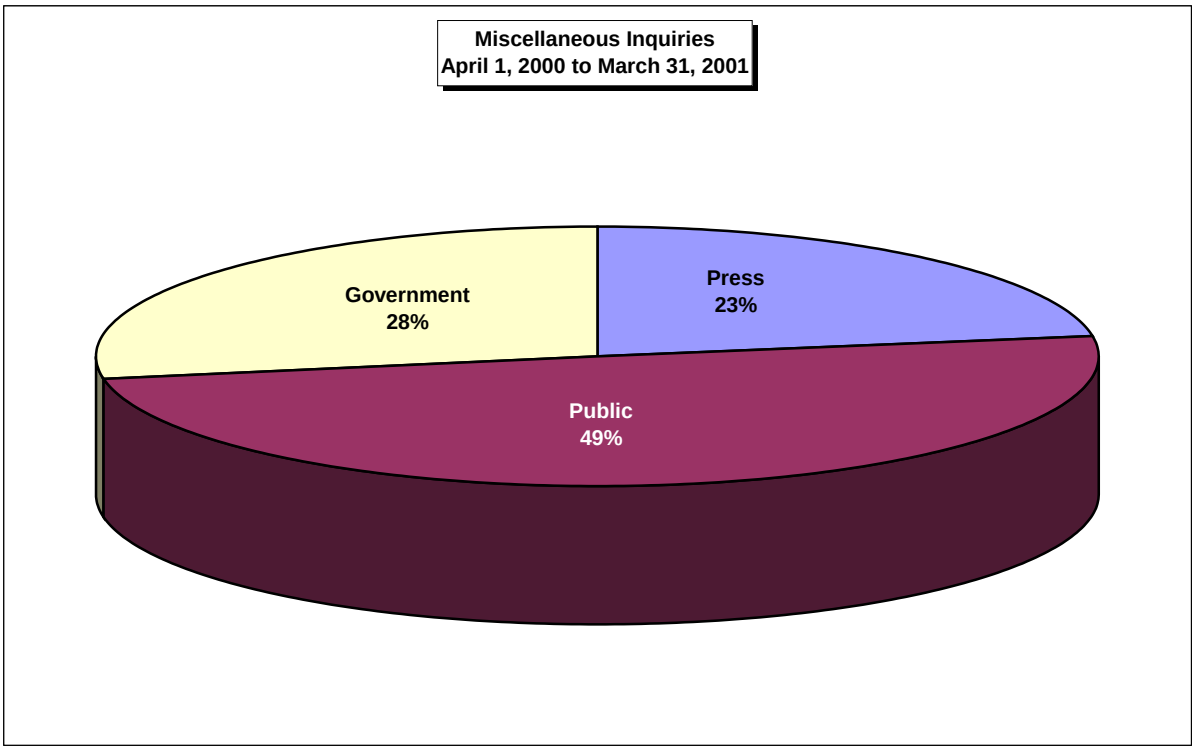
A Parliamentary Assistant inquired as to the appropriateness of placing an announcement with respect to his appointment as a Parliamentary Assistant in his riding householder.

Opinion:
Members are entitled to advise their constituents with respect to their appointments as Minister, Parliamentary Assistant, and to committees and task forces. However, a member's responsibilities as an MPP in the constituency must be kept separate and apart from the responsibilities attached to those appointments.

D. MISCELLANEOUS INQUIRIES

During the reporting period of this Report, 151 miscellaneous inquiries were received from all levels of governments, the public and the media.

A variety of questions were raised including inquiries with respect to the actions of various government agencies and employees; conflict of interest guidelines for government agencies; complaints with respect to MPPs from members of the public; general interpretation questions regarding the *Members' Integrity Act*; policies and procedures of the Office, and requests for copies of the Annual Report.



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REFERRED QUESTIONS

During the reporting period of this Annual Report, two Referred Questions were received, both with respect to the same issue. Mr. David Ramsay, MPP for Timiskaming-Cochrane filed an affidavit in support of a request to investigate The Honourable Michael Harris, Premier of Ontario. Mr. Ramsay stated that he had reasonable and probable grounds to believe that Mr. Harris had contravened the *Members' Integrity Act* or parliamentary convention and requested that the Commissioner give an opinion as to the matter.

Prior to his resignation on March 5th, 2001, Commissioner Rutherford filed two Reports with respect to the Adams Mine controversy. On February 12th, 2001, subsequent complaints were filed by Mr. Ramsay with a request that the Commissioner reconsider his opinions. Upon his appointment on March 5, 2001, Acting Commissioner Evans considered it advisable to review all the complaints and correspondence, including subsequent submissions by Mr. Ramsay and Mr. Harris.

As of the date of this Annual Report, the Commissioner's Report on Mr. Harris remains outstanding.

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FINANCIAL INFORMATION

A. 2000/2001 STATEMENT OF EXPENDITURES

Salaries and Benefits	$245,302.00
Transportation and Communications	4,547.55
Services	6,201.12
Supplies and Equipment	7,570.34
	$263,621.01

B. PUBLIC SECTOR SALARY DISCLOSURE ACT, 1996

This statement is provided under the *Public Sector Salary Disclosure Act.* The former Commissioner was the only employee in the Office of the Integrity Commissioner to receive a salary in excess of $100,000 during the period, January 1, 2000 to December 31, 2000.

Employee	Payment	Taxable Benefits
Robert C. Rutherford	$139,570,03	$1,915.80