

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Annual Report

2003 - 2004

Office of the Integrity Commissioner

Ontario

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Office of the Integrity Commissioner
The Honourable Coulter A. Osborne, Q.C.
Commissioner

Bureau du Commissaire à l'intégrité
L'honorable Coulter A. Osborne, c.r.
Commissaire

June 14, 2004

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

Dear Mr. Speaker:

It is an honour to present the Annual Report of the Office of the Integrity Commissioner for the period April 1, 2003 to March 31, 2004.

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

Yours very truly

The Honourable Coulter A. Osborne

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COMMISSIONER'S REMARKS



The Honourable Coulter A. Osborne

As now constituted this office has existed for ten years. Over that time our jurisdiction has expanded. In addition to the *Member's Integrity Act, 1994* my office now has jurisdiction under the *MPP Compensation Reform Act (Arm's Length Process), 2001*, *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*, *MPP Salary Freeze Act, 2004*, and the *Lobbyist Registration Act, 1998*.

This report concerns the *Members' Integrity Act, 1994*. Separate reports will be filed as required by the *Lobbyist Registration Act* and the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*.

At the outset I would like to express my appreciation to all the Members for their cooperation in the timely filing of their statutorily required Private Disclosure Statements and to most Members for their cooperation in arranging to meet with me to review those Statements.

I also want to publicly express my appreciation to Lynn Morrison, Claire Miller, Jennifer Koen and Charlie Hastings for the quality of their work. I continue to be impressed, and on occasion amazed, by their dedication to this office. With their invaluable assistance, this office can remain small and efficient in discharging the mandate that the legislature has given it. A small office also assists in maintaining the confidentiality of any private information of Members.

Looked at broadly the purpose of the *Members' Integrity Act* is the reconciliation of private interest and public duties having regard to the four principles set out in the preamble to the *Members' Integrity Act*. The last of those principles requires Members to act with integrity and impartiality that will bear the closest scrutiny. One of the reasons for the existence of the position that I occupy is to provide some of that scrutiny.

The *Members' Integrity Act* permits a Member, on reasonable grounds, to request that I provide an opinion as to whether another Member has contravened the *Act* or Ontario Parliamentary Convention. The Legislative Assembly and the Executive Council may also seek an opinion on

the issue whether a Member of the Assembly or the Executive Council has contravened the *Act* or Ontario Parliamentary Convention. Neither the Legislative Assembly nor the Executive Council has done so.

Complaints made by a Member against another Member, the targeted Member's response, and my decision in the matter are all public. There is nothing confidential about them.

Conduct based complaints made by one Member against another are not frequent. There are typically between five and ten each year.

A finding against a Member accused of breaching the *Act* or parliamentary convention exposes the Member to the range of penalties set out in s.34 of the *Act*, the most serious of which is the loss of the Member's seat. Thus a complaint alleging a contravention of the *Act* is a serious matter. I know that all Members share that view. It is, therefore, important that Members not resort to the formal complaint provisions of the *Act* for purely political purposes. As the *Act* makes clear, in advancing a complaint the member making the allegation must have reasonable and probable grounds to believe that another Member has contravened the *Act*. This imports an objective standard of assessment and by elimination it should generally exclude complaints driven solely by partisan political goals.

On a day to day basis, the principal work of this office is responding to inquiries made under s.28 of the *Act* by Members as to their obligations under the *Act* and Ontario Parliamentary Convention. Last year there were 512 such inquiries. This represents a 75% increase over the previous year. I regard the significant number of inquiries under s.28 of the *Act* as a healthy sign. It suggests that Members are asking before acting and that is all to the good.

Because I view this process as fundamentally important, I want to say something about its operation. Section 28 provides:

- (1) A member of the Assembly may request that the Commissioner give an opinion and recommendations on any matter respecting the member's obligations under this Act and under Ontario parliamentary convention.*
- (2) The Commissioner may make such inquiries as he or she considers appropriate and shall provide the member with an opinion and recommendations.*
- (3) The Commissioner's opinion and recommendations are confidential, but may be released by the member or with the member's consent.*
- (4) The member's request, the Commissioner's opinion and recommendations and the member's consent, if any, shall be in writing.*

As I have said on previous occasions, I think that s.28 was intended to influence conduct, the expectation of the Legislature being that inquiring Members would follow the advice given in response to an inquiry under s.28. I am satisfied that Members do accept the advice rendered under s.28.

Opinions given to Members under s.28 are confidential. The Member, of course, may consent to waive that confidentiality right. That frequently occurs. Problems can, however, arise in those infrequent cases where the opinion sought and received concerns past conduct. In such cases there have been circumstances where the Member receiving the opinion has chosen to refer to the opinion but not release it publicly or a Member may release selected parts of a s.28 opinion. In my view, the Act should be amended to provide in such cases that if a Member having sought and received an opinion, releases part of the opinion there should at a minimum be a discretion in this office to release all of the opinion. Otherwise, the appearance to reasonable outside observers is that this office is being used for a purpose inconsistent with the principles which underlie its existence.

The *Members' Integrity Act* sets out certain rules by which Members are bound. For example s.2 of the *Act* prohibits Members from making a decision or participating in making a decision which furthers the Member's private interest or improperly furthers another person's private interest. There are many other sections of the *Act* which specifically prescribe conduct-based rules. The *Act* also incorporates Parliamentary Convention as a standard against which Members' conduct is to be measured. The inclusion of Parliamentary Convention in the *Act* is important. It enables conduct to be regulated in areas that do not come within the specific rule based conduct controls set out in the *Act*. Although I acknowledge that including a concept like Parliamentary Convention in a regulatory legislation introduces elements of uncertainty, I think Members generally accept the principle that acting in a way that breaches Parliamentary Convention ought to be prohibited by the *Act*.

I will leave the worst for last. I refer to Members' conduct in the Legislature, particularly in Question Period. Sooner or later, I hope Members will recognize that excessive rhetoric is counterproductive, at least from the public's standpoint. It fuels public cynicism about those involved in public life.

OVERVIEW

A. DISCLOSURE STATEMENTS

MPPs have the option of filing Annual Private Disclosure Statements either manually or electronically. We have now had three years' experience with the electronic filing system, however, the number of members filing electronically remains low. We will vigorously promote the use of the electronic system in September 2004, when members will again be required to file their Annual Disclosure Statement.

On March 19, 2004, 103 Public Disclosure Statements were filed with the Clerk of the Legislative Assembly in accordance with s.21(6) of the *Members' Integrity Act, 1994*. All members were in compliance with the *Act*.

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

B. THE ACCOUNTABILITY FOR EXPENSES ACT (CABINET MINISTERS AND OPPOSITION LEADERS) 2002

Section 10 of *The Accountability for Expenses Act (Cabinet Ministers and Opposition Leaders, 2002)* requires the Integrity Commissioner to provide the Speaker with a written report with respect to the review of the expenses incurred by Ministers, Parliamentary Assistants, Leaders of the Opposition and their staff during the fiscal year. A report for the fiscal year ending March 31, 2004 was filed with the Speaker on June 3, 2004, and a copy of the Report may be viewed on our website at <http://integrity.oico.on.ca>.

C. MPP COMPENSATION REFORM ACT (ARM'S LENGTH PROCESS), 2001

In a Report pursuant to s.1 of the *MPP Compensation Reform Act, 2001* and dated August 27, 2001, The Honourable Gregory T. Evans, stated:

In my opinion, the failure to provide for annual salary increments has placed the present members in an unfair position and I propose to correct this oversight by providing an annual increase of 3% on April 1, 2001, and each successive year, including the year in which the Writ for the next election is issued. These annual increases are the same as those provided for Metropolitan Toronto Councillors. Immediately after the next election, the salary of the Members shall increase 25% until the next quadrennial review in 2005, at which time a complete assessment of

the salary and pensions shall be undertaken to provide Ontario Members of Provincial Parliament compensation comparable to other provincial parliaments and a closer relationship to the Federal Parliament.

In the interim period between the date of the next election following release of this Report and the quadrennial review in 2005, the Members shall receive an annual increase in an amount equal to the Ontario Industrial Average Wage Index, not to exceed 7%, for the previous year as determined by Statistics Canada. These changes reflect the views suggested in the recent Federal Commission's Report which recommended the adoption of the adjustment formula for periodic adjustment and revision of salaries and the provision for the establishment of a quadrennial review in the recent amendments to the Judges Act.

Prior to the election held on October 2, 2003, the Premier of the day and the Leaders of the Liberal and New Democratic Party made written submissions to the Integrity Commissioner suggesting that the 25% salary increase be terminated.

Subsequently a Report dated September 5, 2003 was issued by the Integrity Commissioner in which he determined that:

"...given the existing economic circumstances (including the SARS crisis) it would not be appropriate that the 25% salary increase be brought into effect. I see nothing wrong with members' salaries being indexed to Ontario Industrial Average Wage Index, to a maximum of 7%."

The indexing feature of members' compensation remained in effect and at the end of the government's fiscal year, clarification was requested in this regard. In his Report dated March 9, 2004, Commissioner Osborne stated:

"[3] ...The indexing feature of members' compensation is not controversial, nor should it be. In my view indexing should continue. Indexing to take account of inflation is not the equivalent of a salary increase. It simply recognizes the extent to which the purchasing power of a given sum of money has been reduced by inflation. Given the purpose of indexing, I think that the operative index should be the Consumer Price Index.

[4] I am advised by the Ministry of Finance that the Consumer Price Index reflects an inflation driven increase for 2003 of 2.7%. As of April 1, 2004 (the beginning of the Provincial fiscal year) members' salaries should be increased by 2.7%."

Suggesting that members of the Legislature need to lead by example, on March 29, 2004, the Premier introduced Bill 42, *An Act to amend the Legislative Assembly Act* to freeze the salaries of members of the Assembly until the end of fiscal year 2004-2005. In doing so, he stated:

It is not a signal that we are forevermore removing from the Integrity Commissioner the difficult task of setting MPPs' pay. We appreciate the Commissioner's work on this matter, but at this time in this context, we have a responsibility as legislators.

It is not in any way intended to undervalue the work of MPPs. Just the opposite is true: We believe it is a privilege and indeed a high honour to serve the people of Ontario in this their House.

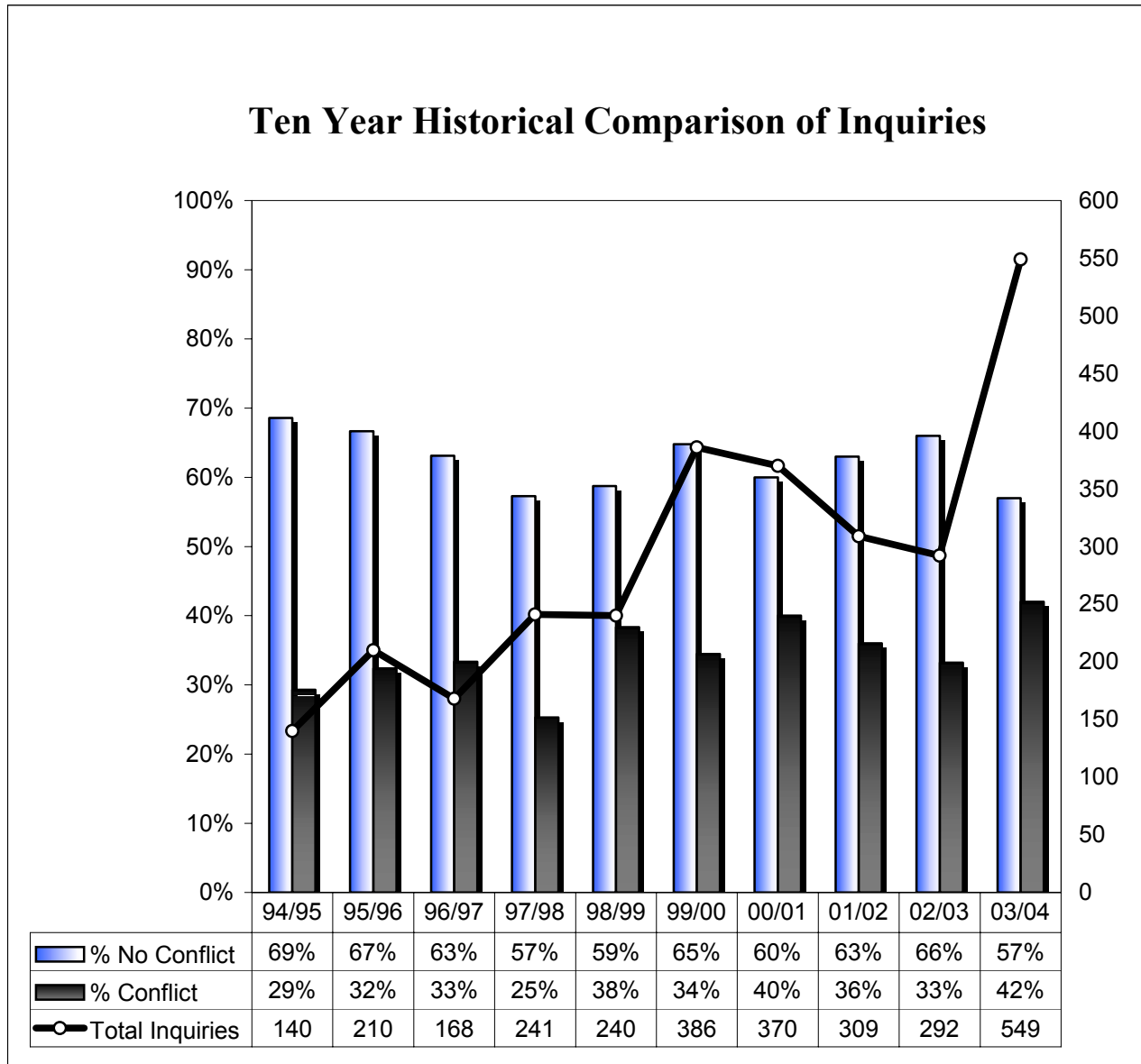
With that privilege and honour,...comes an obligation to lead and to lead by example. We simply cannot ask so many Ontarians to temper their requests and give ourselves a raise of any size at the same time. In today's fiscal context, saying no to a pay hike for MPPs is simply the right thing to do, and this bill, if passed, will do just that."

On April 15, 2004, the *MPP Salary Freeze Act, 2004* received Royal Assent and provided for no increase in the annual salary of a member with respect to the period October 2, 2003 to March 31, 2005.

Copies of the Reports and legislation referred to above may be viewed on our website at <http://integrity.oico.on.ca>.

INQUIRIES

A. STATISTICS



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, 2003 to March 31, 2004

Received from	Number Received	Conflict	No Conflict	No Jurisdiction
Member	527	229	292	6
Spouse	1	0	1	0
Trustee	0	0	0	0
Caucus	1	0	1	0
Executive Council	0	0	0	0
Committee	0	0	0	0
Former Minister	20	0	20	0
TOTAL	549	229	314	6

B. SELECTED INQUIRIES UNDER SECTION 28

The following summary of inquiries reflects advice provided by the Commissioner in the past fiscal year. These examples are not exhaustive and are abbreviated due to space limitations. The summaries are intended to raise the awareness of members and their staffs and bring to their attention potential issues with the expectation that this office will be contacted for advice and guidance when such issues arise. It should be noted that each inquiry is based on its own disclosed facts and that the opinion issued is based on those facts.

INQUIRY NO. 1

Issue:

A Minister inquired as to the appropriateness of supporting a Federal liberal candidate for nomination.

Opinion:

Although supporting one candidate over another does not violate the *Members' Integrity Act, 1994*, Ministers and to a lesser extent, Parliamentary Assistants, supporting a particular candidate may be construed as an endorsement by the Government of Ontario, which would be inappropriate.

INQUIRY NO. 2

Issue:

A Minister was traveling to Washington, D.C. and the Canadian Embassy acted as a liaison in the organization of several industry briefings. The Embassy offered to provide ground transportation for business purposes while in Washington. Is this appropriate?

Opinion:

In accordance with s.6 of the *Members' Integrity Act*, the provision of ground transportation by the Canadian Embassy is considered an incident of protocol and acceptance does not place the Minister in violation of the *Members' Integrity Act*.

INQUIRY NO. 3

Issue:

A Minister inquired as to the appropriateness of writing a letter of support for a constituent who is seeking an appointment to the Order of Ontario.

Opinion:

If the Minister knows the individual well, a letter of support may be provided, however, as these appointments are approved by Executive Council, should the constituent's appointment come before Executive Council, it will be necessary for the Minister to remove himself from any discussions or voting with respect to this constituent's appointment.

INQUIRY NO. 4

Issue:

A member was approached by individuals from the federal political level seeking constituency office information the member has used in the past.

Opinion:

The information or data which is in a constituency office is considered the property of the member and the member is entitled to deal with that information in whatever manner the member feels is appropriate. Although the constituency office is not subject to the *Information and Privacy Act*, should the member agree to release any information, it was recommended that the basic privacy principles be applied [Part III of the *Freedom of Information and Privacy Act*] and that the member be sensitive as to whether such release is appropriate.

INQUIRY NO. 5

Issue:

A Minister was asked to act as a reference on a resume which would be used in applying for a position with the Minister's ministry.

Opinion:

Parliamentary convention prohibits all Ministerial and constituency staff from appearing or advocating on behalf of a private party with any agency, board or commission which falls under the jurisdiction of the Minister's portfolio. Ministers always wear the cloak of ministerial responsibility. There is no way that their actions, or those of their staff, 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 the Minister, and thus could reasonably be considered as attempting to influence a decision, contrary to the *Members' Integrity Act, 1994*.

INQUIRY NO. 6

Issue:

A non-custodial parent has a court order giving her the right to receive certain medical information from her children's physician, however, the physician is refusing to comply.

The constituent has asked the member to contact the physician and 'reason' with him to divulge the requested information.

Opinion:

Should the member become involved, such action may be interpreted as an attempt to interfere with a court process, contrary to the *Members' Integrity Act, 1994*. If the physician is in violation of a court order, the constituent must follow the appropriate process through the court and may wish to consider contacting legal counsel.

INQUIRY NO. 7

Issue:

A Minister inquired as to the appropriateness of writing letters of congratulations to constituents for birthdays and anniversaries on Ministerial letterhead.

Opinion:

As the letters are addressed to constituents and have no relationship with Ministerial responsibilities, it is inappropriate to write on Ministerial letterhead, however, writing the letters on constituency letterhead falls under s.5 of the *Members' Integrity Act, 1994*.

INQUIRY NO. 8

Issue:

A Minister has been asked to accept the position of Co-Chair of a hospital fundraising committee.

Opinion:

Accepting the position of Co-Chair of the committee is not one of the Minister's responsibilities as a Minister and acceptance of same would violate s.10 of the *Members' Integrity Act*.

Accepting the position of "Honourary Co-Chair" of the committee is considered acceptable, as such a title implies that the office is a mark of honour, without any active duties and there is no compensation. Care must also be taken that:

- [a] the Minister does not participate in discussions regarding provincial government funding;
- [b] the Minister does not further or seek to further his/her private interest or improperly further another person's private interest; and
- [c] the Minister is not in a position to confer or deny a benefit to any donor.

In addition, the Minister may be referred to as “The Honourable”, however, there should be no reference to the Ministry.

INQUIRY NO. 9

Issue:

Despite living outside the school district, a constituent’s daughter was permitted to attend a local day care. Subsequently all students were promoted to grade one, with the exception of this child because the school would not now overlook the fact that the child was from out of the district. The constituent is seeking the member’s assistance to “apply pressure so her daughter will be admitted to the school.”

Opinion:

The Toronto District School Board is required to follow certain policies and procedures and it would be inappropriate for the member “to apply pressure”. However, the member may consider contacting the Toronto District School Board to inquire as to whether there are any appeal procedures available to the constituent and so advise. If, however, all appeal procedures have been exhausted, there is nothing further that can be done, as taking further action may be interpreted as an attempt to interfere with and/or influence the process, contrary to the *Members’ Integrity Act, 1994*.

INQUIRY NO. 10

Issue:

A constituent has requested information with respect to the party platform which was represented in the recent election.

Opinion:

Generally speaking, providing political information with respect to a party platform, in response to a specific request, does not violate the *Members’ Integrity Act* on the condition that it is responsive to the inquiry and not gratuitous or propaganda.

INQUIRY NO. 11

Issue:

A member/Minister’s constituent was interested in applying for a position with an Ontario government agency. The Chair of the agency suggested that the constituent submit a resume to the Public Appointments Secretariat for consideration and to contact the local MPP as the constituent “*will likely need an advocate to get the appointment.*”

Opinion:

Order-in-Council appointments are brought before the Cabinet for consideration. If the Minister provided a letter of reference in this regard, and the constituent’s name came before Cabinet, in order to avoid a conflict of interest, the Minister would be required to remove himself from the Cabinet discussions and the voting process.

With respect to the comment “will likely need an advocate to get the appointment”, parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission. In addition, parliamentary convention prohibits Parliamentary Assistants, Ministerial staff and Parliamentary Assistant staff from appearing or advocating on behalf of a private party with any agency, board or commission which falls under the jurisdiction of the Minister’s or Parliamentary Assistant’s portfolio. Ministers always wear the cloak of ministerial responsibility. There is no way that their actions, or those of their Ministerial staff, whether verbal or written, and whether in the member’s position as an elected member of the Legislature or as a Minister or Parliamentary Assistant, can be considered by the recipients other than actions by a Minister or Parliamentary Assistant, and thus could reasonably be considered as attempting to influence a decision, contrary to the *Members’ Integrity Act, 1994*.

INQUIRY NO. 12

Issue:

A terminally ill constituent, a former resident of Ontario, has returned to Ontario and requested the assistance of a member/Minister to appeal OHIP’s decision requiring a mandatory three month waiting period before OHIP can be reestablished.

Opinion:

Parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission.

In situations such as the case in point, the practice has evolved whereby Ministers go through the office of the responsible Minister. It is, therefore, appropriate for the member to advocate on behalf of the constituent with the Minister of Health and Long-Term Care, either by on constituency letterhead or by speaking directly with the Minister of Health.

In the alternative, the constituency office staff may advocate on behalf of the constituent, in which case, the constituency assistant may sign the letter addressed to the General Manager of OHIP.

INQUIRY NO. 13

Issue:

A constituency office has inquired as to the appropriateness of having a sign in the office window stating “Donations of Food and Clothing for the Homeless accepted here.”

Opinion:

Although this is a benevolent cause, it is important to remember that the constituency office represents all those living in the riding and all businesses in the riding. If the constituency office is prepared to provide a ‘drop-off’ facility for one organization, the office may be placed in the position of having to provide a similar facility for all organizations, whether it is clothing, food or cash donations. Providing for a select group may be interpreted as favouritism, and in this situation, should anything ‘disappear’ from the office, the member would be held responsible.

Consideration may be given to providing a list of organizations which will accept the donations when an inquiry is received from a constituent.

INQUIRY NO. 14

Issue:

A Member has received a complimentary parking pass from a downtown hotel.

Opinion:

Acceptance of the parking pass has nothing to do with the Member's responsibilities of office, either as an MPP or as a Parliamentary Assistant and would be inappropriate. In addition, acceptance of the pass may also be interpreted as providing a 'business' advantage to one hotel over another.

INQUIRY NO. 15

Issue:

A constituency assistant received three \$10 gift certificates from a constituent in appreciation for providing assistance to the constituent.

Opinion:

Constituency Assistants are paid to assist constituents. The gift certificates should be returned as they are inappropriate.

INQUIRY NO. 16

Issue:

As part of the Ministerial itinerary, a Minister was scheduled to appear at a commercial entity as part of the promotion of a province wide initiative. Does this place the Minister in a conflict of interest position?

Opinion:

As this is a broad based economic initiative in the Province of Ontario, care must be taken to ensure that the Minister is not seen as preferring the interests of a specific commercial entity over another. The Preamble of the *Members' Integrity Act*, in part, states:

Members' duty to represent their constituents includes broadly representing their constituents' interests in the Assembly and to the Government of Ontario.

The Minister may participate in the event, however, care should be taken to avoid photo opportunities which emphasize or feature a particular entity, otherwise the Ministers' actions may be interpreted as preferring the interests of one commercial entity over another.

INQUIRY NO. 17

Issue:

A Minister spoke at a conference and in return conference officials indicated they would like to make a donation to a senior's home in the name of the Minister. Is this appropriate?

Opinion:

The officials are entitled to make a donation, however, the donation should be made in the name of the organization.

INQUIRY NO. 18

Issue:

A member inquired as to the appropriateness of writing a letter of support for a candidate for the Page program in the Legislative Assembly.

Opinion:

Writing a letter of recommendation or support to the Speaker of the Legislative Assembly on behalf of a constituent is considered an activity which is normally engaged in on behalf of constituents, pursuant to s.5 of the *Members' Integrity Act, 1994*.

INQUIRY NO. 19

Issue:

Can a Member sign an Affidavit as a Commissioner for taking affidavits?

Opinion:

By virtue of the Member's office as a Member of Provincial Parliament, the Member may sign as a Commissioner for taking affidavits.

INQUIRY NO. 20

Issue:

A constituent asked a member to advocate on his behalf to obtain a legal aid certificate for purposes of challenging a Canada Student Loan debt from 27 years ago, a portion of which has been repaid, however, \$20,000 remains outstanding.

Opinion:

Legal Aid is required to follow certain policies and procedures and the constituent is entitled to pursue the appeal process, however, for the member to become involved and advocate on behalf of the constituent may be interpreted as an attempt to interfere with and/or influence the process, contrary to the *Members' Integrity Act, 1994*.

The constituency assistant is entitled to inform the constituent as to the appeal process, however, there is nothing further that can be done.

INQUIRY NO. 21

Issue:

A constituent has requested a letter of support from the MPP for a grant under the Trillium Foundation.

Opinion:

As the MPP is a Minister, he is entitled to write the letter of support, however, it must be directed to the Minister responsible for the Trillium Foundation.

INQUIRY NO. 22

Issue:

A Minister has been asked to offer “Lunch with the Minister” at a charitable fundraiser held by a Ministry stakeholder. Although the stakeholder did not understand the reason for the Minister’s refusal to participate, the Minister was then asked to permit his name to be attached to another item that has been donated by the stakeholder. Is this appropriate?

Opinion:

The Preamble to the *Members’ Integrity Act, 1994* states:

Members are expected to act with integrity and impartiality that will bear the closest scrutiny.

Providing a “Lunch with the Minister” puts the Minister in a difficult position as he has no control over the bidders and depending on the successful bidder, this scenario may be interpreted as “buying access” to the Minister. Such access may also be interpreted as providing an unfair advantage to one entity over another and the possible expectation of a favour in return.

In addition, Ministerial budgets do not provide for donations and for another individual or entity to make a donation and place the Minister’s name on that donation would be inappropriate.

INQUIRY NO. 23

Issue:

A Minister was invited by a local television station to appear on a panel commentating on the municipal election and a fee was attached to the appearance.

Opinion:

Section 10 of the *Members’ Integrity Act* prohibits Ministers from engaging in employment and on that basis, the Minister is entitled to appear on the panel, however, the fee cannot be accepted.

INQUIRY NO. 24

Issue:

A Minister inquired as to the appropriateness of providing to a constituent, a copy of a letter written to another Minister on behalf of the constituent.

Opinion:

Copies of letters written by a Minister to a Minister should not be provided to the constituent as a member can lose control over the use of the letter. Should a copy of the letter be forwarded to the constituent, it may well be included in correspondence the constituent has with an agency, board or commission under another Minister and this may be interpreted as a breach of parliamentary convention, contrary to the *Members' Integrity Act, 1994*.

The Minister can, of course, advise the constituent that a letter has been written directly to the Minister.

INQUIRY NO. 25

Issue:

Can a constituency assistant accept a position with the local riding association?

Opinion:

The constituency assistant is entitled to accept the position with the riding association on the condition that the MPP supports the activity and as long as the riding association business is not carried out during constituency office hours or at the constituency office.

INQUIRY NO. 26

Issue:

Can the constituency office board room be used by a local legal clinic for purposes of a meeting?

Opinion:

The constituency office is there to serve constituents and cannot be used to further the activities of other organizations and business, such as legal clinics, Riding Associations and political meetings, etc.

INQUIRY NO. 27

Issue:

Can a member accept a membership in the Royal Ontario Museum?

Opinion:

As the Provincial Government subsidizes the Royal Ontario Museum, acceptance of the membership is appropriate as use of the membership is considered a marketing tool.

INQUIRY NO. 28

Issue:

A constituent, represented by counsel, has had an issue with the Workplace Safety and Insurance Board for a number of years and is presently awaiting a decision with respect to an appeal. The constituent is now demanding that the member intervene and instruct the WSIB to make a decision.

Section 4 of the *Members' Integrity Act, 1994*, states:

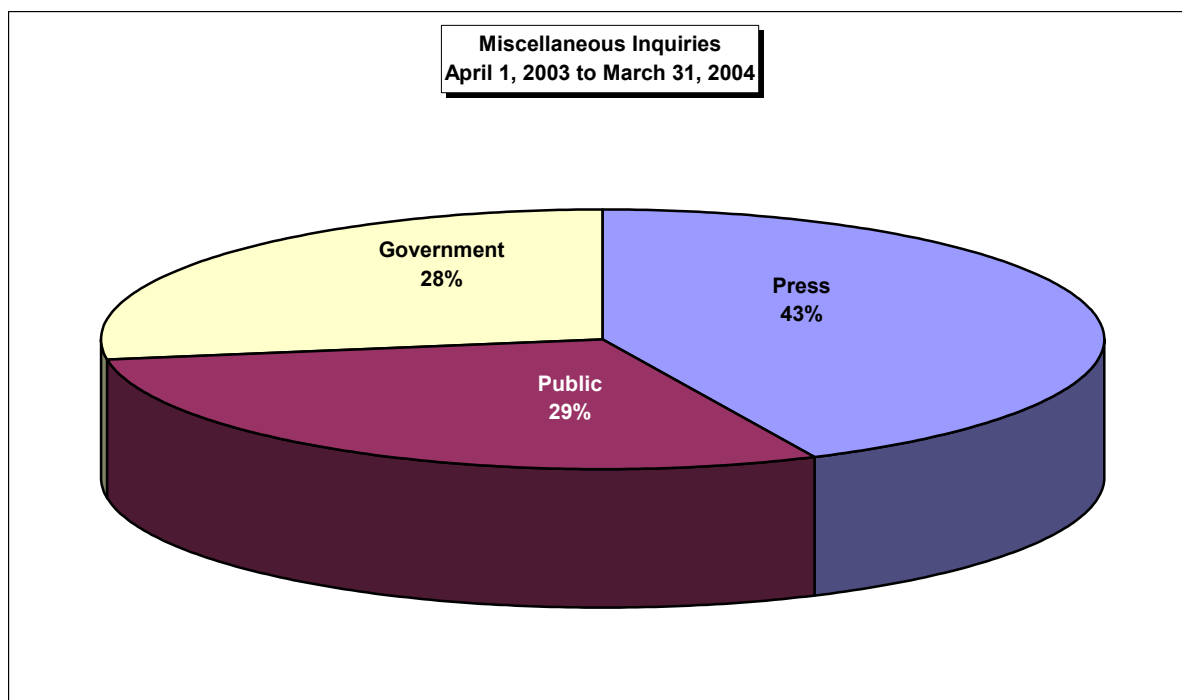
A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest.

The WSIB has certain procedures in place and it is imperative that those procedures be respected. It is inappropriate for the member or staff to 'intervene' or 'instruct' the WSIB as such action may be interpreted as an attempt to interfere with and/or influence the process, contrary to s.4 of the Act.

C. MISCELLANEOUS INQUIRIES

During the reporting period of this Report, 207 miscellaneous inquiries were received from all levels of governments, the public and the media, an increase of 63% from the previous fiscal year.

A variety of questions were raised, including questions about 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, 1994*, the *MPP Compensation Reform Act, 2001* and the *Accountability for Expenses Act (Cabinet Ministers and Opposition Leaders), 2002*; Reports by the Integrity Commissioner, Public Disclosure Statements, policies and procedures of the Office, and requests for copies of the Annual Report.



REFERRED QUESTIONS

Section 30 of the *Members' Integrity Act, 1994*, provides as follows:

30. (1) *A member of the Assembly who has reasonable and probable grounds to believe that another member has contravened this Act or Ontario parliamentary convention may request that the Commissioner give an opinion as to the matter.*

(2) *The request shall be in writing and shall set out the grounds for the belief and the contravention alleged.*

(3) *The member making the request shall promptly give a copy of it to the Speaker, who shall cause the request to be laid before the Assembly if it is in session or, if not, within 10 days after the beginning of the next session.*

(4) *The Assembly may, by resolution, request that the Commissioner give an opinion as to whether a member has contravened this Act or Ontario parliamentary convention.*

(5) *The Executive Council may request that the Commissioner give an opinion as to whether a member of the Executive Council has contravened this Act or Ontario parliamentary convention.*

(6) *The Assembly and its committees shall not conduct an inquiry into a matter that has been referred to the Commissioner under subsection (1) or (4). 1994, c. 38, s. 30.*

A Directive regarding the process under this section may be found on our website at <http://integrity.oico.on.ca>.

During the reporting period of this Annual Report, the following four inquiries under s.30 were received and reports were issued by the Commissioner. Complete texts are available on our website at <http://integrity.oico.on.ca> under "Commissioner's Reports", and hard copies are available upon request.

- (1) Report dated July 23, 2003 – Mr. David Levac, Member for Brant, with respect to his attendance at the Toronto Don Jail.
- (2) Report dated August 13, 2003 – The Honourable Ernie Eves, Premier of Ontario and The Honourable Tony Clement, Minister of Health and Long-Term Care with respect to the government's decision to use private sector financing agreements to construct and operate two hospitals.
- (3) Report dated October 16, 2003 – Ms. Caroline Di Cocco, Member for Sarnia-Lambton with respect to the privacy issues of a teacher.
- (4) Report dated November 28, 2003 – Mr. Ernie Eves, Mr. Tony Clement, Mr. James Flaherty and Mr. Brian Coburn with respect to partisan political conduct while engaged in Ministry business.

FINANCIAL INFORMATION

A. 2003/2004 STATEMENT OF EXPENDITURES

Salaries and Benefits	\$329,553.69
Transportation and Communications	14,427.29
Services	173,718.96
Supplies and Equipment	<u>34,894.11</u>
	<u>\$552,594.05</u>

B. PUBLIC SECTOR SALARY DISCLOSURE ACT, 1996

This statement is provided under the *Public Sector Salary Disclosure Act*.

<u>Employee</u>	<u>Payment</u>	<u>Taxable Benefits</u>
Coulter A. Osborne	\$144,935.69	\$0
Lynn Morrison	\$102,745.51	\$1,901.68