Legislative Assembly of Ontario

Assemblée législative de l'Ontario

Annual Report

2005 - 2006

Office of the Integrity Commissioner

Ontario

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Legislative Assembly of 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 20th, 2006

The Honourable Michael Brown
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, 2005 to March 31, 2006.

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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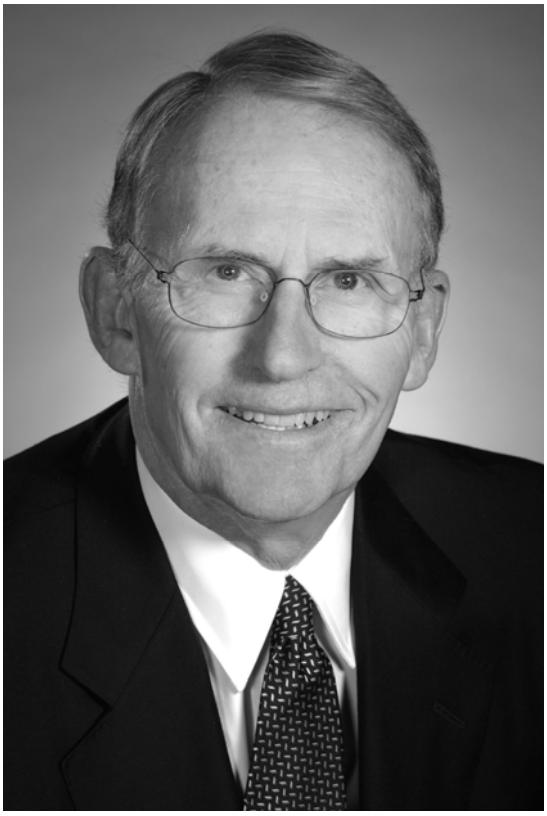
COMMISSIONER'S REMARKS



The Honourable Coulter A. Osborne

This is my fifth annual report as Integrity Commissioner. My jurisdiction as Integrity Commissioner is found in the *Members' Integrity Act, 1994*. In addition, I have further responsibilities under three other statutes – the *MPP Compensation Reform Act (Arm's Length Process), 2001*, the *Cabinet Ministers' and Opposition Leaders Expenses Review and Accountability Act, 2002*, and the *Lobbyists Registration Act, 1998*.

Although I confess to an institutional bias, I believe that I am safe in saying that this office is running efficiently in our efforts to deal with the many issues that arise each year under the *Members' Integrity Act*. Credit for that must be shared with members' Queen's Park and constituency office staff and of course the members themselves. My office remains small and is thus able to preserve the confidentiality which is required in the administration of the *Members' Integrity Act*. It operates with a staff of four – Lynn Morrison, Claire Miller (Tracey Berwick for part of the year), Jennifer Koen, and Charlie Hastings. I very much appreciate their dedication and good work. Ms. Morrison is generally the first point of contact in relation to the many questions presented by or on behalf of members generally and under s.28 of the *Act*. Ms. Morrison, as I have noted on previous occasions, is about as indispensable to the efficient operation of this office as anyone can get.

The principal work of this office is preparing opinions under s.28 of the *Members' Integrity Act*, which provides:

> ***28.*** *(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. 1994, c.38, s.28(1).*

Inquiries

(2) The Commissioner may make such inquiries as he or she considers appropriate and shall provide the member with an opinion and recommendations. 1994, c.38, s.28(2).

Confidentiality

(3) The Commissioner's opinion and recommendations are confidential, but may be released by the member or with the member's consent. 1994, c.38, s.28(3).

Writing

(4) The member's request, the Commissioner's opinion and recommendations and the member's consent, if any, shall be in writing. 1994, c.38, s.28(4).

Last year there were 446 s.28 inquiries. We try to respond to all of these inquiries within 24 hours. Occasionally, where additional information is required, the response may take slightly longer. The number of requests for opinions under s.28 is encouraging. Almost all of these requests are made before the event. This confirms that members, to their credit, are asking before acting or deciding. At a minimum this works to avoid more serious problems. It seems to me that there is an inverse relationship between the number of requests for an opinion under s.28 of the *Act* and the number of complaints of *Members' Integrity Act* breaches - the more requests for an opinion, the fewer formal complaints.

I am pleased to report that last year there was only one formal complaint under s.30 of the *Act* which sets out the process to be followed when one member alleges that another member has breached a provision of the *Members' Integrity Act*. This complaint involved a member of the Executive Council who, after an investigation, was found to have breached the *Act*. The recommended penalty in my report was a reprimand. Following the release of my report and debate on the issue of penalty, the member was reprimanded.

Over time I have come to realize that the *Members' Integrity Act* should be amended in a number of respects. Some of these amendments are clearly required in my view; others should at a minimum be considered by members of the Legislative Assembly. To move the issue of amending the *Members' Integrity Act* into the present tense I wrote to the Speaker, the Premier, the Leader of the Official Opposition, and the Leader of the Third Party to seek their guidance about how the amendment process should evolve. I thought that it made sense to approach amendments to the *Members' Integrity Act* in the same way that the *Act* was created in 1994. At that time representatives from all three parties met to discuss what turned out to be the *Members' Integrity Act* on a section by section basis. After each meeting the views of the three caucuses were sought. Eventually there was agreement on the provisions of the *Members' Integrity Act*. I saw, and see, no reason why the same process would not work when the issue is amendments to the *Members' Integrity Act*.

In the end, one member from each of the Liberal, Progressive Conservative and New Democratic Party was designated to meet with Ms. Morrison and me so that they could

receive my views on the subject of *Members' Integrity Act* amendments and I could eventually receive the views of the three caucuses. The idea was that the three party nominees (reduced to two about halfway through the process) would discuss the issue of amendments that should be made, or at least considered, with their caucuses with a view to reaching a determination as to what changes should be made to the *Act*. I am grateful to those members that have assisted thus far in the process.

I recognize that it is for the Legislature, not me and not the party representatives with whom I have met, to decide if, when and how the *Members' Integrity Act* will be amended. When decisions on this subject are made any proposed amendments to the *Act* will be processed in the same way as any other proposed legislation is processed.

Under the *MPP Compensation Reform Act (Arm's Length Process), 2001* the Integrity Commissioner has jurisdiction to determine members' salaries. My authority on the salaries issue, although statutory, is somewhat illusory. I say that because in the final analysis the Legislature can put an end to any recommended salary increase as happened with the passage in 2004 of the *MPP Salary Freeze Act*. This *Act* eliminated a 2.7% increase in members' salaries.

I accept that there will never be unanimity on a matter such as the appropriate base salary for members. There will always be debate on this subject and the frequently irresistible temptation to politicize the issue. Nonetheless, I feel safe in repeating that it seems to me to be in the broader public interest that all members receive reasonable compensation for their work in public life. Absent reasonable compensation, the integrity of the institution to which they all belong is compromised by the devaluation of the work they do.

When the base salary of a councillor in Mississauga is $131,000 and the base salary of a member of Ontario's Legislative Assembly is $88,771 it seems obvious to me that something is manifestly wrong – either Mississauga is wrong; the Ontario members' salary level is wrong; or perhaps they are both wrong. In any case, within the next few months, I propose to issue a report on members' salaries under the *MPP Compensation Reform Act*. In addition to addressing members' salaries (an issue on which I have direct jurisdiction), I may comment and make recommendations on the current (since 1995) pension arrangements for members (an issue on which I have no direct jurisdiction). It seems to me that pensions are an integral part of the compensation package. They should, therefore, be taken into account.

Under the *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002* we continue to review, on a post-payment basis, the expenses of Cabinet Ministers, Opposition Leaders, Parliamentary Assistants and their staff. When an expense is thought to be inappropriate we generally seek an explanation as a first step. If the explanation is satisfactory we approve the expense. If it is not we seek reimbursement. Earlier problems connected with persons not covered by the *Act* claiming expenses on their own behalf and on behalf of someone who is covered by the *Act* have been corrected. I believe the expense review system is now working as it was intended to

work when the *Act* was passed. I would encourage those covered by the *Act* to submit their expenses in a timely fashion. This will promote efficiency in the review process.

I have observed on frequent occasions that the *Members' Integrity Act* works for members and in the public interest to a large measure because it was created by members in the manner I described earlier. This has resulted in a respect for the legislative scheme by members that might not otherwise exist were the *Act* to have been forced upon members. On a personal level, I continue to be grateful for the cooperation of members of the Legislative Assembly. I am confident that that cooperation will continue.

OVERVIEW

A. DISCLOSURE STATEMENTS

On December 14, 2005, 102 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 all the provisions of the *Act*.

The public disclosure statements are available for examination by the public on our website at http://integrity.oico.on.ca. In addition, copies are available through the Clerk of the Legislative Assembly, Room 104, Legislative Building, Queen's Park, Toronto.

On November 24, 2005, a by-election was held in Scarborough-Rouge River, and Mr. Bas Balkissoon was elected. Pursuant to s.20(1)(a) of the *Act*, a member has 60 days after being elected to file a private disclosure statement. Mr. Balkissoon has complied with s.20.

On March 30, 2006, three by-elections were held as a result of the resignation of three MPPs who ran in the federal election. Ms. Christine Elliott was elected in Whitby-Ajax, Mr. Peter Tabuns was elected in Toronto–Danforth and Ms. Lisa MacLeod was elected in Nepean-Carlton. These members are required to file private disclosure statements as of May 29, 2006.

MPPs have the option of filing private disclosure statements either manually or electronically. 30% of the members file on line, and we will continue to promote electronic filing in September 2006, when members will once again be required to file their annual disclosure statement.

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, 2006 was filed with the Speaker on June 12, 2006, a copy of which may be viewed on our website at http://integrity.oico.on.ca.

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

In my report under the *MPP Compensation Reform Act (Arm's Length Process), 2001*, dated March 9th, 2004, I stated:

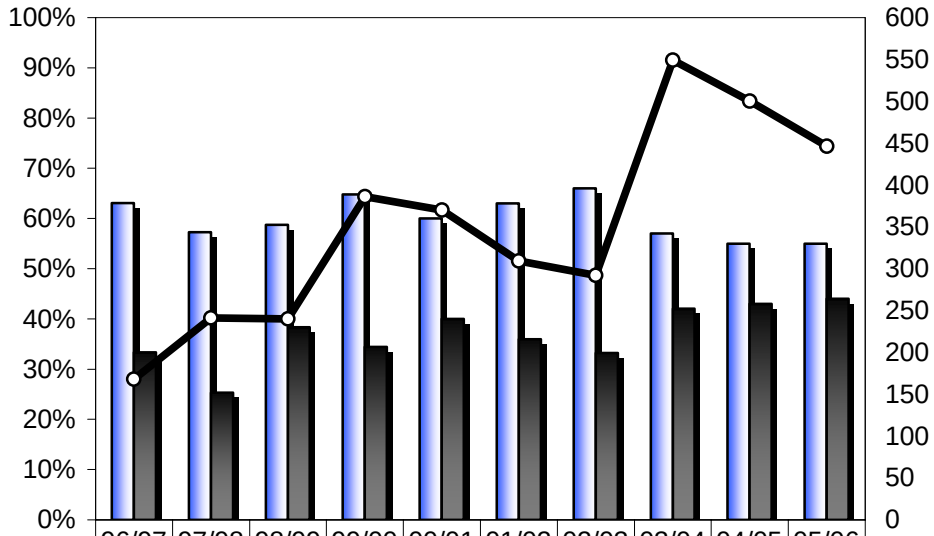
> *"The indexing feature of members' compensation is not controversial, nor should it be. In my view indexing should continue. Indexing to take account of inflation is not the equivalent of a salary increase. It simply recognizes the extent to which the purchasing power of a given sum of money has been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

As of April 1, 2006, the members' salaries were increased by 2.2% in accordance with the Consumer Price Index. Other than this inflation-based adjustment, there was no change in members' salaries.

INQUIRIES

A. STATISTICS

Ten Year Historical Comparison of Inquiries under s.28 of the Members' Integrity Act, 1994.



	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06
% No Conflict	63%	57%	59%	65%	60%	63%	66%	57%	55%	55%
% Conflict	33%	25%	38%	34%	40%	36%	33%	42%	43%	44%
Total Inquiries	168	241	240	386	370	309	292	549	500	446

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

Inquiries under s.28 of the Members' Integrity Act, 1994
Received April 1, 2005 to March 31, 2006

Received from	Number Received	Conflict	No Conflict	No Jurisdiction
Member	441	196	240	5
Spouse	2	0	2	0
Trustee	1	1	0	0
Caucus	1	0	1	0
Executive Council	0	0	0	0
Committee	0	0	0	0
Former Minister	1	0	1	0
TOTAL	446	197	244	5

B. SELECTED INQUIRIES UNDER SECTION 28

The following summary of selected example 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 staff 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 was based on those facts.

INQUIRY NO. 1

Issue:

A Minister has been asked to assist a ministry employee with respect to concerns regarding an unjust pay level classification in relation to other employees in different ministries.

Opinion:

Since both job classification and wage rate issues are undoubtedly the subject matter of a collective agreement, any involvement on the part of the Minister may be interpreted as an attempt to interfere with or influence the collective bargaining process which would involve both job classification and wage rate issues for unionized employees, and would be contrary to the *Members' Integrity Act, 1994.*

Any concerns, however legitimate, should be addressed through the union and available grievance procedures.

INQUIRY NO. 2

Issue:

A local organization within a Minister's riding is applying for a grant from the Trillium Foundation and has requested the Minister's support.

Opinion:

Unless there is a specific provision within the guidelines which states that a letter from the local MPP must accompany the application for funding, the letter of support should not be written.

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. Thus a Minister's action in contacting an agency, board or commission to support a private party's position may be considered by the agency, board or commission as an action of the Minister, intended to influence a decision of the agency, board or commission, contrary to the *Members' Integrity Act, 1994*. This is so even if the Minister contacting the agency, board or commission does so in his or her capacity as an MPP, or if the contact is by or through the ministerial staff.

The practice has evolved whereby ministers and their staff go through the office of the responsible Minister. However, care must be taken not to provide a copy of the letter to the constituent, as the Minister may lose control of the use of the letter.

INQUIRY NO. 3

Issue:

A Minister has been asked by a constituent to write a letter of reference to the Ontario Power Authority.

Opinion:

Section 25.3 of *The Electricity Act, 1998* specifically states that the Ontario Power Authority is not an agent of Her Majesty for any purpose, despite the *Crown Agency Act.* On this basis, a Minister writing a letter of reference on constituency letterhead for purposes of a constituent's application to the Ontario Power Authority for conservation funding does not place the member in violation of the *Members' Integrity Act, 1994*.

INQUIRY NO. 4

Issue:

A Minister has been asked to write a letter of support on behalf of an applicant for the Order of Ontario.

Opinion:

The Minister is entitled to write a letter of support to the Minister responsible, however, should the application come before Cabinet, the Minister should not participate in any

discussions or voting at Cabinet. It would be preferable that the Minister not write the letter and should the application come before Cabinet, the Minister can speak to the matter and vote.

INQUIRY NO. 5

Issue:

A Minister has been asked to speak at an event and the event organizers have inquired as to the Minister's favourite charity for purposes of a donation as a 'thank you' to the Minister.

Opinion:

The Minister can provide the name of the charity, however, as the donation is not made by the Minister personally, as MPP or as Minister, the donor's name should be that of the event organizer.

INQUIRY NO. 6

Issue:

A Minister has been asked to participate as a member of a charitable fundraising Gala Committee and assist in the sale of tables.

Opinion:

Although not asked to hold an office or directorship, the Minister is being asked to participate in this event by undertaking to sell one sponsorship or two or more tables.

It is the Commissioner's opinion that ministers should neither use the prestige of their offices to personally solicit funds for an organization or invite potential contributors to fundraising events, nor give the impression of doing so. Either conduct may be interpreted as exercising influence over the proposed donor, contrary to the *Members' Integrity Act, 2004.*

In making the above request, the organizer indicated she would be pleased to have the Minister publicly associated with the event. The Minister may wish to consider accepting the position of 'Honorary Chair' or 'Honorary Patron' of the committee which is considered acceptable, as such a title implies that the office is a mark of honor, without any active duties and there is no compensation.

The organization may use the Minister's name on the organization's letterhead or public announcements, however, the Minister's office should never be implicated with the cause in which she is participating, i.e, a letter should not be written indicating "Our Patrons/Honorary Chair support our cause and encourage you to donate."

INQUIRY NO. 7

Issue:

A constituent is seeking an MPP/Minister's opinion with respect to Ontario Municipal Board reform.

Opinion:

Generally speaking, providing political information, i.e. the Party Platform, in response to a specific request does not violate the *Members' Integrity Act, 1994,* on the condition that doing so is responsive to the inquiry and not gratuitous or propaganda.

A Minister always wears the cloak of ministerial responsibility and there is no way that their actions, 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.

In a parliamentary government, a Minister is assumed to have agreed with government policy and should not publicly indicate opposition to its implementation. The Executive Council, by convention, speaks with one voice, since it is collectively responsible for initiating and implementing policies. Therefore, Cabinet solidarity requires that all Ministers accept collective responsibility for the policies and actions of the government.

It would, therefore, be important for the Minister to support any OMB reforms which the government has developed as policy.

If constituents do not agree with the Minister, they may wish to consider putting their concerns in writing to the Minister responsible.

INQUIRY NO. 8

Issue:

A Minister was seeking clarification with respect to the acceptance of invitations to stakeholder events that are fundraisers.

Opinion:

When asked to attend as a speaker and there is a registration fee for other guests, the Minister is entitled to accept the invitation as a speaker as this is considered a responsibility of office as a Minister.

If the Minister is invited to attend as part of the audience and there is a cost for the ticket, if the event falls within the Minister's responsibilities, acceptance is appropriate and the Ministry should be responsible for the cost.

If the Minister is invited to attend as part of the audience and there is a cost for the ticket, and the event does not fall within the Minister's responsibilities, the Ministry should not pay for the ticket. However, the Minister may wish to consider accepting the invitation and pay for the ticket through the global budget. In the alternative, the invitation could be declined.

INQUIRY NO. 9

Issue:

A member has received a request from striking hydro workers for assistance with a labour dispute.

Opinion:

Only assigned negotiators should be in discussion with bargaining agents and at the bargaining table. Ministers and Parliamentary Assistants and their staff often become aware of information that may be sensitive in union-management relations. A bargaining agent's knowledge of the employer's mandate and strategy may well undermine fair collective bargaining.

It is important that Ministers and Parliamentary Assistants do not discuss with media, union representatives, employees, colleagues or any other unauthorized persons any aspect of a collective bargaining or labour relations mandate, as such action may be interpreted as an attempt to interfere with or influence that process, or both, contrary to the *Members' Integrity Act, 1994*, and may compromise the bargaining process.

INQUIRY NO. 10

Issue:

A Parliamentary Assistant has been invited to be a member on an Association's Task Force which is to consider issues which involve his Ministry.

Opinion:

Although the Parliamentary Assistant may support the initiatives of the Association, the possibility exists that the Task Force may recommend a policy which is contrary to government policy. Should that happen, it could create a potential conflict of interest for the MPP not only as a government MPP, but also as the Parliamentary Assistant.

In order to avoid that potential conflict, the MPP should not accept the invitation.

INQUIRY NO. 11

Issue:

A constituent has requested assistance from an MPP with respect to an issue involving the courts. The constituent's daughter was sexually assaulted by a neighbour who lives with certain restrictions on an adjoining property. The Victim/Witness Assistance Program has written to the Crown Attorney in this regard, however, there has been no response from the Crown Attorney.

Opinion:

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.

The trial in this matter is pending and the Crown Attorney, having been contacted by Victim/Witness Services, is aware of the concerns expressed by the family. This is a matter which must be left with the Crown Attorney to pursue. Contacting the Crown Attorney in this matter may be interpreted as an attempt to interfere with and/or influence the process that is required to be followed, contrary to the *Members' Integrity Act, 1994*.

However, the MPP may wish to consider forwarding a copy of the constituent's correspondence to the Attorney General requesting that he respond directly to the constituent or as he sees fit.

INQUIRY NO. 12

Issue:

A constituent has fired his lawyer and has asked his MPP to assist him with his legal issues.

Opinion:

The responsibilities of an MPP do not include an obligation to represent a constituent in legal proceedings. Frequently, particular expertise may be required to adequately represent a constituent. The MPP may not have that expertise. Thus, although members can represent constituents in cases where representation may be through non-lawyers, they should do so only in exceptional cases.

If the constituency office is able to assist and is interested in assisting by facilitating in a forum other than the courts, it becomes a policy decision for the constituency office.

If all avenues of appeal have been exhausted, there is nothing further that the MPP can do to assist the constituent.

INQUIRY NO. 13

Issue:

An MPP's constituency office requested guidance with respect to the ability of MPPs to sign as a Commissioner for Taking Affidavits and as a Notary Public.

Opinion:

By virtue of an MPP's office, all members are Commissioners for Taking Affidavits. When asked to sign an affidavit as Commissioner, the member should request identification to verify the individual is who they say they are. A stamp or seal is not required for Commissioners.

In order to establish criteria for purposes of developing guidelines within a constituency office with respect to signing documents, the following should be considered:

[1] The document should require the signature of a Commissioner for Taking Affidavits;
[2] The document must be required for proper purposes;
[3] If the document is a translation, it should be an official translation which would normally be attached to an affidavit signed by the translator;
[4] The person swearing the affidavit should be identified;
[5] The MPP should have the individual swear (affirm) in his/her presence that the contents are true.

Any requests to sign any document as a Notary Public should be referred to a lawyer, unless the member is a lawyer.

INQUIRY NO. 14

Issue:
An MPP has been offered a year's membership in the Royal Ontario Museum. Can the membership be accepted?

Opinion:
As the Royal Ontario Museum receives provincial government funding, accepting the pass is considered a marketing tool and acceptance of the membership does not violate the *Members' Integrity Act, 1994.*

If the value of the benefit exceeds $200, a Gift Form must be filed with the Integrity Commissioner within 30 days pursuant to s.6(3) of the *Act*.

INQUIRY NO. 15

Issue:
A Minister has been asked to act as a Volunteer Member of a commercial community board. Can he accept this position?

Opinion:
Section 10 of the *Members' Integrity Act, 1994* states:

> *A member of the Executive Council shall not,*
> *(a) engage in employment or the practice of a profession;*
> *(b) engage in the management of a business carried on by a corporation; or*
> *(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.*

The community board is not a social club, religious organization or a political party and in fact is a commercial enterprise. It is noted that one of the Minister's responsibilities would be to "act as an ambassador" for the board. Since promoting a commercial enterprise is not considered one of the responsibilities of the Minister's office, it was the

Commissioner's opinion that accepting such an appointment would be in violation of the *Members' Integrity Act, 1994*.

INQUIRY NO. 16

Issue:

A Minister's constituency office has received a request to assist with a matter which involves an agency falling within the Minister's jurisdiction. Can the constituency office refer the matter to another MPP?

Opinion:

Any action by the Minister with respect to this particular matter may place the Minister in a potential conflict of interest. On the condition that the assistance requested is justifiable, the Minister is entitled to refer the constituent to another MPP. This is considered an activity under s.5 of the *Members' Integrity Act* – an activity in which members of the Assembly normally engage on behalf of constituents.

INQUIRY NO. 17

Issue:

A constituent requested a letter of support with respect to a visitor visa application. During the discussion, the constituency assistant requested money for providing the service. The constituent reported the matter to another staff person, the matter was referred to the authorities, the constituency assistant was subsequently dismissed, and the Integrity Commissioner was notified at the earliest opportunity. The MPP was concerned that this may constitute a violation of the *Members' Integrity Act*.

Opinion:

Since the matter had been referred to the appropriate authorities and the constituency assistant's employment was terminated, it was the Commissioner's opinion that all the necessary steps had been taken to avoid a violation of the *Members' Integrity Act, 1994*.

INQUIRY NO. 18

Issue:

A Foundation which receives government funding from the Province of Ontario has asked an MPP to write a letter to a private company in the MPP's riding to seek further financial support.

Opinion:

Although the Foundation benefits the MPP's constituency, an MPP must not 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. To do so may be interpreted as exercising influence over the proposed donor, and may set up an expectation of something in return, contrary to the *Members' Integrity Act, 1994*.

INQUIRY NO. 19

Issue:

A constituent was seeking the assistance of an MPP to arrange a meeting between management, a union representative and the constituent regarding a harassment issue. Can the MPP facilitate in this meeting?

Opinion:

As the constituent is represented by the union representative, it is the representative's responsibility to take the steps necessary to represent the constituent. Having a member of the MPP's staff present at the meeting is an inappropriate use of the office and may be interpreted as an attempt to interfere with and/or influence the negotiation process, contrary to the *Members' Integrity Act, 1994.*

INQUIRY NO. 20

Issue:

A number of constituents in the medical field have received jury notices and are asking an MPP to assist them in having them excused from jury duty.

Opinion:

If a member of the public wishes to be excused from serving on jury duty, they are required to follow the process as set out by the courts and applicable legislation. For the MPP to write a letter requesting that the constituent be excused would be an inappropriate use of the office and may be interpreted as an attempt to interfere with and/or influence the process, contrary to the *Members' Integrity Act, 1994*.

INQUIRY NO. 21

Issue:

An MPP assisted a constituent with respect to an Order-in-Council appointment and subsequently received a $250 gift certificate to a restaurant in the MPP's riding. Can the MPP keep the gift certificate?

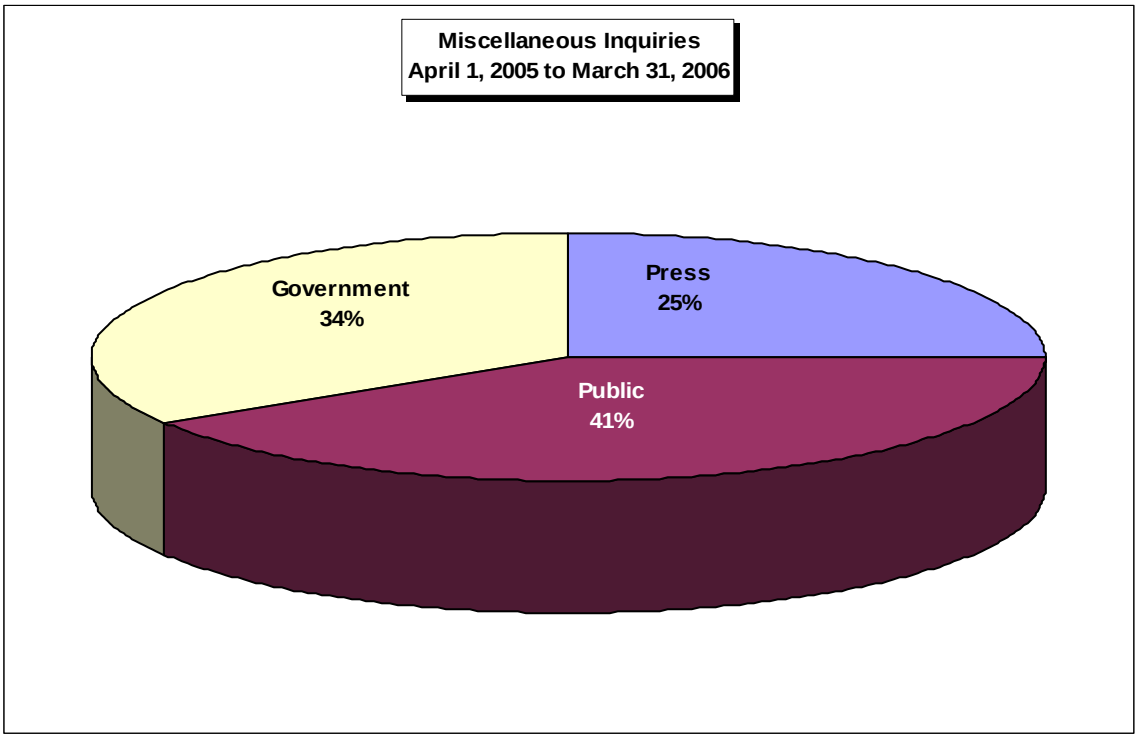
Opinion:

Assisting constituents in this regard is one of the MPP's responsibilities of office. The gift certificate should be returned to the constituent, since its acceptance would be inappropriate.

C. MISCELLANEOUS INQUIRIES

During the reporting period of this Report, 140 miscellaneous inquiries were received from all levels of governments, the public and the media, an increase of 25% 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 inquiry under s.30 was received and a report was issued by the Commissioner. The complete text is available on our website at http://integrity.oico.on.ca under "Commissioner's Reports", and a copy is available upon request.

(1) Report re: The Honourable Harinder Takhar, Minister of Transportation and Member for Mississauga Centre, with respect to The Chalmers Group of Companies, dated January 4, 2006.

FINANCIAL INFORMATION

A. 2005/2006 STATEMENT OF EXPENDITURES

Salaries and Benefits	$375,952.14
Transportation and Communications	$14,024.70
Services	$149,040.26
Supplies and Equipment	$12,322.01
	$551,339.11

B. PUBLIC SECTOR SALARY DISCLOSURE ACT, 1996

This statement is provided under the *Public Sector Salary Disclosure Act, 1996.*

Employee	Payment	Taxable Benefits
Coulter A. Osborne	$154,813.76	$0