

**Office of the Integrity Commissioner**

**ANNUAL REPORT**

**2007 – 2008**



**ONTARIO**

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Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

Office of the Integrity Commissioner

Bureau du commissaire à l'intégrité

**June 23, 2008**

**The Honourable Steve Peters  
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, 2007 to March 31, 2008.**

**This Report is submitted pursuant to section 24 of the *Members' Integrity Act, 1994*, and section 10 of the *Lobbyists Registration Act, 1998*.**

**Yours very truly,**

**Lynn Morrison  
Acting Integrity Commissioner**

OFFICE OF THE INTEGRITY COMMISSIONER  
**ANNUAL REPORT 2007-2008**  
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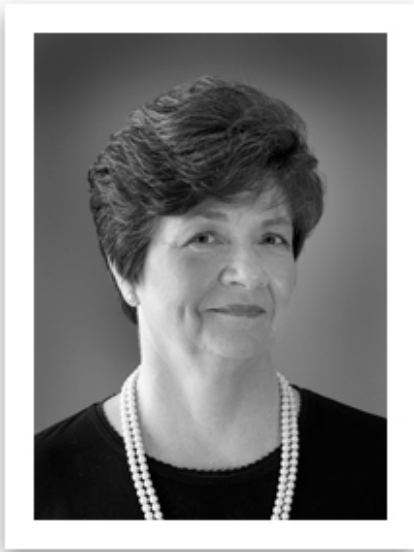
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# COMMISSIONER'S REMARKS

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LYNN MORRISON

On July 31, 2007, I was appointed Acting Integrity Commissioner and I am privileged to present to the Speaker of the Legislative Assembly the 2007-2008 Annual Report for the Office of the Integrity Commissioner.

This past fiscal year has seen a number of changes in this Office, the most significant of which was the retirement of The Honourable Coulter A. Osborne, Integrity Commissioner, who served from September 17, 2001 to July 31, 2007. I owe a debt of gratitude to Commissioner Osborne for his remarkable leadership and guidance not only to this Office during his tenure as Commissioner but also to the Members of Provincial Parliament.

Shortly after Commissioner Osborne's retirement, the *Public Service of Ontario Act, 2006* ("PSOA") was proclaimed. This legislation has the potential to strengthen the culture of ethics and accountability in the Ontario Public Service and has resulted in the Office of the Integrity Commissioner assuming the responsibility for two additional mandates.

## **NEW MANDATES – PSOA**

The first mandate relates to public servants who work in a Minister's office and former public servants who worked in a Minister's office (otherwise known as Ministers' Staff). As the Integrity Commissioner, I was appointed the Ethics Executive with respect to the application of the conflict of interest rules (which includes post-employment obligations) and political activity rights.

It is important to note that the accountability for ethical conduct and political activity rests with the Ministers; however, as Integrity Commissioner, I am responsible for interpreting the conflict of interest rules and political activity rights.

Prior to proclamation, Ministers' Staff were subject to a Conflict of Interest and Post-Service Directive which was administered by an arm's length Conflict of Interest Commissioner. On occasion and prior to proclamation, this Office was asked to provide advice to Ministers' Staff; however, the advice was provided on the basis of how the situation affected the Minister and Ministers' Staff were always encouraged to seek

further advice from the Conflict of Interest Commissioner. The new rules under the *PSOA* now provide for more structure and consistency of advice from one source.

The second new mandate falls under Part VI of the *PSOA*, which provides me, as the Integrity Commissioner, with the responsibility to confidentially receive disclosures of potential wrongdoing from all public servants. As elaborated on in the body of this Report, the *PSOA* creates two streams for making disclosures—internally within their Ministry or Public Body and externally to my Office. As an independent arm’s-length body, this Office is well situated to receive disclosures.

The internal disclosure of wrongdoing process involves a disclosure to either the Deputy Minister or the Chair of a public body, i.e. an Ethics Executive. The Ethics Executive is responsible for supporting ethical behaviour and ensuring that public servants are informed about the procedure for disclosing wrongdoing and protections from reprisals.

I believe the success of the Disclosure of Wrongdoing framework in the *PSOA* will not be determined by the number of disclosures received but by measuring whether public servants feel more engaged. Employees need to feel valued, have a voice and know that someone will listen. Good leadership will foster an ethical culture and at the same time promote a culture of “right-doing”.

Although this report only covers seven months of experience under the *PSOA*, much has been accomplished. Prior to the proclamation of the *PSOA*, it was determined that a satellite office was necessary in order to provide a facility in which public servants would feel welcome, comfortable and not have to risk encountering Members of Provincial Parliament and Ministers’ Staff who visit our offices on the 21<sup>st</sup> Floor of 2 Bloor Street East in Toronto. I am pleased we were able to obtain office space on the 7<sup>th</sup> Floor at 2 Bloor Street East and the office is known as “Office of the Integrity Commissioner – Ontario Public Service.”

Further, in preparation for this new mandate, this Office was very pleased to welcome Dollis Pegus as Intake Officer and Valerie Jepson as Counsel to the Integrity Commissioner to handle disclosures upon proclamation of the *PSOA*. Both Valerie and Dollis have been a welcome addition to our Office. I am grateful to both Valerie and Dollis for their enthusiasm, professionalism and dedication.

### **MEMBERS’ INTEGRITY ACT, 1994**

Ethical choices play a part in our daily lives and more often than not, we know what we should do. Nevertheless, there are times when the answer is not so clear and we struggle with making the right choice. These choices can be even more difficult for elected officials taking into consideration the pressures of constituents, lobbyists, party lines and their personal beliefs.

This is witnessed by the 359 inquiries received in the past fiscal year under section 28 of the *Members’ Integrity Act* from Members with respect to their responsibilities of office.

It is important to note that these inquiries continue to highlight the fact that the Members are seeking an opinion before acting so as to avoid the potential of a formal complaint.

There was a provincial election in October 2007 involving a total of 107 ridings, an increase of four ridings, and an increase from 103 to 107 members. Upon election, each Member is required to file a Private Disclosure Statement and to meet with me to review the Statement. I want to thank all Members for their cooperation in the timely filing of these Statements.

In the last Annual Report, Commissioner Osborne reported he had discussed amendments to the *Members' Integrity Act* with the Speaker and a committee which was set up for that purpose. These amendments remain pending and it is my hope that they will be dealt with in the next fiscal year.

### **LOBBYISTS REGISTRATION ACT**

Upon proclamation of the *Lobbyists Registration Act* in January, 1999, the Commissioner of the day delegated his authority to me as Lobbyist Registrar. In accordance with section 10 of the *Act*, the Integrity Commissioner is the Lobbyist Registrar, and I have continued that role in my capacity as Acting Integrity Commissioner.

During the past ten years, I have always been impressed with the number of calls I have received from lobbyists seeking guidance as to the appropriate activities with public servants and the registration requirements. I believe that I am in a unique position to provide advice to the lobbyists regarding appropriate lobbying activities because of this Office's mandate. For example, I can provide advice that takes into account how the lobbyists' activities may affect the MPPs and their responsibilities under the *Members' Integrity Act* or Ministers' Staff and their responsibilities under the *PSOA*.

During the period that I was Director of this Office, and particularly since my appointment as Acting Integrity Commissioner, I have been most fortunate to have the support of dedicated staff. They include my Assistant, Kim Fryer-Ellis, the Supervisor of Office Operations, Claire Allen, Office Assistant, Tracey Berwick, and the Systems Administrator, Charlie Hastings, all of whom have demonstrated their commitment with professionalism and hard work. I am grateful to each one.

I invite readers to read our Annual Report for more detailed information on the various operations of the Office of the Integrity Commissioner and we welcome your feedback.

# FINANCIAL INFORMATION

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## 2007/2008 STATEMENT OF EXPENDITURES<sup>1</sup>

Salaries and Benefits	\$638,625.00
Transportation and Communications	\$45,252.00
Services	\$406,190.00
Supplies and Equipment	<u>\$53,010.00</u>
	<u>\$1,143,076.00</u>

## PUBLIC SECTOR SALARY DISCLOSURE ACT, 1996

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

<u>Employee</u>	<u>Payment</u>	<u>Taxable Benefits</u>
The Honourable Coulter Osborne	\$111,463.21	\$164.99
Lynn Morrison	\$122,392.80	\$223.95

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<sup>1</sup> This year the Statement of Expenditures includes expenditures related to the *Lobbyists Registration Act, 1998*. Until this year, expenditures related to the *Lobbyists Registration Act, 1998* were reported separately.

# MPP INTEGRITY

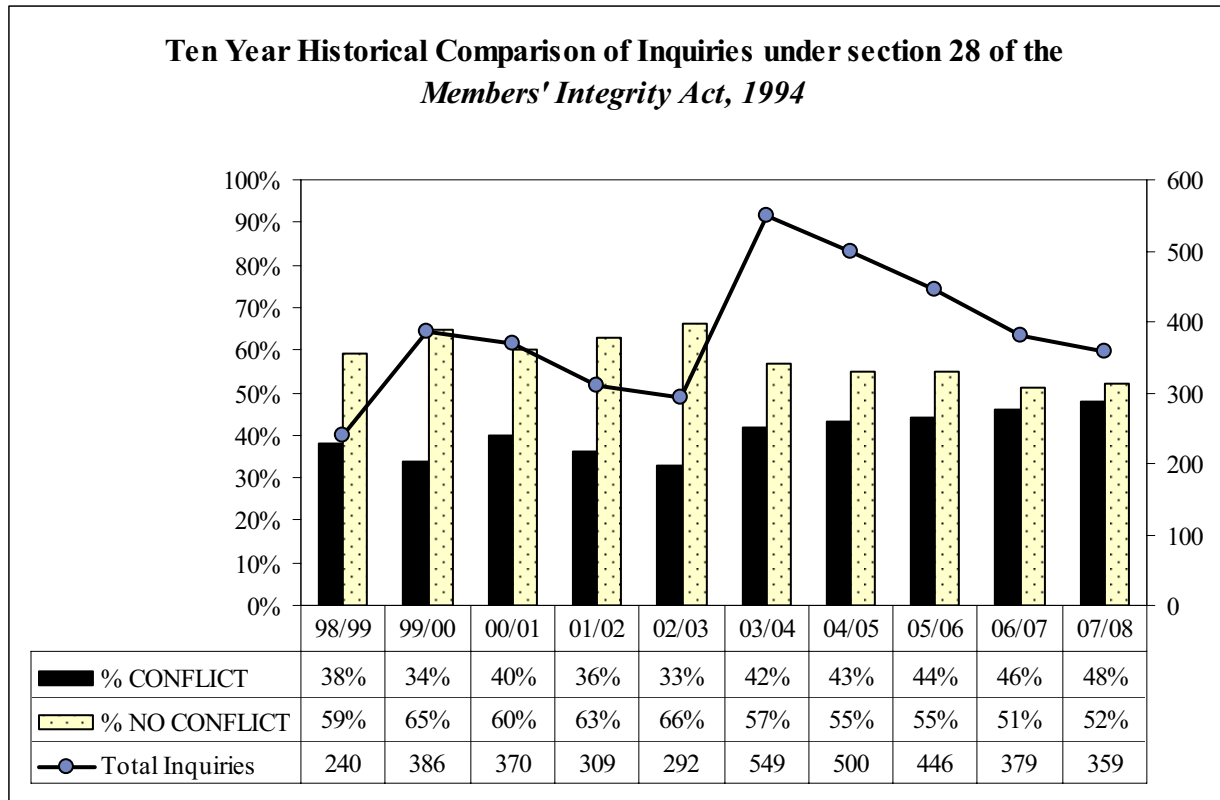
## **A. OVERVIEW**

A general election was held on October 10, 2007, and on April 15, 2008, 107 public disclosure statements were filed with the Clerk of the Legislative Assembly in accordance with section 21(6) of the *Members' Integrity Act, 1994*. All members were in compliance with the provisions of the *Act*.

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

MPPs have the option of filing private disclosure statements either manually or electronically. This year 43% of the members filed on line and we encourage all members to consider filing electronically.

## B. STATISTICS



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

**Inquiries under section 28 of the *Members' Integrity Act, 1994*  
Received April 1, 2007 to March 31, 2008**

Received from	Number Received	Conflict	No Conflict	No Jurisdiction
Member	354	169	180	5
Spouse	0	0	0	0
Trustee	1	0	1	0
Caucus	1	1	0	0
Executive Council	0	0	0	0
Committee	0	0	0	0
Former Minister	3	0	3	0
<b>TOTAL</b>	<b>359</b>	<b>170</b>	<b>184</b>	<b>5</b>

## **C. 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 N<sup>o</sup>. 1**

*Issue:*

An MPP inquired as to the appropriateness of displaying art from local artists on the walls of the constituency office.

*Opinion:*

To display art from one or two artists may be interpreted as favouring those artists over other artists. Displays of local art should be on a rotating basis providing a more equitable opportunity for all constituency artists.

Artists' names and the price of the art should not be displayed; however, if the constituency office receives an inquiry regarding the art, the artist's contact information can be provided.

### **INQUIRY N<sup>o</sup>. 2**

*Issue:*

An MPP wrote a letter to the British High Commission on behalf of a constituent. The constituent also contacted the Ombudsman regarding the same issue. The Ombudsman has now requested a copy of the letter written by the MPP. Can the letter be released to the Ombudsman?

*Opinion:*

Forwarding a copy of the letter to the Ombudsman's office is not a violation of the *Members' Integrity Act*; however, the constituent should provide written authorization to the MPP.

### **INQUIRY N<sup>o</sup>. 3**

*Issue:*

A constituency assistant has been invited to become a board member on the party's Federal and Provincial Executive in addition to other boards in the community and was seeking guidance as to the appropriateness of accepting the invitations and participating in rallies, fundraisers, letters to the Editor, etc.

*Opinion:*

Although the Integrity Commissioner does not have jurisdiction to provide opinions to constituency assistants, we have from time to time provided such advice as the constituency assistant's activities can affect the MPP. (Constituency Assistants are distinct from Ministers' Staff.)

[1] Becoming involved in the party's Federal and Provincial Executive as a board member is not a conflict, on the condition that the constituency office resources are not used and the MPP agrees with the constituency assistant's participation.

[2] Accepting appointments to other boards in the community is generally acceptable on the following conditions:

- (a) if the MPP is a Minister or Parliamentary Assistant, such activity does not fall under the ministry mandate;
- (b) such activity does not conflict with the constituency assistant's responsibilities in the constituency office;
- (c) the resources of the constituency office are not used; and
- (d) the MPP is aware of and agrees to the constituency assistant's involvement.

[3] Participating in rallies is acceptable on the condition that the MPP agrees with the assistant's involvement, however, care must be taken that the constituency assistant does not express opinions which may be contrary to the MPP's position. A constituency assistant represents all constituents, no matter their political persuasion. As specific situations arise, consideration should be given to contacting the Integrity Commissioner for further advice.

[4] Participating in fundraising activities is acceptable on the following conditions:

- (a) the MPP is aware of and agrees to the participation;
- (b) the activity is for a registered charity or benevolent cause;
- (c) the activity is carried out in a reasonable manner;
- (d) the constituency office is not used for purposes of soliciting donations.

Consideration should be given to contacting the Integrity Commissioner for further advice when specific opportunities arise.

[5] Care must be taken when writing letters to the Editor. Constituents will come to know who the constituency assistant is and any comments made by the constituency assistant personally may be interpreted as the MPP's position. The MPP should be aware of and agree with the constituency assistant's activities.

[6] As a constituency assistant, there are many ways to bring awareness to important issues within the community. As situations arise, consideration should be given to contacting the Integrity Commissioner with the specifics, at which time appropriate advice will be provided.

#### **INQUIRY N<sup>o</sup>. 4**

*Issue:*

A company located in the constituency is winding down and a pension plan issue has been before the Financial Services Commission of Ontario (“FSCO”) for a number of months and the MPP was asked to write to FSCO about the delay.

*Opinion:*

If the company is represented by a lawyer, the MPP should not become involved as it is the lawyer’s responsibility to take the action necessary on behalf of the constituent. Such involvement by the MPP may be interpreted as an attempt to interfere with the lawyer’s management of the file.

If the company is not represented by a lawyer, the MPP’s constituency office may inquire as to the status of the matter and obtain information as to the normal time lines. If the time elapsed appears to be out of line, the constituency office may ask for information as to whether there is a process for requesting that the matter be expedited and provide the information to the constituent. Care must be taken that the constituency office is not used for leverage or “political pressure” purposes, which would be contrary to section 4 of the *Members’ Integrity Act*.

#### **INQUIRY N<sup>o</sup>. 5**

*Issue:*

Can an MPP commission an affidavit?

*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.

#### **INQUIRY N<sup>o</sup>. 6**

*Issue:*

A Minister has inquired as to the appropriateness of providing a letter of reference for a candidate for the Order of Ontario.

*Opinion:*

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 any involvement by the Minister may be interpreted as an attempt to influence the decision, contrary to the *Members’ Integrity Act*.

In addition, proposed appointments for the Order of Ontario must go to Cabinet, and should the Minister write a letter of reference, it would be necessary for the Minister to recuse himself/herself from any discussions and voting. If a letter of reference is not provided, the Minister is entitled to speak to the matter when it comes before Cabinet.

## **INQUIRY N<sup>o</sup>. 7**

### *Issue:*

Can a Ministry respond to an email sent to the Minister's constituency office if the company writing the letter has its business in the Minister's riding?

### *Opinion:*

An inquiry sent to the Ministry should be responded to by the Ministry. This does not constitute a conflict for the Minister if the constituent, whether an individual or business, is in the Minister's riding.

Inquiries received at the Minister's constituency office regarding status, policies and procedures for matters involving the Minister's Ministry can be responded to by the constituency office and this does not place the Minister in a conflict. However, should a constituent request advocacy on the part of the constituency office, the constituent should be referred to a neighbouring MPP as such action by the Minister's constituency office may be interpreted as an attempt to interfere with and/or influence the process, contrary to the *Members' Integrity Act*.

## **INQUIRY N<sup>o</sup>. 8**

### *Issue:*

Can a member send Christmas cards with the status of MPP and Minister printed on the cards?

### *Opinion:*

It is inappropriate for an MPP to use both Ministry and MPP titles on a single card. Ministry and constituency business should be kept separate. Cards using the title MPP may be sent to constituents and cards using the ministerial title should be used for Ministry stakeholders. Printing and mailing costs should be allocated to the appropriate budgets. Constituency resources should not be used for Ministry cards and vice versa.

## **INQUIRY N<sup>o</sup>. 9**

### *Issue:*

A local Yacht Club has offered a membership card to an MPP/Minister as an Honourary Member. The membership enables participation in Club events and use of the dining facilities. Can the MPP/Minister accept the membership card?

### *Opinion:*

Complimentary memberships in golf clubs, curling clubs, etc. provided by private donors are not permitted. Tickets and passes to sporting events, theaters, etc. are in the same category unless there is a pre-existing relationship with the donor, or the gift is a protocol, custom or social obligation that normally accompanies the responsibilities of Office.

In this case, the Membership does not fall within the MPP/Minister's ministerial responsibilities and acceptance of the Honourary membership may be interpreted as an attempt to 'use' the MPP/Minister's office inappropriately by encouraging the use of the facilities, in which case, the MPP/Minister may be seen as favouring one entity over

another. It is, therefore, the Commissioner's opinion that the membership should not be accepted.

It should be noted that it is customary for MPPs to accept passes to government-funded entities such as the Royal Ontario Museum, Ontario Science Centre, Ontario Place, etc., because the use and enjoyment of these entities by public office holders and their guests helps promote the entities. Upon acceptance, if the value exceeds \$200, a Statement of Gifts and Benefits is required to be filed with the Commissioner within 30 days of receipt.

### **INQUIRY N<sup>o</sup>. 10**

*Issue:*

A Minister has been offered an appointment as a Patron of an organization that does not fall under the Minister's responsibilities. Can the appointment be accepted?

*Opinion:*

The designation 'Patron' generally implies support for the organization in question, but no active operational responsibility. It is a mark of honour, not involving management responsibility. Thus the Minister can accept the appointment; however, the Minister should not participate in any discussions regarding government funding or matters that may give rise to a conflict as a result of the Minister's status as a member of Executive Council. These matters should be considered on a case by case basis.

### **INQUIRY N<sup>o</sup>. 11**

*Issue:*

A question was raised as to the appropriate use of the ministerial fleet of cars. A Minister requires official confidential ministerial documents to be delivered to the constituency office for approval and signature and security is an issue.

*Opinion:*

The ministerial fleet should be used for reasonable ministerial business purposes only and should not be used for constituency business. Urban travel and delivery expenditures pertaining to constituency business fall under the Members' Global Office Support and Communications Budget as stated in Part 4: Members' Budgets and Entitlements in the Guide to Members' Allowances and Services and Members' Support and Caucus Staff.

If official ministerial documents require the attention of the Minister when in the constituency office, the use of a ministerial car to deliver the documents is appropriate, particularly if there is a security issue.

### **INQUIRY N<sup>o</sup>. 12**

*Issue:*

Cabinet Ministers are not permitted to present Petitions to the Legislative Assembly. That being the case, how much involvement can a Minister have in this process?

*Opinion:*

Petitions are a constituency matter and having a Petition available in the constituency office for constituents to sign is considered an activity under section 5 of the *Members' Integrity Act*. However, the Minister must ask another MPP who is not a member of Cabinet, to present the Petition in the Legislative Assembly.

**INQUIRY N<sup>o</sup>. 13**

*Issue:*

A volunteer constituent on a board of directors of a local club inquired as to the use of an MPP/Minister's name as a reference on a grant application directed to the Trillium Foundation; however, before receiving a response, the constituent proceeded with the application using the Minister's name.

A staff person from the local club contacted the constituency office as soon as it was noticed that the Minister's name was used and immediately contacted the MPP/Minister who in turn contacted the Integrity Commissioner.

*Opinion:*

Parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission—in this case the Trillium Foundation. Ministers always wear the cloak of ministerial responsibility, and 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 a Minister and thus could reasonably be considered as attempting to influence a decision, contrary to the *Members' Integrity Act*. Further, the action taken by the club was inappropriate as they did not have authorization to use the MPP/Minister's name.

The Integrity Commissioner recommended that:

[1] The MPP/Minister advise the Trillium Foundation that the Club did not have authorization to submit an application using the MPP/Minister's name.

[2] The MPP/Minister write to the Club confirming that authorization was not provided for the use of the MPP/Minister's name and advising that the Trillium Foundation has been advised to withdraw the name as a reference.

The constituency assistant and MPP/Minister showed good faith by informing the Integrity Commissioner at the earliest opportunity and by taking the above steps, the MPP/Minister has taken all the steps necessary to adhere to Ontario parliamentary convention.

#### **INQUIRY N<sup>o</sup>. 14**

*Issue:*

A constituent, who is represented by counsel, asked his MPP for assistance with respect to an issue with the Toronto Police Services.

*Opinion:*

The constituent has legal counsel and it is counsel's responsibility to take the action necessary to represent his/or her client. Any action by the MPP is an inappropriate use of the office and may be interpreted as an attempt to interfere with and/or influence the matter, contrary to the *Members' Integrity Act*.

#### **INQUIRY N<sup>o</sup>. 15**

*Issue:*

A Minister has been asked to provide a letter of reference for a friend's son facing criminal charges. Can the Minister write the letter?

*Opinion:*

Although there is no specific provision in the *Members' Integrity Act* prohibiting members from providing a letter of reference, or appearing in court as a witness, the Integrity Commissioner has ruled that members should not become involved in matters that are before the courts.

If a letter of reference from the Minister is essential to the defence, the defence lawyer is entitled to serve the Minister with a subpoena, however, any potential involvement would be personal and not as MPP or Minister.

#### **INQUIRY N<sup>o</sup>. 16**

*Issue:*

A constituent is involved in a matter which is presently before the courts and is seeking a meeting with the MPP with a view to obtaining the MPP's assistance.

*Opinion:*

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.

On this basis, there is nothing the MPP can do to be of assistance.

In order to avoid a potential conflict of interest, the MPP should not meet with the constituent at this time.

#### **INQUIRY N<sup>o</sup>. 17**

*Issue:*

Can an MPP collect pledges for a charitable cause?

*Opinion:*

Constituency offices must be non-partisan in all activities. By actively participating in the promotion of a charity, including the collection of pledges or donations, such activity may be interpreted as favouring one charity over another and ultimately, the MPP may be placed in the position of being asked to provide a similar service to many other organizations in the constituency.

In addition, should the pledges and/or donations become lost or stolen from the constituency office, the MPP could be held responsible.

It is the Commissioner's opinion that this activity would be an inappropriate use of the constituency office, however providing information to constituents as to where pledges and donations can be directed is acceptable.

**INQUIRY N<sup>o</sup>. 18**

*Issue:*

During a Writ period, an MPP inquired as to the appropriateness of writing a letter of support on behalf of a constituent and to a charity which receives government funding.

*Opinion:*

In the normal course, the MPP is entitled to write a letter of support on constituency letterhead. However, an election campaign is in progress and technically MPPs no longer hold office. Although constituency offices remain open during this period to serve constituents, constituency casework should only be handled by the staff who choose not to campaign. On that basis, it is not appropriate for the MPP to write a letter of support.

**INQUIRY N<sup>o</sup>. 19**

*Issue:*

An MPP has personally donated funds to a charitable cause. The names of those who make donations will have their names displayed on a plaque. Can the title MPP be included on the plaque?

*Opinion:*

The donation was made on a personal basis and using the MPP title would be misleading and it is an inappropriate use of the title.

**INQUIRY N<sup>o</sup>. 20**

*Issue:*

A local community legal clinic has asked an MPP if a link to their Clinic website could be included on the MPP's website.

*Opinion:*

Although placing a link to a community legal centre on the MPP's website provides information to constituents, it may also be interpreted as a form of advertising which would be inappropriate. The MPP represents all individuals and businesses in the constituency and there may be other legal resources within the community. Placing a link to one resource may be interpreted as preferring one entity over another.

**INQUIRY N<sup>o</sup>. 21**

*Issue:*

An MPP has been invited to attend the opening ceremonies of several fall fairs in the constituency; however, the Writ has been dropped. What role can the MPP play in these events?

*Opinion:*

Care must be taken to ensure that the MPP is not attending the fairs in the capacity of MPP as technically, the MPP is no longer an MPP during a Writ period. When addressing an audience, care must be taken to limit comments specifically to the event.

**INQUIRY N<sup>o</sup>. 22**

*Issue:*

A Minister is asked to sit on a Blue Ribbon Commission regarding issues pertaining to the Minister's riding.

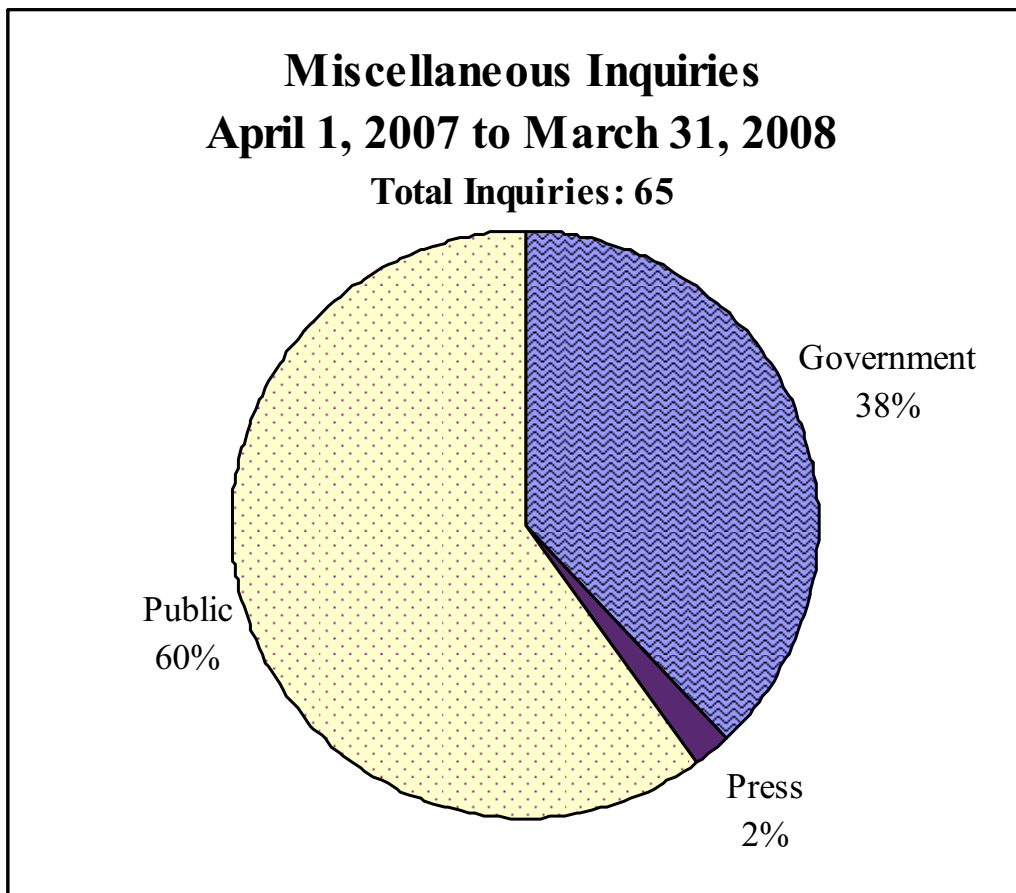
*Opinion:*

The Minister is also a member of a Cabinet Committee and this particular issue may come before this Committee. In order to avoid a potential conflict of interest, the Minister should not accept the invitation to sit on the Blue Ribbon Commission.

## D. MISCELLANEOUS INQUIRIES

During the reporting period of this Report, 65 miscellaneous inquiries were received from all levels of governments, the public and the media.

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*; reports by the Integrity Commissioner; public disclosure statements; policies and procedures of the Office and requests for copies of the Annual Report.



## E. 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 [www.oico.on.ca](http://www.oico.on.ca).

During the reporting period of this Annual Report, the following inquiry under section 30 was received and a report was issued by the Commissioner. The complete text is available on our website at [www.oico.on.ca](http://www.oico.on.ca) under "Reports", and a copy is available upon request.

(1) Report regarding an inquiry from Peter Kormos, Member for Welland with respect to whether Michael A. Brown, Member for Algoma-Manitoulin, as Speaker for the Legislative Assembly, breached Parliamentary Convention contrary to the *Members' Integrity Act, 1994* by attending a post-election celebratory dinner for Liberal caucus members and their spouses, dated February 14, 2008.

MINISTERS' STAFF-  
ETHICAL  
CONDUCT

## **A. OVERVIEW**

On August 20, 2007, the *Public Service Act of Ontario 2006*, (the “PSOA”) was proclaimed appointing the Integrity Commissioner as Ethics Executive for Ministers’ Staff.

Ministers’ Staff do not form part of the traditional public service. They are appointments made by the Government and they fulfill roles ranging from chiefs of staff, to ministerial drivers. Under the *PSOA*, Ministers are responsible for ensuring that their staff are familiar with the conflict of interest rules and for promoting ethical conduct among their staff.

The Integrity Commissioner provides advice and direction to Ministers’ staff on conflict of interest, political activity and post employment issues, not unlike the Integrity Commissioner’s responsibilities with respect to Members of Provincial Parliament. Each case requires independent assessment and as a result, Ministers’ staff are encouraged to contact this Office for advice.

The ethical conduct framework is set out in *Conflict of Interest Rules for Public Servants (Ministers’ Offices) and Former Public Servants (Ministers’ Offices)* (O. Reg. 382/07) (the “*Conflict of Interest Rules*”) and in sections 66 to 69 of the *PSOA*. The political activity rules are set out in sections 94-98 of the *PSOA*.

Ministers’ Staff are required to notify the Integrity Commissioner if they have a personal or pecuniary interest that could raise an issue under the *Conflict of Interest Rules* or if their political activities could conflict with the interests of the Crown. Ministers’ Staff are required to follow the directions issued by the Integrity Commissioner.

Since proclamation, the Office of the Integrity Commissioner has provided information sessions to a number of Ministers’ staff with respect to the Integrity Commissioner’s mandate. The Office welcomes all ministry invitations to provide information sessions for Ministers’ staff in the next fiscal year.

## **B. INQUIRIES**

During the reporting period of this Report, 71 Ministers' Staff inquiries were received.

The following inquiries represent a selection of anonymized versions of inquiries received since the proclamation of the *PSOA* in August 2007. These examples are not exhaustive and are abbreviated. The summaries are intended to provide a sense of the type of inquiries that we receive.

In addition, the summaries will help Ministers' Staff to determine when they should contact this Office. The Commissioner's directions are provided on the basis of specific facts and it is expected that Ministers' Staff will contact this Office for specific advice and guidance when similar issues arise.

All references made to "Public Servant" in the following inquiries refer to Public Servants in Ministers' Offices.

### **INQUIRY N<sup>o</sup>. 1**

*Issue:*

A Public Servant would like to accept part-time employment writing a weekly newspaper column with respect to a subject unrelated to government business.

*Determination/Direction:*

It is acceptable for the Public Servant to write the column under the following conditions:

1. The Minister is advised of the Public Servant's part-time employment and the Minister approves;
2. The column is written on the Public Servant's own time without using government resources;
3. Writing the column does not interfere with the Public Servant's Ministry work.

### **INQUIRY N<sup>o</sup>. 2**

*Issue:*

A Public Servant's parent is a bookkeeper and has a client who provides services to the Public Servant's Ministry.

*Determination/Direction:*

As the tendering process for the contract was conducted at a lower level in the Ministry and the Public Servant was not involved in that process, the Commissioner's opinion is that the Public Servant is not in a conflict of interest. In order to avoid a perceived conflict of interest, the Commissioner advises that the staff member should refrain from not only being involved in any discussions regarding the client at the Ministry, but also from discussions with the parent regarding the client.

### **INQUIRY N<sup>o</sup>. 3**

*Issue:*

A Public Servant has been offered Toronto Maple Leaf hockey tickets from a Ministry stakeholder.

*Determination/Direction:*

Section 4 (1) of the *Conflict of Interest Rules* states:

*A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:*

- 1. A person, group or entity that has dealings with the Crown.*
- 2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.*
- 3. A person, group or entity that seeks to do business with the Crown.*

A reasonable person may conclude that accepting the hockey tickets from a Ministry stakeholder could influence the public servant when performing his/her duties as it may set up an expectation of something in return.

Section 4 (2) states:

*“Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.”*

The hockey tickets are not of nominal value and attending the hockey game is not related to the Public Servant’s duties and responsibilities and therefore could not be considered an expression of courtesy or hospitality. The Public Servant must decline the hockey tickets.

When it comes to accepting gifts and benefits, it should be noted that each case needs to be assessed independently and as a result, Ministers’ staff are encouraged to contact the Office of the Integrity Commissioner for advice to determine whether accepting a gift or benefit is in compliance with section 4 of the *Conflict of Interest Rules*.

### **INQUIRY N<sup>o</sup>. 4**

*Issue:*

A Public Servant sits on the board of directors of a not-for-profit organization that is not a stakeholder to the Public Servant’s Ministry.

*Determination/Direction:*

It is acceptable for the Public Servant to sit on the board of directors under the following conditions:

1. The Minister is advised of the Public Servant’s board membership and the Minister approves;

2. The Public Servant recuses himself from any board discussions regarding provincial government funding and any other issue that could potentially conflict with the Public Servant's Ministry work;
3. The Public Servant does not use any government resources, including time, for board activities.

The Public Servant is encouraged to contact this Office in the future if particular circumstances arise that require clarification.

### **INQUIRY N<sup>o</sup>. 5**

*Issue:*

In the 12 months prior to joining the Minister's Office, a new Public Servant lobbied the Ministry on behalf of clients. What steps should the Public Servant take to avoid perceived, potential and actual conflicts of interest?

*Determination/Direction:*

It is the Commissioner's direction that for a period of 12 months the Public Servant should take all necessary steps to ensure that he or she is not lobbied by his or her former clients. The Public Servant is also reminded of the obligation not to give preferential treatment or the appearance of preferential treatment (section 6 of the *Conflict of Interest Rules*) when contacted by former colleagues or clients, which is an ongoing obligation.

### **INQUIRY N<sup>o</sup>. 6**

*Issue:*

A Public Servant who was employed by two different Ministries in the previous 12 months is leaving the public service to work for a government relations firm. What are the Public Servant's lobbying restrictions?

*Determination/Direction:*

The Public Servant is restricted from lobbying the Ministers, the offices of the Ministers and public servants who work in the two Ministries in which the Public Servant was previously employed for a period of 12 months following the termination of the Public Servant's employment with the Crown (section 18 (2) of the *Conflict of Interest Rules*).

### **INQUIRY N<sup>o</sup>. 7**

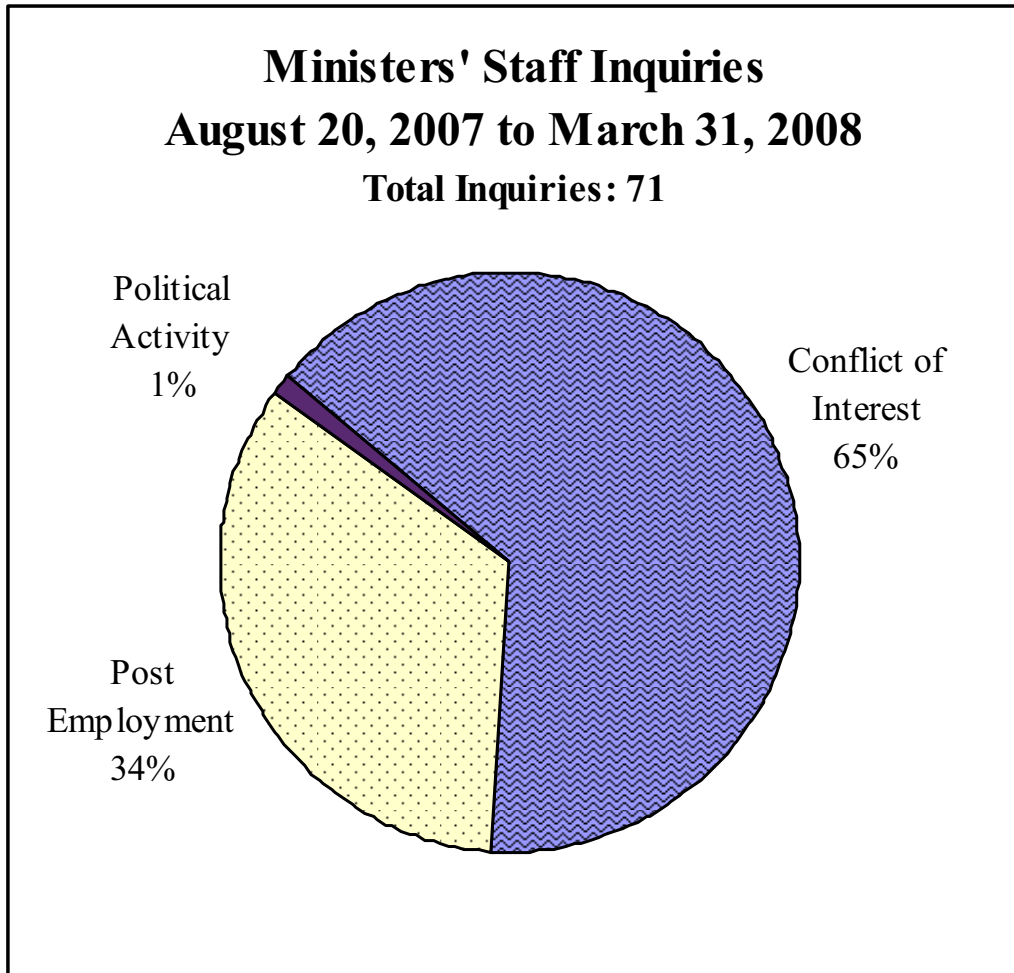
*Issue:*

A former Public Servant left the Crown six months ago and is now employed with a stakeholder to the former Public Servant's Ministry. The former Public Servant would like to meet with the former Ministry to introduce the stakeholders.

*Determination/Direction:*

It is the Commissioner's direction that the Public Servant should not attend the meeting with the former Ministry as introducing a stakeholder to the Ministry would constitute lobbying under the *Lobbyist Registration Act* and the Public Servant is prohibited from lobbying the former Minister, the office of the former Minister and any public servant in the Public Servant's former Ministry for a period of 12 months following the termination of employment with the Crown (section 18 (2) of the *Conflict of Interest Rules*).

## C. STATISTICS



EXPENSE REVIEW  
AND  
ACCOUNTABILITY

## **A. OVERVIEW**

The *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002* (the "*Expenses Act*") requires the Integrity Commissioner to review Travel, Meal, Hospitality and Accommodation expenses of Cabinet Ministers, Parliamentary Assistants, Opposition Leaders and their staff to determine whether those expenses are allowable expenses.

For Government claimants, expenses incurred in the performance of ministerial functions are reviewable if a claim was made for payment of the expense out of the Consolidated Revenue Fund. For Opposition Leaders and their staff, expenses incurred for Travel, Meal, Hospitality and Accommodation are reviewable if a claim was made for payment of the expense out of the Legislative Assembly Fund. A claim for payment pertaining to caucus-related or constituency work as a member of the Assembly is not governed by the *Expenses Act*.

An "allowable expense" is one that is reasonable and appropriate in circumstances that meet the standards set out in the applicable *Rules Governing the Expenses of Cabinet Ministers, Opposition Leaders and other persons* (the "*Rules*") which can be found on the Office of the Integrity Commissioner's website at [www.oico.on.ca](http://www.oico.on.ca).

## **B. PROCESS**

Once paid out of the Consolidated Revenue Fund, Ministerial expense claims are submitted to the Office of the Integrity Commissioner for review on a monthly basis.

Once paid out of the Legislative Assembly Fund, Opposition Leaders' and their staffs' claims are submitted to the Office of the Integrity Commissioner for review on a quarterly basis.

All expense claims are reviewed. If the claim is not in order, a Report of Exception may be issued by this Office requesting further clarification. Reports of Exception are forwarded to the appropriate Minister or Opposition Leader's office.

If an expense does not fall within the parameters set out in the *Expenses Act* or the *Rules*, or if the explanation received is not acceptable, the Integrity Commissioner has the authority to order reimbursement.

## C. COMMISSIONER'S REPORT

Section 10 of the *Expenses Act* 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. The report below for the fiscal year ending March 31, 2008 was filed with the Speaker subsequent to the year-end. A copy is also available on our website at [www.oico.on.ca](http://www.oico.on.ca).

**REPORT  
OF  
LYNN MORRISON  
ACTING INTEGRITY COMMISSIONER**

**RE: THE REVIEW OF EXPENSE CLAIMS SUBMITTED BETWEEN  
APRIL 1, 2007 AND MARCH 31, 2008, PURSUANT TO THE *CABINET MINISTERS' AND OPPOSITION  
LEADERS' EXPENSES REVIEW AND ACCOUNTABILITY ACT, 2002***

*The Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002* (the "*Act*") requires the Integrity Commissioner to review and approve expenses claimed by those covered by the *Act*, direct repayment or recommend other remedial action. The only expenses covered by the *Act* are those incurred for travel, hotels, meals and hospitality.

The *Act* provides that all expenses incurred by ministers, parliamentary assistants, leaders of the opposition and their staff must be filed with the Integrity Commissioner by the end of April in each year and that the Integrity Commissioner is to report annually to the Speaker of the Legislative Assembly.

A review of all the submitted expense claims for the period April 1, 2007 to March 31, 2008 has been completed, and I am pleased to report that all requests for reimbursements were complied with and all expense claims reviewed were subsequently approved.

I am grateful for the cooperation of all those who have responded to our requests for further information about the expense claims.

DATED at Toronto this 13<sup>th</sup> day of June 2008.



Lynn Morrison  
Acting Integrity Commissioner

ONTARIO  
PUBLIC SERVICE-  
DISCLOSURE OF  
WRONGDOING

## **A. INTRODUCTION – NEW RESPONSIBILITIES**

The *Public Service of Ontario Act*, 2006 (the “*PSOA*”) was proclaimed into force on August 20, 2007. Upon proclamation, the Integrity Commissioner’s mandate was expanded to include additional duties to receive disclosures of potential wrongdoing associated with the public service of Ontario and its work. The Integrity Commissioner’s duties in this respect are contained in Part VI of the *PSOA*, which is titled “Disclosing and Investigating Wrongdoing.”

Additional office space and staff were required to position this Office to fulfill these new and important duties. In June and July 2007, we hired an Intake Officer and a Counsel to coordinate the launch of the new Disclosure of Wrongdoing office. It is called the “Office of the Integrity Commissioner – Ontario Public Service” to acknowledge that the new responsibilities of this Office relate to Ontario’s public servants.

This Office is available to receive disclosures of wrongdoing not only from ministry employees but from the many employees who work for “public bodies,” a term defined in the *PSOA*. Examples of Public Bodies are the Financial Services Commission of Ontario, the Criminal Injuries Compensation Board, the Ontario Clean Water Agency. (For a complete list of the public bodies for which this Office can receive disclosures see Ontario Regulation 374/07.)

On the proclamation date the Office of the Integrity Commissioner – Ontario Public Service was open and prepared to receive disclosures of potential wrongdoings from public servants.

## **B. NETWORK OF INDEPENDENT PROTECTED DISCLOSURE OFFICERS**

Ontario joined the provinces of Manitoba and Nova Scotia, as well as the Federal Government, as a jurisdiction that has a protected disclosure framework for public servants. We have benefited greatly from the experiences of our counterparts and have taken steps to establish an informal network for exchange of information and best practices.

## **C. WHAT DO THE CHANGES MEAN FOR PUBLIC SERVANTS?**

The *PSOA* creates a framework within which public servants can disclose potential wrongdoings so that they are properly addressed without fear of reprisal. The framework

consists of two parts: (1) a procedure by which public servants can make disclosures and (2) protections against reprisal for public servants who make such disclosures. The Integrity Commissioner’s responsibilities relate primarily to the first part – when a public servant is making a disclosure.

The framework is designed to strike a balance so that public servants can come forward to disclose potential wrongdoings out of an obligation to serve the public interest while at the same time preserving a duty of loyalty to their employer. The hope is that any uneasiness associated with making a disclosure can be alleviated because the *PSOA* establishes how a public servant can make a disclosure and be protected from reprisal.

In some jurisdictions, the term “protected disclosure” is used in the legislation to describe the mechanisms in place. (See, for example, the Federal Government model contained in the *Public Servants Disclosure Protection Act*.) The Ontario legislation should be viewed in a similar light, even though the term “protected disclosure” is not used. Without an avenue for protected disclosure, an employee who witnesses an act of “wrongdoing” may feel unable to speak out – or blow the whistle – out of a duty of loyalty or for fear of reprisal.

The provinces with disclosure legislation, Manitoba and Nova Scotia, and the Federal Government have anti-reprisal protection provisions for public servants. In Manitoba and Nova Scotia, protected disclosures are received by the Ombudsman. At the federal level, disclosures are received by a newly created Integrity Commissioner who heads Public Sector Integrity Canada. There are many distinctions and nuances between the various frameworks. The common denominator is that public servants have an option to make a disclosure to an independent third party. This is the important role that the Integrity Commissioner plays in Ontario’s framework.

## **D. WHAT IS THE DISCLOSURE AND INVESTIGATING WRONGDOING FRAMEWORK?**

The *PSOA* creates two avenues by which public servants can make disclosures. First, public servants can make disclosures to their own “ethics executive,” which is a term used in the *PSOA*. Typically, an ethics executive is a Deputy Minister (in the case of a Ministry) or the Chair (in the case of a public body). Ethics executives are guided by Directive regarding the steps they must take upon receipt of a disclosure. It is the responsibility of Deputy Ministers and Public Body Chairs to ensure that their employees are informed about the framework.

However, public servants who have a “reason to believe that it would not be appropriate to disclose in accordance with” the internal procedures or who have already done so but have concerns that the matter is not being dealt with appropriately, can disclose a wrongdoing to the Integrity Commissioner. This is a critical part of the disclosure of

wrongdoing framework because it provides public servants with an alternative to proceeding internally. The ability to make a disclosure to a third party is recognized as a best practice for well-functioning protected disclosure frameworks. In the case of former public servants, they disclose the wrongdoing directly to the Integrity Commissioner.

## **E. WHAT CAN PUBLIC SERVANTS EXPECT WHEN THEY CONTACT THE OFFICE OF THE INTEGRITY COMMISSIONER?**

Since the *PSOA* was passed (and before proclamation), this Office received inquiries from public servants and members of the public about the disclosure of wrongdoing framework. It quickly became apparent that individuals were contacting this Office not only to make potential disclosures but to obtain information about the framework, generally. For this reason we began to track all contacts as “inquiries.” The staff at the Office of the Integrity Commissioner has spent significant time speaking with public servants on the phone and meeting with them in person to explain the framework and to provide information.

If a public servant expresses an intention to file a disclosure we ask the public servant to provide details about their allegations. In most cases, we request that a public servant complete a disclosure of wrongdoing form. The form assists the public servant in describing the circumstances of their disclosure, which in turn helps us to understand the nature of the public servant’s allegations.

Using this information, we complete a review of the file to determine whether the subject matter of the potential disclosure could *possibly* be a wrongdoing, as that term is defined in the *PSOA*. If it is not, the Integrity Commissioner has no jurisdiction to receive the matter. The Integrity Commissioner can only receive disclosures that are potential wrongdoings, which is defined in the *PSOA* as follows:

*108. (1) In this Part,*

*“wrongdoing” means,*

*(a) a contravention by a public servant, a minister or parliamentary assistant of an Act of the Assembly or of the Parliament of Canada, or of a regulation made under such an Act,*

*(b) an act or omission of a public servant, a minister or parliamentary assistant that creates a grave danger to the life, health or safety of persons or to the environment, where the danger is unreasonable having regard to his or her duties, powers and functions and any other relevant circumstance,*

*(c) gross mismanagement by a public servant, a minister or parliamentary assistant in the work of the public service of Ontario,*

*(d) directing or counselling wrongdoing within the meaning of clauses (a) to (c) by a public servant, a minister or parliamentary assistant. 2006, c. 35, Sched. A, s. 108 (1).*

As an example, if a public servant seeks to appeal a decision of an administrative tribunal, the Integrity Commissioner would not be able to receive this as a potential disclosure of wrongdoing because it could not possibly fit into one of the categories of wrongdoing (assuming there was no other alleged wrongdoing). In such a case, the public servant would be so advised.

Often times, the review process involves further contact with the potential discloser to clarify information. There have been occasions where the Integrity Commissioner is not able to receive a disclosure because the public servant has not provided sufficient information to assess the matter. In these cases, the public servant is invited to provide more information.

Once it is confirmed that the disclosure relates to a potential wrongdoing, the Integrity Commissioner is required to conduct a section 117 assessment.

### **SECTION 117 ASSESSMENTS**

Section 117 of the *PSOA* restricts the Integrity Commissioner's jurisdiction to deal with certain disclosures. Section 117 states:

*117. Where the Integrity Commissioner receives a disclosure of wrongdoing under section 116, the Commissioner shall refuse to deal with the disclosure if one or more of the following circumstances apply:*

- 1. The subject matter of the disclosure is being dealt with by another person or body as a matter of law enforcement or in accordance with a procedure established under this or any other Act.*
- 2. The subject matter of the disclosure is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure, established under this or any other Act, under a collective agreement or under an agreement of another kind.*
- 3. The subject matter of the disclosure is a matter that could be dealt with under Part V of the Police Services Act.*
- 4. The subject matter of the disclosure is the subject of,*
  - i. a decision made in the exercise of an adjudicative function by a court or other tribunal under this or any other Act, or*
  - ii. deliberations that have led or may lead to a decision made in the exercise of an adjudicative function by a court or other tribunal under this or any other Act.*

5. *The subject matter of the disclosure is related to the exercise of discretion by a prosecutor in relation to the prosecution of an offence.*
6. *The subject matter of the disclosure is not sufficiently important or the disclosure is frivolous, vexatious or made in bad faith.*
7. *There has been a substantial delay between the disclosure and the incidents that are the subject matter of the disclosure and because of the delay the proceeding would serve no useful purpose.*
8. *The subject matter of the disclosure relates solely to a public policy decision.*
9. *There is a valid reason, other than a circumstance described in paragraphs 1 to 8, for not proceeding with the disclosure. 2006, c. 35, Sched. A, s. 117.*

For the year ending March 31, 2008 the Integrity Commissioner was required to refuse to deal with certain disclosures because of paragraphs 1 and/or 2 of section 117.

### **SUB-SECTION 118(2) REFERRALS**

If, after the section 117 assessment is completed the Integrity Commissioner is able to deal with the matter, it is immediately referred to the appropriate person within the Ministry or public body for investigation. Typically this would be the Deputy Minister or the Public Body Chair. The Integrity Commissioner also has the ability to refer a matter to the Secretary of Cabinet if it would not be appropriate to refer to the Deputy Minister or Public Body Chair.

The *PSOA* requires that the person who receives the referral reports back to the Integrity Commissioner within 30 days. Upon receipt of the report, it is critically reviewed by the Integrity Commissioner. The Integrity Commissioner can make recommendations, request additional information or conclude that the report addresses the potential wrongdoing.

However, the Integrity Commissioner can also conclude that the report it received is not satisfactory and commence a new investigation. As of March 31, 2008, the Integrity Commissioner was not required to conduct any investigations.

## **F. REPORT ON ACTIVITY**

### **TOTAL INQUIRIES**

We received thirty (30) inquiries from public servants and members of the public. Four (4) of these inquiries were received prior to proclamation.

Of the thirty (30) inquiries, four (4) were from members of the public. Two (2) of the members of the public indicated an intention to file a disclosure. The Integrity Commissioner is only able to receive disclosures from public servants so these

individuals were re-directed, where possible, to the appropriate office for making their complaint.

### **PUBLIC SERVANT INQUIRIES**

Of the twenty-six (26) inquiries from public servants, eleven (11) were from public servants who sought only to request information about the disclosure framework.

### **POTENTIAL DISCLOSURES OF WRONGDOING REVIEWED**

The remaining fifteen (15) public servants sought to file a disclosure of wrongdoing and, in most cases, completed a disclosure form. Some public servants sought to file more than one disclosure regarding different matters. In the result, there were twenty-two (22) matters which required review.

Each matter was reviewed as described in section E above. In summary, each file is reviewed to determine whether: (1) there was sufficient information to assess the allegations and if so, (2) the allegations could possibly be a “wrongdoing” as that term is defined in the *PSOA* and if so, (3) any of the circumstances in section 117 required the Integrity Commissioner to refuse to deal with the disclosure. If the Integrity Commissioner was able to deal with the matter it was referred to an appropriate person in accordance with section 118(2).

The status of the matters under review at year end is as follows:

- Two (2) matters were received as potential wrongdoing and referred to the appropriate Deputy Minister/Public Body Chair for investigation in accordance with sub-section 118(2) of the *PSOA*.
- Five (5) matters were received as potential wrongdoing but the Integrity Commissioner was unable to deal with the subject matter because of section 117 of the *PSOA*.
- Four (4) matters were not able to be received as potential wrongdoing because of insufficient information.
- Three (3) matters were not able to be received as potential wrongdoing because the allegations could not possibly reveal a potential wrongdoing as that term is defined in the *PSOA*.
- Eight (8) of the matters remained under review.

## **G. REFERRALS MADE UNDER SUB-SECTION 118(2)**

As noted above, two referrals were made to the appropriate Deputy Minister/Public Body Chair of the affected Ministry/Public Body. One referral remained outstanding as of year end.

## **OUTCOME OF THE FIRST REFERRAL**

The Integrity Commissioner was satisfied with the outcome of the report flowing from the first referral made. Accordingly, the Integrity Commissioner did not commence an investigation under section 122 of the *PSOA*. The matter involved a potential violation by a public servant of the *Conflict of Interest Rules for Public Servants (Ministry) and Former Public Servants (Ministry)*, which was investigated and addressed. The Integrity Commissioner determined that the nature of the transgression did not call for any further monitoring.

## **H. INFORMATION ABOUT REPRISALS**

As of March 31, 2008, the Integrity Commissioner is not aware of any activity under the reprisal provisions of Part VI of the *PSOA*.

## **I. STATISTICS**

<b>Reporting required under sub-section of s.133 (1) of the <i>PSOA</i></b>		<b>No.</b>
(a)	the number of disclosures received by the Commissioner under section 116 during the year;	7
(b)	the number of refusals made by the Commissioner under section 117 during the year;	5
(c)	the number of referrals made by the Commissioner under sub-section 118 (2) during the year;	2
(d)	the number of reports in which the Commissioner makes recommendations under section 121 during the year;	0
(e)	a summary of what the Commissioner knows respecting responses to recommendations under section 121 during the year;	n/a
(f)	the number of investigations initiated by the Commissioner under section 122 during the year;	0
(g)	a summary of what the Commissioner knows respecting the outcomes during the year of findings of reprisals under this Part;	See above
(h)	anything else that the Commissioner considers relevant in respect of his or her activities under this Part during the year.	See above <sup>2</sup>

<sup>2</sup> The reporting requirement under section 133 (1) of the *PSOA* does not call for the reporting of much of the routine activity of this Office. The section titled Report on Activity for 'Disclosing and Investigating Wrongdoing' elaborates on this activity.

# LOBBYISTS REGISTRATION

## **A. OVERVIEW**

The *Lobbyists Registration Act, 1998* recognizes that lobbying is a legitimate activity. It provides lobbyists with free and open access to government while safeguarding the integrity of public office holders and protecting them from undue influence. The lobbyist registration system provides the public, public office holders and lobbyists with the opportunity and the means to know who is talking to whom in government about what.

All persons who meet any of the definitions of lobbyist under the *Lobbyists Registration Act* must register their activities on the lobbyist registry, which is accessible through the Lobbyists Registration Office website [www.oico.on.ca](http://www.oico.on.ca). This website is the principal means of disseminating information relevant to the public, public office holders and lobbyists with respect to those working to influence government activities.

Lobbyists are required to file registration forms and have a choice to file manually or electronically, through the Lobbyists Registration Office website. As of the date of this Annual Report, 100% of the registrations are filed electronically.

Users can search the registry to produce their own reports and obtain copies of a lobbyist's registration form, free of charge, using their personal computer or through the facilities available at the Lobbyists Registration Office.

Any person who contravenes the Ontario *Lobbyists Registration Act* is liable on summary conviction to a fine of up to \$25,000.

There have been no charges laid under the *Lobbyists Registration Act* since its proclamation on January 15, 1999.

## **B. STATISTICS**

Statistics by lobbyist type, active companies and inactive registrations are available on the website and are up-dated on a daily basis.

### **REGISTRATIONS**

As of March 31, 2008, active registrations decreased from 1,747 to 1,700 and inactive registrations have increased from 4,515 to 5,367. Inactive registrations include undertakings which have been completed or terminated.

### **CONSULTANT LOBBYISTS**

Consultant lobbyists are required to file a registration for each client and undertaking. 295 active consultant lobbyists were registered as of the fiscal year end, representing a total of 1,346 registrations.

### **IN-HOUSE LOBBYISTS (PERSONS & PARTNERSHIPS)**

As of the date of this Report, 147 employees registered on behalf of their corporate employer when their lobbying activity represented a significant part of their duties. These employees represented the interests of 71 businesses.

### **IN-HOUSE LOBBYISTS (ORGANIZATIONS)**

As of March 31, 2008, 207 senior officers who lobby the Ontario government as a significant part of their duties were registered on behalf of their in-house organizations and the paid employees, totaling 884. This group included industry, business and professional groups, together with charitable organizations.

#### **LOBBYISTS AND REGISTRATIONS AS OF MARCH 31, 2008**

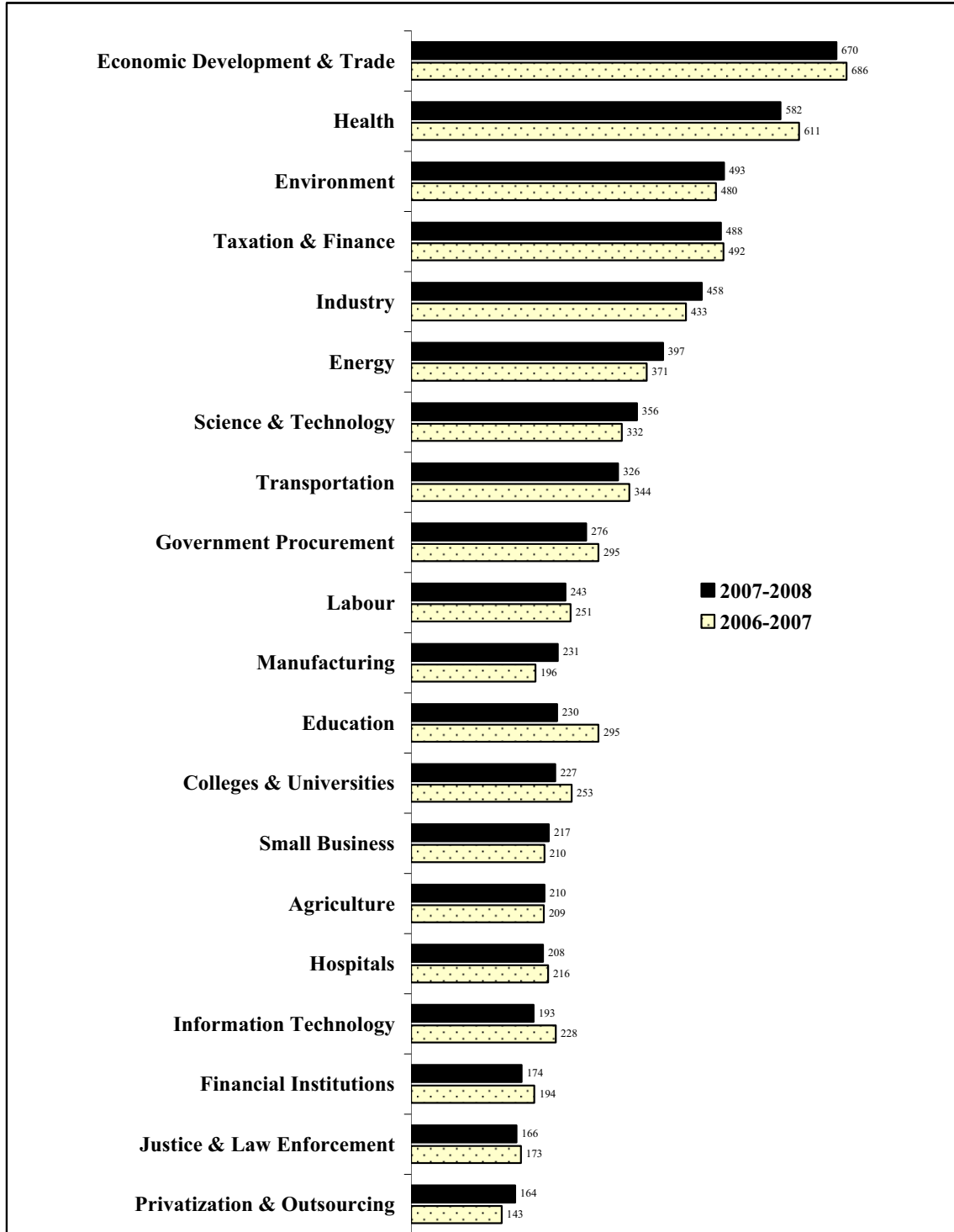
	<b>Consultant Lobbyists</b>	<b>In-House Lobbyists (Persons &amp; Partnerships)</b>	<b>In-House Lobbyists (Organizations)</b>
Lobbyists	295	147	884
Registrations	1,346	147	207
Terminations	5,192	138	37

#### **ACTIVE COMPANIES AS OF MARCH 31, 2008**

Consultant Lobbyists - Firms	170
Consultant Lobbyists - Clients	769
In-House Lobbyists (Persons & Partnerships) Employers	71
In-House Lobbyists (Organizations) Employers	207

**SUBJECT MATTER OF LOBBYING ACTIVITIES**

All lobbyists are required to disclose the areas of interest that identify the subject matter of their lobbying activities. The following chart compares the last two fiscal years and shows the 20 areas of interest most frequently identified by the lobbyists in active registrations as of March 31, 2008.



## **GOVERNMENT MINISTRIES AND AGENCIES**

All lobbyists are required to disclose the names of the ministries and agencies that they are, or expect to be, in contact with during the course of their lobbying activities. The chart below sets out those 20 Ontario government ministries and agencies most frequently contacted by the lobbyists in the two fiscal years prior to March 31, 2008.

