



**OFFICE OF THE INTEGRITY  
COMMISSIONER**

**REPORT**

**OF**

**THE HONOURABLE ROBERT C. RUTHERFORD  
COMMISSIONER**

**RE: THE HONOURABLE MICHAEL D. HARRIS,  
PREMIER OF ONTARIO**

**TORONTO, ONTARIO  
January 29, 2001**

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INTEGRITY COMMISSIONER**

**RE: THE HONOURABLE MICHAEL D. HARRIS, PREMIER OF ONTARIO**

**BACKGROUND**

On 27 December 2000 I released my report on the allegations that Mr. David Ramsay, M.P.P. for Timiskaming-Cochrane, advanced against the Premier of Ontario, the Honourable Michael D. Harris, on 11 September 2000. According to Mr. Ramsay, Mr. Harris engaged in "an improper and extraordinary use of the office of Premier of Ontario": Mr. Ramsay alleged that Mr. Harris sought to ensure that a private sector contractor received a contract to dispose of Toronto's garbage at the Adams Mine landfill site at Kirkland Lake. I considered anxiously both the allegations that Mr. Ramsay put forward on 11 September 2000 and the evidence he adduced to support them. My report of 27 December 2000 shows that I discerned no grounds for inquiring into them any further. Further to s. 30(5) of the Members' Integrity Act, 1994 ("the Members' Integrity Act"), I explained in detail the circumstances leading me to this conclusion.

Mr. Ramsay wrote to me on 22 January 2001, requesting that I reconsider his complaint of 11 September 2000 against Mr. Harris. He claimed that new evidence marked a friend and supporter of Mr. Harris as connected with the Adams Mine landfill site project and as having a stake in bringing it to fruition. A copy of Mr. Ramsay's letter of 22 January 2001 and the accompanying affidavit of the same date is attached to this opinion as Exhibit "A".

**ISSUE**

Mr. Ramsay did not claim in his letter of 22 January 2001 that Mr. Harris infringed a specific statute or parliamentary convention. However, his comments imply that he views Mr. Harris as violating ss. 2, 3 and/or 4 of the Members' Integrity Act in promoting the plan to dispose of Toronto's garbage at the Adams Mine landfill site. He claimed: "I believe the Premier is still an active participant in the promotion of the Adams Mine Project in order to further the interest of his friends and political allies." The lion's share of the evidence he has adduced relates to Ms. Barbara Minogue and her connexions with Mr. Harris. Therefore the issue before me is whether his evidence about her shows Mr. Harris as infringing the aforementioned sections of the Act.

**ANALYSIS**

I begin my analysis by stressing the same point I made in my report of 27 December 2000: the Mayor of Toronto has reportedly stated that "the Adams Mine deal is

completely dead.” Nothing in Mr. Ramsay’s letter of 22 January 2001 or the accompanying affidavit speaks to the contrary. Whether Mr. Harris conducted himself properly in supporting the disposal of Toronto’s garbage in the Adams Mine landfill site thus remains a largely moot issue.

At the same time media interest in Mr. Harris’ role in promoting the Adams Mine project has been lively. Recognizing public concern about this matter, I hasten to furnish an opinion responding to Mr. Ramsay’s complaint of 22 January 2001.

Mr. Ramsay’s complaint arises from a chance encounter with Ms. Minogue on 20 December 2000. While waiting at Pearson Airport for a flight to North Bay, he had occasion to speak to her. During the ensuing conversation, the plan to transport Toronto’s garbage to the Adams Mine landfill site was mentioned. He related that she informed him “jokingly” that he had “ruined her retirement.” She went to advise him that she was a shareholder in the Adams Mine project.

Ms. Minogue’s connexions with Mr. Harris are twofold: she is his campaign manager in the Nipissing riding; and her husband Mr. Peter Minogue numbers among his friends. Mr. and Ms. Minogue both reside in North Bay, Ontario.

If Ms. Minogue is a shareholder in the Adams Mine project, she presumably qualifies as having a private interest in it. Whether or not Mr. Harris supported it with the specific intent to further her private interest is a question of evidence.

In my report of 27 December 2000, I emphasized that the Adams Mine project was supportable on objectively justifiable grounds: the Keele Valley landfill site currently in use arouses environmental concerns and at any event, is approaching the end of its useful life; and garbage disposal at Kirkland Lake would have the beneficial effect of creating jobs.

Does the extant evidence establish further that Mr. Harris’ support for the Adams Mine project arose not solely on objectively justifiable grounds but at least partially from a specific intent to advance Ms. Minogue’s private interest? If I were to find that he sought improperly to further her private interest, this query would require an affirmative answer. Yet I can find no evidence implying that he had any specific intent to further her private interest. Absent positive evidence showing such a specific intent on his part, I must infer that any benefits accruing to her as a shareholder in the Adams Mine project were incidental.

The material I received in conjunction with Mr. Ramsay’s complaint of 11 September 2000 against Mr. Harris imply that he may have been amenable to the Adams Mine project as early as June 1991. No evidence submitted to me shows that Mr. Harris and Ms. Minogue even knew one another in June 1991 or that she had any private interest in the project at that time.

On balance, the evidence submitted on 22 January 2001 falls short of showing that Mr. Harris, in promoting the Adams Mine project, violated ss. 2, 3 and/or 4 of the Members' Integrity Act. It does not establish that he knew or ought to have known that his support for the project created an opportunity improperly to further Ms. Minogue's private interest. Nor does it confirm that in promoting the project, he exploited information obtained in his capacity as a member of the Assembly or as Premier improperly to further or seek to further her private interest. Nor again does it depict him as striving improperly to further her private interest by utilizing his standing as a member of the Assembly or as Premier to influence a decision to be made by someone else.

### OPINION

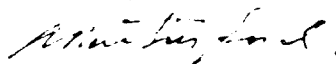
Section 30(5) of the Members' Integrity Act states:

If the Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report.

For the reasons stated, it is my opinion that s. 30(5) applies, and that there are no grounds to hold an inquiry into the complaint that Mr. Ramsay made on 22 January 2001 regarding Ms. Minogue and her connexions with Mr. Harris.

I observe in closing, however, that I am willing to revisit Mr. Ramsay's complaints of 11 September 2000 and 22 January 2001 if additional evidence surfaces that casts significantly greater light on their subject matter.

**DATED** at Toronto this 29<sup>th</sup> day of January 2001.



The Honourable Robert C. Rutherford  
Integrity Commissioner

JAN 23 2001

Legislative Building  
Queen's Park  
Toronto, ON M7A 1A4  
Tel: (416) 325-7137  
Fax: (416) 325-9007



LEGISLATIVE ASSEMBLY

**DAVID RAMSAY**  
M.P.P./Depute provincial  
TIMISKAMING - COCHRANE

Office 424  
234 Ferguson Avenue  
Timiskaming, ON P0J 1K0  
Tel: (705) 672-2488  
Fax: (705) 672-3241

29 Duncan Avenue  
Kirkland Lake, ON P2N 1X5  
Tel: (705) 567-4650  
Toll Free: 1-800-461-2186  
Fax: (705) 567-4208

www.davidramsay.on.ca  
david@davidramsay.on.ca

January 22, 2001

## Exhibit "A"

Honourable Robert C. Rutherford  
Commissioner  
Office of the Integrity Commissioner  
101 Bloor Street West, Suite 1301  
Toronto, ON M5S 2Z7

Dear Commissioner:

I am requesting that you reconsider my complaint against the Honourable Michael Harris, premier of Ontario in regard to his involvement in promoting the Adams Mine landfill Proposal.

I do this in light of new evidence. I am submitting an affidavit I swore out on January 22, 2001 that documents that Mike Harris' Nipissing Riding campaign manager, Barb Minogue of North Bay has a financial interest in the garbage proposal.

The new information shows that yet another friend and supporter of the Premier is connected to this project and has an opportunity to profit from its success.

I believe this should be of further interest as Barb Minogue is the wife of the Premier's friend Peter Minogue who it was recently revealed benefited from the purchase of a piece of crown land in North Bay in order to create a golf course. Again there are allegations as to the overriding of development conditions recommended by the Ministry of Natural Resources.

I believe the Premier is still an active participant in the promotion of the Adams Mine Project in order to further the interest of his friends and political allies and that this matter should be fully investigated.

Sincerely,

A handwritten signature in cursive script that reads "D Ramsay".

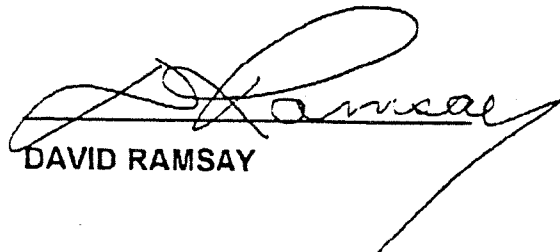
David Ramsay, M.P.P.  
Timiskaming-Cochrane

**AFFIDAVIT OF DAVID RAMSAY, MPP  
SWORN JANUARY 22, 2001**

I, **DAVID RAMSAY**, of the Township of Casey make oath and say as follows:

1. On Wednesday December 20, 2000, while waiting for a flight to North Bay at Pearson Airport, I had occasion to speak with Barb Minogue, local Campaign Manager for Premier Mike Harris.
2. Barb Minogue is the wife of Peter Minogue, and both are residents of North Bay, Ontario.
3. During my conversation with Ms. Minogue, another passenger commented on the Adams Mine Landfill Project. At that point, Barb Minogue stated to me, jokingly, that I had "ruined her retirement". I replied to her that I was unaware that she was an investor in the Adams Mine Project. Ms. Minogue advised me that she was a shareholder in the project.

SWORN before me at the )  
 Town of New Liskeard in the )  
 District of Temiskaming )  
 )  
 on January 22, 2001. )



**DAVID RAMSAY**

A Commissioner for Taking Affidavits, Etc.

