

Legislative
Assembly
of Ontario



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OFFICE OF THE INTEGRITY COMMISSIONER

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REPORT

OF

**LYNN MORRISON
INTEGRITY COMMISSIONER**

**RE: LAURIE SCOTT, MEMBER FOR HALIBURTON-
KAWARTHA LAKES-BROCK**

TORONTO, ONTARIO

October 1, 2013

**RE: LAURIE SCOTT, MEMBER FOR HALIBURTON-
KAWARTHA LAKES-BROCK**

[1] In a complaint under section 30 of the *Members' Integrity Act, 1994* (the "Act"), Phil McNeely, the member for Ottawa-Orléans, alleged that Laurie Scott, the member for Haliburton-Kawartha Lakes-Brock, contravened the Act because of some content that appeared on her constituency website, <http://lauriescottmpp.com/> (the "constituency website"). Screen shots of the content at issue are attached to this Report as Appendix A.

[2] Mr. McNeely first attempted to make his complaint on June 10, 2013. However, his complaint was not filed with the Speaker and therefore was not compliant with the Act or the Procedure for Complaints under Section 30 of the *Members' Integrity Act, 1994* (the "Procedure") until July 4, 2013.

[3] I sought additional information from Mr. McNeely to clarify his allegations, which was provided on July 29, 2013.

[4] In accordance with the Procedure, on July 31, 2013 I informed Mr. McNeely and Ms. Scott that I intended to proceed with an inquiry under section 31(1) of the Act.

The Complaint

[5] Mr. McNeely alleged that Ms. Scott contravened Ontario parliamentary convention because the constituency website included information about a fundraiser being hosted by the Haliburton-Kawartha Lakes-Brock Progressive Conservative Party of Ontario Riding Association.¹

¹ Although I use the term "riding association" in this report it is important to note that the proper legal term for these entities pursuant to the *Election Finances Act* is "constituency association." I have chosen to use the term "riding association" to reference the entity affiliated with a provincial political party geared toward supporting and electing a member of provincial parliament.

The Immediate response by Ms. Scott

[6] There was media coverage in June 2013 about Mr. McNeely's attempt to file a complaint. As soon as the media coverage occurred, Ms. Scott contacted this Office to obtain clarification about the allegations. Within a day, she contacted this Office again to indicate that she had found the entry about the fundraiser on the website and that it had been removed. She advised that it was a mistake and that it should not have been placed on the website. Further, she requested that I conduct a training session with her staff at her constituency and Queen's Park offices and this session took place on June 19, 2013. In direct response to this inquiry, Ms. Scott stated, "I sincerely apologize if this matter resulted in an inadvertent breach of the [Act]."

Ontario Parliamentary Convention

[7] There is no debate between Mr. McNeely and Ms. Scott about whether it was contrary to Ontario parliamentary convention for information about the riding association's fundraising activity to appear on Ms. Scott's constituency website. It is useful however to discuss the concept of parliamentary convention and the particular convention at stake in this inquiry.

[8] Parliamentary convention has been described by former Commissioner Coulter Osborne as follows:

Parliamentary convention refers to that which is generally accepted as a rule or practice in the context of norms accepted by parliamentarians. The elements of parliamentary convention are framed by the core principles which provide the general foundation for the Act as set out in the Act's preamble (the reconciliation of private interests and public duties).²

[9] The following types of conduct have been found to be contrary to Ontario parliamentary convention: a minister advocating before an agency, board or commission on behalf of a constituent³, a minister advocating to the judiciary regarding a matter⁴, a

² Report Re: Ms. Sandra Pupatello, Deputy leader of the Official Opposition and Member for Windsor West, December 12, 2002 (the "Pupatello Report").

³ Report Re: Allan Leach, Member for St. George-St. David, June 25, 1997; Annual Report of the Office of the Integrity Commissioner, 1994-1995 at 5.

⁴ Ibid.

member using constituency resources for partisan purposes,⁵ providing constituency services on a website with partisan content,⁶ a member using the benefit of a contract between the government and a service provider on behalf of a friend and constituent⁷, a member using his inspection privileges to allow access to a provincial facility by a member of the press under false pretenses,⁸ and a minister assigning a minister's staff to oversee and supervise a constituency office.⁹

[10] It has long been established that MPPs should not use their constituency offices for partisan purposes. In the Report Re: Ted Chudleigh, Member for Halton, I was required to consider whether this convention extended into the websites of MPPs. In that case, I determined that members who offer constituency services on the internet – a virtual constituency office – must follow the same rules that are followed in their physical constituency offices. This finding was based on the observation that constituents in Ontario expect that their constituency services will be provided to them in a non-partisan manner.

[11] In the Chudleigh Report, I concluded that it did not matter whether the website at issue was funded by public funds. The issue was whether a constituent, who visits a website that they reasonably believe to be a member's constituency website, also has an expectation that this website will be non-partisan. I concluded that they do. The Chudleigh Report clarified that these websites should not display party logos, reference riding associations, include information about riding association activities or provide information about how to make political donations.

⁵ Various annual reports of the Office of the Integrity Commissioner, referenced in Report Re: Ted Chudleigh, Member for Halton, December 11, 2008 (“Chudleigh Report”) at paras 19-13, 28-30 and para 39.

⁶ Chudleigh Report.

⁷ Papatello Report.

⁸ Report Re: Mr. David Levac, Member for Brant, July 23, 2003.

⁹ Report Re: Brad Duguid, Member for Scarborough Centre, July 11, 2013.

Issue

[12] The issue to be addressed in this inquiry was: Did Ms. Scott act contrary to Ontario parliamentary convention by using her website for partisan purposes or by using constituency staff for partisan purposes?

Findings

[13] My staff interviewed Ms. Scott and her staff members. Ms. Scott does not post content on her website herself. She has delegated this responsibility to her staff. She has expectations about what kind of information ought to be posted on the website and she is (as noted above) aware that it should not include partisan political information. Occasionally, Ms. Scott will ask that specific content be posted to the website. Ms. Scott's staff understood that content relating to political fundraising should not be posted to the constituency website.

[14] Ms. Scott had no recollection of how the specific posting at issue ended up on the website. She was not aware that it was on the website until Mr. McNeely made his complaint. The main staff person responsible for the website content did not remember posting the entry in question but there is no question it was posted. In my opinion, it does not matter who posted the material: it was a mistake and it was corrected. I am satisfied, particularly in light of Ms. Scott's proactive step of securing training from this Office, that the likelihood of a similar mistake happening in the future is remote.

Conclusion

[15] It is my opinion that Ms. Scott contravened Ontario parliamentary convention because her website included information about her riding association's fundraiser. Although Ms. Scott did not post the information to the website herself, the website is a critical communication tool for the constituency office and it is Ms. Scott's responsibility to ensure the content on that site is compliant with the clearly-established parliamentary convention at issue in this case.

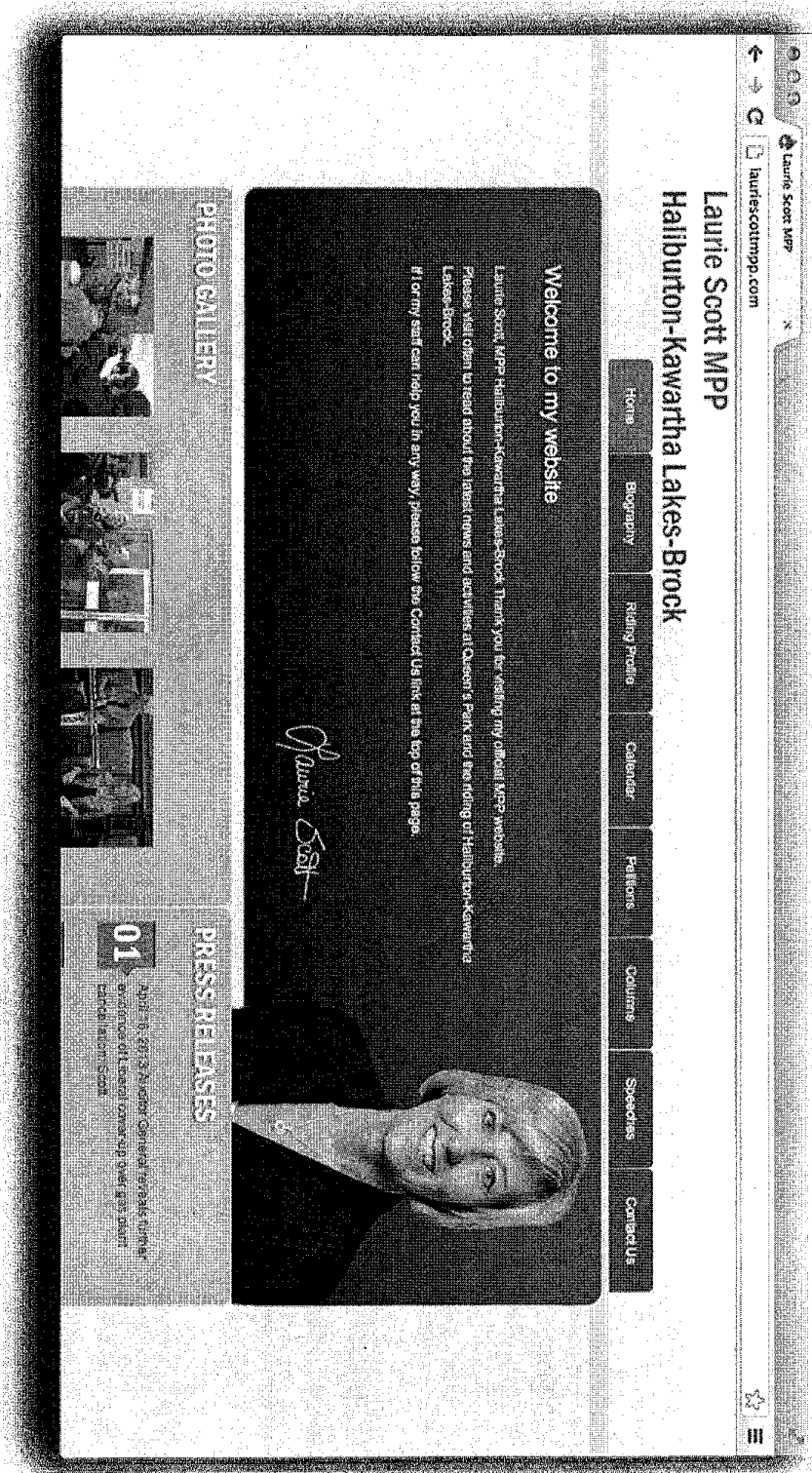
[16] Although there was a contravention, Ms. Scott quickly acknowledged the error and took immediate corrective actions to minimize the risk of a similar mistake occurring again. She has also taken responsibility for the conduct and offered an apology. I therefore recommend no penalty.

DATED at Toronto this 1st day of October, 2013.

A handwritten signature in black ink, reading "Lynn Morrison". The signature is written in a cursive, flowing style.

Lynn Morrison
Integrity Commissioner

Appendix A



Laurie Scott MPP

Halburton-Kawartha Lakes-Brock

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EVENTS CALENDAR

APRIL 2011

Sun Mon Tue Wed Thu Fri Sat

Month Week Day

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27

SKSO Halburton-Kawartha Lakes-Brock Annual Spring Dinner

12:00 Snacks with a Twist

Laurie Scott MPP

Haliburton-Kawartha Lakes-Brock

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HALIBURTON-KAWARTHA LAKES-BROCK ANNUAL SPRING DINNER

Annual Spring Dinner, Fenelon Falls Community Centre, 47 Valeriana Way, Fenelon Falls
Tickets \$35 (00 per person)
Social 5:30pm
Dinner 6:30pm
Tickets available through Brenda Decker, 705-324-9410 and D'Arcy McKee at 705-878-7987
Event date:
Thursday, April 16, 2013, 17:30

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