

Hi Marilyn,

Attached please find a letter to Councillor Fletcher from the Integrity Commissioner regarding EX 40.1. Councillor Fletcher would like this to go to Councillors with the Supplementary Agenda. Please call me if there is any problem.

Estair

Estair Van Wagner

Executive Assistant

Councillor Paula Fletcher

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As a requirement of the office of the Lobbyist Registrar, all visitors are advised that you may be required to be registered as a lobbyist prior to meeting with Councillor Fletcher or her staff.

For information regarding specific Council regulations on lobbying, please consult <http://www.toronto.ca/lobbying/index.htm> or call the Lobbyist Registrar's office at 416-338-5858.

February 12, 2010

Councillor Paula Fletcher
Toronto City Hall
100 Queen Street West, 2nd Floor
Toronto, ON
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Dear Councillor Fletcher:

Re: Information Requested at Executive Committee

During the Executive Committee meeting of February 1, 2010 you requested information about the federal and provincial Integrity Commissioners, and in particular, whether or not those Commissioners act on public complaints and the number of complaints processed over the past three years at both levels of government.

I am pleased to provide you with the following information about each office, as requested.

Office of the Integrity Commissioner for the Province of Ontario

The Integrity Commissioner for the Province of Ontario has multiple mandates and is supported by a nine-person staff. The mandates of the office include MPP integrity, Ontario Public Service Disclosure of Wrongdoing, Expenses Review Mechanisms for Cabinet Ministers, and Opposition Leaders as well as members of 22 Provincial Agencies. The Integrity Commissioner also provides Lobbyist Registration and administers Ministers' Staff Ethical Conduct.

The Integrity Commissioner does not receive complaints directly from members of the public, however in cases of potential breaches that come to the attention of a member of the public, a referral is made to that person's MPP, who may or may not choose to make an inquiry on behalf of their constituent.

The annual report of the Integrity Commissioner includes statistics showing (among other information about the work of the office), a ten year historical comparison of Inquiries under Section 28 of the *Members' Integrity Act, 1994*. Over the past three years, there were 360, 365 and 379 inquiries handled by the Office. In 2008 (the last year for which data is available on the website) there were 2 matters reported to the legislature on breaches of the Member's Integrity Act. In 2007 there were no matters reported and in 2006, there were 2 matters reported.

The Commissioner's annual reports, description of her mandate and reports on complaints can be found at:

<http://oico.on.ca/oic/OICweb2.nsf/MainFramesEn?OpenPage>

Office of the Conflict of Interest and Ethics Commissioner: Canada

The Office of the Conflict of Interest and Ethics Commissioner was created as part of the *Federal Accountability Act*. There has been a *Conflict of Interest Code for Members of the House of Commons*

("Members Code") in place since 2004 which was amended in June, 2009. In addition to administering the *Conflict of Interest Act*, the Commissioner provides confidential advice to public office holders, receives disclosures from Members about their assets, liabilities, sources of income, benefits and activities outside of Parliament as well as any trusts from which they might receive income or any benefit. The Commissioner also conducts inquiries into alleged breaches of the *Members Code*, at the request of any other Member, by way of a resolution from the House of Commons, or on her own initiative where there is reason to believe that a contravention has occurred. Due to the power to self-initiate complaints, members of the public correspond regularly with the Commissioner and information provided is considered to determine whether an inquiry ought to be undertaken, although the frequency of that taking place has been rare to date.

In addition, the Commissioner maintains a public registry of compliance documents required by Members of the House of Commons and public office holders. These documents are available to the public on request, either via the internet, or by attending at the office. The office has a staff complement of 47 positions, which is maintained separately from the core public administration.

In terms of the number of inquiries received annually by the Commissioner over the past three years, this information is available for 2007-2008 and 2008-2009. In 2007, there were two inquiries from other Members of Parliament, one which did not proceed after preliminary review, and a second inquiry which generated a report tabled in Parliament. The result of that inquiry is described in the Commissioner's annual report found at:

<http://ciec-ccie.gc.ca/Default.aspx?pid=1&lang=en>

Three inquiries from members of the public in 2007 did not proceed further, given the requirement for "reasonable grounds" to enable an investigation to be undertaken.

In 2008-2009, the Commissioner reported on five "examinations" (the nomenclature changed from one year to the next, from "inquires" to "examinations."). In four other instances, Members of Parliament raised concerns about potential breaches, but did not bring a formal request for an examination. In addition, in 2008-2009, the Commissioner received approximately 30 communications from members of the public about ethical concerns. Of these 30 communications, in one instance the Commissioner determined that a self-initiated examination was merited, although by the time of the annual report, she had not yet reported on the matter to Parliament.

I trust that this information is of assistance to you and has been responsive to your request.

Yours truly,

Janet Leiper
Integrity Commissioner
City of Toronto