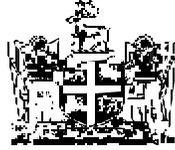


HOUSE OF ASSEMBLY



NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT

OF

THE COMMISSIONER OF MEMBERS' INTERESTS

2002-2003

MAY 26, 2003

May 26, 2003

Honourable Lloyd Snow
Speaker
House of Assembly
Main Floor, East Block
Confederation Building
St. John, NL

Dear Speaker:

Pursuant to Section 35 of the House of Assembly Act - Part II Conflict of Interest, I am pleased to present the 2002-2003 Annual Report of the Commissioner of Members' Interests covering the period April 1, 2002 to March 31, 2003 for tabling in the Legislature.

Copies of this Report, as well as those from previous years, in addition to being available at the Office of the Commissioner, are also available through our web site at www.gov.nf.ca/conflictcommissioner. The site also contains links to other jurisdictions.

Sincerely yours,

Wayne Green
Commissioner of Members' Interests

Annual Filing Requirement

Section 36(1) of the Act requires all members to file an Annual Disclosure Statement before April 1 of each year. This Report, submitted in accordance with Section 35 of the Act, covers the period April 1, 2002 to March 31, 2003.

On March 1, 2002 all members were written requesting that they file their statements. I am pleased that all members complied in meeting this requirement of the Act, although three members filed after the April 1, 2002 deadline. Five members did not return their Public Disclosure Statements in a timely manner. A number of reminders were required from the Commissioner's office. I have no reason to believe that these delays were deliberate.

As the Public Disclosure Statements were signed, they were placed on file at the Commissioner's office for public inspection. It is not unusual for representatives of the media and party officials to visit the office to view these Statements. Enquiries are also received from the media on the provisions of the legislation as well as from researchers and Commissioners Offices in other jurisdictions.

Meetings with Members

As a result of two by-elections in 2002, I met with each of the newly elected members to ensure their understanding of the legislation particularly their obligations with respect to it. Several times during the year I received calls from and met with members who had questions of clarification, interpretation or required guidance. I am pleased that a number of members contacted me prior to making certain decisions since this helps ensure that the correct procedures are followed.

The cooperation of members is acknowledged, as is their desire to ensure they are in compliance with the provisions of the legislation.

Meetings with New Ministers

In February of 2003, five new ministers were appointed to Cabinet. While Part II, Conflict of Interest, House of Assembly (Amendment) Act applies to all members, certain provisions of the Act apply specifically to ministers. Because of this, I initiated individual meetings with each of the new ministers to discuss these provisions and respond to any questions they may have with respect to them.

I acknowledge the co-operation of the ministers in scheduling these meetings in a timely manner.

Investigations

During the period covered by this Report there were no formal requests or applications from any member, the Honorable Premier or the House of Assembly to investigate any possible contravention of the Act.

Initial Disclosure Statements

As a result of by elections in the Electoral District of Bonavista North and the Electoral District of Conception Bay South on July 24, 2002 and November 12, 2002 respectively, two new members had to file Initial Disclosure Statements within 60 days of being elected, as required in the Act. Both members filed their statements on time.

Compliance

Based on information contained in the Disclosure Statements it appears that all members are in compliance with the legislation and Public Disclosure Statements are on file in the Commissioner's office for public inspection for all 48 members for the period covered by this Report.

In my last Annual Report, I mentioned three areas where some members are failing to meet the full requirements of the legislation. There has, unfortunately, not been a noticeable improvement and for the benefit of members I would, with respect, like to repeat them:

- (1) Section 36(4) requires that any material change to information that has to be disclosed to the Commissioner must be reported by the member to the Commissioner in writing not more than 60 days after the change occurs. There continues to be instances where this requirement is not being met. In no case has it appeared to be for any reason other than oversight.
- (2) Members and their families who have a 10% or more interest in a corporation or partnership are required to submit audited financial statements. This requirement is not always met and members on occasion have either failed to submit any statements or have submitted unaudited statements. I acknowledge the co-operation of those members with business interests who do submit audited statements on an annual basis.

- (3) A timely return of the Public Disclosure Statement does not always happen. In some instances several reminders are required before the statement is returned. Since this is the document to which the public has access, a timely response would be in the best interest of all members. I intend to bring forward for the consideration of the honourable members a proposed amendment which will place a time limit on this part of the disclosure process.

Conferences

The Annual Conference of the Canadian Conflict of Interest Network (C-COIN) was held in Regina on September 20 and 21, 2002. C-COIN membership comprises the Provincial and Territorial Conflict of Interest/Ethics Commissioners, the Federal Ethics Councillor and a representative of the office of Values & Ethics of the Federal Treasury Board.

Annual Conferences provide Commissioners with an opportunity to exchange information on issues of common interest and review legislative and regulatory differences and trends.

Commissioners maintain contact as well through e-mails and letters on investigations, legislative interpretation and changes occurring in our various jurisdictions.