

HOUSE OF ASSEMBLY



NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT

OF

THE COMMISSIONER OF MEMBERS' INTERESTS

2003-2004

June, 2004

June 15, 2004

Honourable Harvey Hodder
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 2003-2004 Annual Report of the Commissioner of Members' Interests covering the period April 1, 2003 to March 31, 2004 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, 2003 to March 31, 2004.

On February 24, 2003 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 seventeen members filed after the April 1, 2003 deadline. This is the largest number to miss the deadline in the three years I have been Commissioner. All were received by April 15, 2003. Seven members took in excess of a month after receiving their Public Disclosure Statements to sign and return them. A number of reminders were required from the Commissioner's office. I have no reason to believe that these delays were deliberate. .

The timing of the Provincial General Election and the filing of Initial Disclosure Statements made the process of annual filing by April 1, 2004 a perfunctory exercise. With the concurrence of the Speaker, I asked members to advise me whether or not any material changes had occurred in their private interests since their initial filings by the April 1 deadline. The outcome of this process will be detailed in my 2004-2005 Report. I can report, however, that nine members had not met the deadline.

As the Public Disclosure Statements for 2003-'04 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

Following the Provincial General Election, I met with a number of 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 in accordance with the provisions of the legislation. As well I wrote all Ministers of the outgoing administration to remind them of their obligations with respect to post office employment under Section 30.

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

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 met with some of the new ministers who had specific questions.

I am always available to meet with any member on any private interest issue that is of concern to them.

Investigations

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

General Election

Following the General Election on October 21, 2003, all members had to file Initial Disclosure Statements. In accordance with the legislation, I wrote all members requesting that a Disclosure Statement be filed within 60 days of being elected and in the case of Ministers within 60 days of being sworn in. All members filed but once again a number were late. Based on information contained in the Disclosure Statements it appears that all members are in compliance with the legislation. Some members took specific action with respect to their private interests to ensure compliance. As of April 1, 2004 Public Disclosure Statements are on file in the Commissioner's office for public inspection for 47 of the 48

members following the General Election. As of the time of writing of this report, I await a response from the Honorable the Premier to my recommendations for an action plan with respect to his private interests.

Compliance Concerns

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. For the benefit of new 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 honourable members proposed amendments to address what I feel are weaknesses in the existing legislation. I look forward to their consideration in the coming weeks.

Conferences

Annual Conferences provide Commissioners with an opportunity to exchange information on issues of common interest and review legislative and regulatory differences and trends. Although I have yet to attend one of these conferences due

to schedule conflicts with by elections and general elections I continue to maintain contact and obtain information through e-mails, phone calls and letters on investigations, legislative interpretation and changes occurring in the various jurisdictions.