

HOUSE OF ASSEMBLY



NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT
OF
THE COMMISSIONER OF MEMBERS' INTERESTS
2004-2005

May, 2005

May 11, 2005

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 2004-2005 Annual Report of the Commissioner of Members' Interests covering the period April 1, 2004 to March 31, 2005 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, 2004 to March 31, 2005.

On March 8, 2004 I wrote all members asking each member to advise me by April 1, 2004 whether or not any material changes had occurred in their private interests since their initial filings following the 2003 General Election. Eight members did not do so within the legislated time frame even though for this particular year the normal booklet did not have to be completed.

Member Consultations

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. In those instances where decisions were taken by members that ought not to have been taken I am pleased that members, upon my recommendation, did reverse their earlier decision.

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

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.

Compliance

Based on information contained in the Initial Disclosure Statements and the updates provided by members with material changes 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. Public Disclosure Statements are on file in the Commissioner's office for public inspection for all 48 members following the General Election.

The situation with respect to the Premier's Disclosure Statement warrants a reference. The amount of time it has taken to bring it to a satisfactory conclusion is precedent setting in this province. The filing itself has also received considerable media attention. I signed the Public Disclosure Statement in December 2004, approximately eleven (11) months after receiving the filing. An extension was granted to enable the completion of the remaining documentation to ensure total compliance.

The length of time it has taken to complete the required documentation was due to the requirements of the legislation and the process which I had to put in place to ensure that these requirements were met. These were detailed in correspondence to the Premier and included, among other things, meetings with senior government officials in order to satisfy myself that the Premier's involvement in decisions on public policy did not conflict with his private interests.

In this regard I would like to acknowledge the cooperation of the Premier and the personal advisors he had engaged to work with me. Although the process took considerable time there was never an indication that the delays were for clandestine reasons.

While the past 11 months have at times been both challenging and frustrating for all those involved, I trust that its successful conclusion provides assurance to the House of Assembly and to the public that in my opinion the Premier has met all the requirements of the legislation and is in complete compliance.

Compliance Concerns

In my last Report I indicated that I intended to bring forward, for the consideration of honourable members, proposed amendments to address what I feel are weaknesses in the existing legislation. Some of these were referenced in my 2002-03 Report and repeated in my 2003-04 Report. In June of 2004 I submitted to the Honourable Speaker recommendations for the consideration of the Internal Economy Commission. I look forward to the outcome of the Commission's deliberations.

I would like to point out that the suggestions I have made for change are intended to correct a disturbing trend that has developed. Some members do not take their obligations under the legislation seriously. If this is not corrected then its incidence is likely to become more prevalent. This is clearly not in the public interest. Furthermore it creates cynicism when the general public are required to

comply with laws but observe too many instances where some elected officials do not comply themselves. The most recent example of this is the April 1, 2005 deadline for filing by members of their Annual Disclosure Statement. Incredibly, there were 30 members (62%) who failed to meet the deadline. While a number contacted my Office with reasons why they would be late, in my view with 30 days advance notice there is no justification why a record 62% of the members would be late. As of April 18, 2005 nine members have yet to file despite reminder calls to their offices. Once you get on a slippery slope of non-compliance then the risk increases that other members too will trivialize the process. Notwithstanding this I must acknowledge the diligence and efforts of those members who do make it a point to meet their obligations.

As Commissioner I have an obligation to enforce the Act and I trust that members will take these comments in the constructive and respectful manner they are intended.

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 all Commissioners are in regular contact with one another on a variety of issues. We exchange Reports, enquire of one another how different situations would be interpreted in our jurisdictions and keep each other apprised on the outcome of any investigation that may have been initiated involving a member.