

# Memorandum of Understanding

**BETWEEN**

**The Conflict of Interest and Ethics  
Commissioner**

Acting through and as represented by the Office  
of the Conflict of Interest and Ethics  
Commissioner (hereinafter referred to as  
“OCIEC”)

**AND**

**The Commissioner of Lobbying of Canada**

Acting through and as represented by the  
Office of the Commissioner of Lobbying of  
Canada (hereinafter referred to as “OCL”)

## 1. DEFINITION

For the purposes of this Memorandum of Understanding, in addition to the respective definitions under section 2 of the *Conflict of Interest Act* and section 2 of the *Lobbying Act*, a public office holder must be read to include “reporting public office holder” and “designated public office holder,” as defined in each Act.

## 2. MANDATES

The mandate of the OCIEC, under the *Parliament of Canada Act*, includes performing the duties and functions assigned to the Commissioner under the *Conflict of Interest Act* and those assigned by the House of Commons for governing the conduct of its Members.

The purpose of the *Conflict of Interest Act* is, *inter alia*, to establish clear conflict of interest and post-employment rules for public office holders, and to minimize the possibility of conflicts of interest arising between the private interests and public duties of public office holders. The *Conflict of Interest Code for Members of the House of Commons* provides that the Commissioner shall undertake educational activities for Members and the general public regarding the Code and the role of the Commissioner.

The OCL's mandate under the *Lobbying Act* is to ensure transparency in the lobbying of federal public office holders. The *Lobbying Act* provides that the Commissioner of Lobbying's duties and functions include the development and implementation of educational programs to foster public awareness of the Act's requirements, particularly on the part of lobbyists, their clients and public office holders, including those in relation to the *Lobbyists' Code of Conduct*.

### 3. PURPOSE

In light of their respective mandates, of the complementary nature of these two regimes in contributing to public confidence in the integrity of government decision-making, and of the overlapping rules applicable to both lobbyists and public office holders, the purpose of this Memorandum of Understanding is to establish a framework to foster co-operation between the OCIEC and the OCL on matters of education and outreach in order to provide guidance to public office holders and lobbyists in respect of their obligations under their respective regimes and to ensure consistency, comprehensiveness and clarity in such matters.

### 4. SCOPE OF ACTIVITIES

The scope of activities will be focused on advancing the understanding of the obligations in the *Lobbying Act*, *Conflict of Interest Act*, and *Conflict of Interest Code for Members of the House of Commons*. Activities will include, but not be limited to:

- Contributing to the development of educational material;
- Organizing or contributing to workshops and symposia;
- Organizing mutually-agreed upon activities.

Other activities forming part of this agreement, which have been undertaken by the OCIEC to assist the OCL in delivering on its mandate, include:

- Informing certain public office holders once they leave office of the five-year prohibition on lobbying and providing them with the OCL's contact information;
- Upon request, confirming dates of departure of certain public holders.

A proposal on any joint activity or initiative shall first be approved by both the OCIEC and the OCL. The proposal shall include a detailed description of the activity or initiative, the respective roles of each party, and the estimated costs.

## 5. INTERPRETATION AND APPLICATION

The OCIEC and the OCL may consult each other, at any time, in order to address any issue regarding the interpretation or application of this Memorandum of Understanding and to review the terms of this Memorandum of Understanding to ensure that its terms best meet the mutual objectives set out herein.

The OCIEC and the OCL are each responsible for their own costs associated with the execution and implementation of this Memorandum of Understanding including all joint educational activities.

The OCIEC and the OCL shall maintain control and authority over the materials developed by their respective offices, and shall each be responsible for providing advice on compliance within their respective regimes.

## 6. CONFIDENTIALITY

All matters that must be kept confidential under the respective governing regimes of the OCIEC and the OCL shall not be shared or disclosed under this Memorandum of Understanding.

## 7. DURATION

This Memorandum of Understanding will come into force on the day it is signed and remain in force until another memorandum is signed. The terms of this Memorandum of Understanding may be amended by mutual agreement in writing. Either Officer may terminate this Memorandum of Understanding by providing 30 days written notice to the other Officer. All confidentiality provisions remain in force after termination of the Memorandum of Understanding.

## 8. LEGAL STATUS AND SIGNATURE

This Memorandum of Understanding is not legally binding and is signed in duplicate, in both official languages, by an authorized signatory of each party, each copy being equally authentic.

Signed on this 22<sup>nd</sup> day of March, 2018

Signed on this 22<sup>nd</sup> day of March, 2018



Mario Dion  
Conflict of Interest and Ethics  
Commissioner



Nancy Bélanger  
Commissioner of Lobbying of  
Canada