



Conflict of Interest and Ethics Commissioner

Commissaire aux conflits d'intérêts et à l'éthique

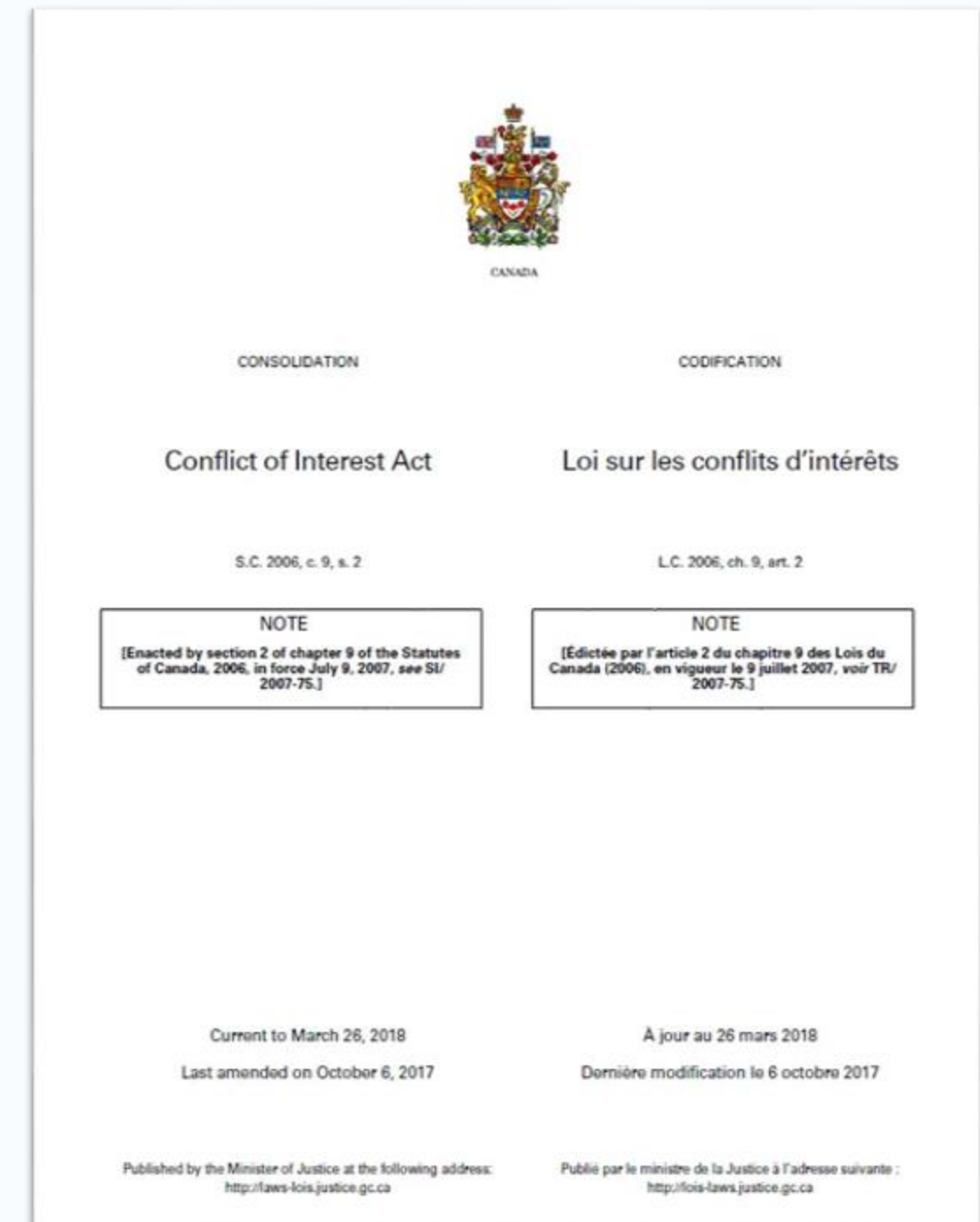
Overview: *Conflict of Interest Code for Members of the House of Commons*

TOPICS COVERED

- Two regimes: Act and Code
- What is a conflict of interest?
- Initial compliance
- Promoting compliance
- Material change and other statements
- Recusals
- Gifts
- Sponsored travel
- Letters of support
- Investigations

CONFLICT OF INTEREST ACT

- Enacted in 2007.
- Public office holders must arrange their private affairs to prevent being in a conflict of interest.
- Reporting public office holders have additional obligations and prohibitions.



CONFLICT OF INTEREST CODE FOR MEMBERS OF THE HOUSE OF COMMONS

- Appendix to the *Standing Orders of the House of Commons*.
- Adopted by the House in 2004.
- Applies to all 343 Members.
- Applies from the time Members' notice of election is published in the *Canada Gazette* until they leave office.



WHAT IS A CONFLICT OF INTEREST?

“When performing parliamentary duties and functions, a Member shall not act in any way to further his or her private interests or those of a member of the Member’s family, or to improperly further another person’s or entity’s private interests.”

(Conflict of Code for Members of the House of Commons, section 8)

A Member is not furthering their private interests or those of another, if the matter in question:

- is of general application;
 - affects the Member or other person as one of a broad class of persons;
 - consists of being a party to a legal action relating to the Member as an MP;
 - that concerns the remuneration or benefits of the Member as provided under an act of Parliament (subs. 3(3)).
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INITIAL COMPLIANCE AND ANNUAL REVIEW

Members have 60 days to file their disclosure statement.

Members disclose their private interests and those of their family members (subs. 20(2)).

Family members are the following:

- spouse or common-law partner;
- children under the age of 18;
- dependent children of Members, or of their spouse or common-law partner.

Mandatory **annual review** of the information in the disclosure statement.

PROMOTING COMPLIANCE

The *Members' Compliance Status Report* provides information about the various stages of the initial compliance process for each Member's file.

The Status Report is updated as required and more frequently after general elections.

MATERIAL CHANGE & OTHER STATEMENTS

During the year, Members must report:

- “Material change,” within 60 days.
 - Can include change in marital status, new home, and so on.
- “Sponsored travel” with a value exceeding \$200, within 60 days.
- Gifts or benefits with a value of \$200 or more, within 60 days.

SITUATIONS TO AVOID

When performing parliamentary duties and functions, a Member:

- Shall not act in any way to further their private interests.
- Shall not use their position as a Member to influence a decision of another person so as to further the Member's private interests.
- Shall not use information obtained in their position as a Member that is not generally available to the public to further the Member's private interests.



RECUSALS

Members cannot participate in a debate or vote on an issue in which they have a private interest.

In addition:

1. In the House or in committee, they must immediately disclose the general nature of the private interest involved and notify the Clerk of the House as soon as possible. The information will be disclosed in the *Journals* and shared with the Office of the Conflict of Interest and Ethics Commissioner, who will enter it in the public registry.
2. In all other cases involving their parliamentary duties, Members must report their private interests to the party concerned and give written notice to the Office of the Commissioner.

GIFTS

Members and their family:

- Shall not accept any gift or benefit that might “reasonably be seen to have been given to influence the member in the exercise of a duty or function of his or her office” (subs 14(1)).
- May accept gifts or benefits received as a normal expression of courtesy or protocol, or within customary standards of protocol.



REPORTING GIFTS

Members must disclose to the Conflict of Interest Ethics Commissioner's Office within 60 days:

- gifts or other benefits with a value of \$200 or more, or
- all gifts or benefits received from one source in a 12-month period if their total value is of \$200 or more (subsection 14(3)).

WHAT IS AN ACCEPTABLE GIFT?

1. What is the gift or benefit? Does it meet the definition in the Code?
2. Who is offering the gift or benefit? In the Member's riding?
3. Why is the gift or benefit being offered? (context)
4. Could the gift or benefit be seen to have been given to influence the Member?



SPONSORED TRAVEL

A Member may accept, for the Member their guests, sponsored travel that arises from or relates to their position.

Sponsored travel is travel whose costs are not wholly paid from the consolidated revenue fund or by the Member personally, their political party or any parliamentary association recognized by the House of Commons.

The Member shall inform the Office of the Conflict of Interest and Ethics Commissioner, within 60 days after the end of the trip, of any sponsored travel costs exceeding \$200. This information is posted in the public registry. A list of sponsored travel is tabled in the House of Commons by March 31 each year.

LETTERS OF SUPPORT

Members may not use their resources and title to further their private interests or those of a family member, or to improperly further the interests of other persons or entities.

Letters must be objective and factual.

Dealings must be conducted through regular channels and according to normal procedure. They shall not require improper treatment for any individual or group of individuals.

INVESTIGATIONS

- Investigation reports under the Act and Code are available on the website.
- Subjects include the initial compliance process, divesting controlled assets, decision making, hiring, post-employment, gifts, influence.
- All investigations are conducted confidentially.
- Commissioner may self-initiate.
- Investigation reports are made public.

INFORMATION ON THE WEBSITE

- Public registry
- Portal
- Forms related to the Code
 - Disclosure Statement
 - Notice of Material Change
 - Public Statement of Sponsored Travel
 - Public Statement of Gifts or Other Benefits
- Members' Compliance Status Report
- List of Sponsored Travel
- Examination and investigation reports
- Annual reports

TO REACH US

Contact the Office



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THANK YOU!