



ADVISORY OPINION
CONFLICT OF INTEREST CODE
FOR MEMBERS OF THE HOUSE OF COMMONS
(issued under Members' Code ss. 26(4))

Fundraising and the *Members' Code*

My Office regularly receives inquiries about how Members can comply with the *Conflict of Interest Code for Members of the House of Commons* when engaging in fundraising, whether on behalf of a charitable foundation or for political or other purposes.

Members may participate in fundraising activities at their constituents' request or because they have personally decided to support a cause. Because a Member's parliamentary functions include an advocacy role for constituents, their participation in fundraising activities could be for personal reasons or also be part of their official duties or functions.

General Rules

The Members' Code includes a number of provisions that extend to fundraising activities, despite the absence of rules that explicitly govern fundraising activities.

The principles articulated in paragraphs 2(a) and (d) state that Members are expected:

2(a) to serve the public interest and represent constituents to the best of their abilities;

2(d) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising [...]

There are general rules of conduct that would apply in Members' future dealings with donors solicited in the context of these fundraising activities. Sections 8, 9 and 11 read as follows:

8. 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.

9. A Member shall not use his or her position as a Member to influence a decision of another person so as to further the Member's private interests or those of a member of his or her family, or to improperly further another person's or entity's private interests.

11. A Member shall not attempt to engage in any of the activities prohibited under sections 8 to 10.

I have determined that the following measures should be taken to ensure that you continue to meet your obligations under these provisions of the Members' Code, when you are involved in fundraising.

Fundraising from Organizations

When fundraising, you should not target any organizations or individuals with which you anticipate having official dealings in your capacity as a Member of Parliament, including in the context of committee work. This would avoid the potential for furthering a person's private interest as prohibited by section 8.

Participating in Fundraising Activities on Behalf of Organizations with Charitable Status

It is common practice for Members to express support for local charitable initiatives. Examples: being an honorary patron, establishing a foundation, lending your name to a trust fund, personally contributing to a fundraising initiative, personally soliciting monetary donations, hosting barbecues, participating in events with high-profile sponsors such as sports tournaments, sending mail-outs directly to constituents, and participating in marathons, telethons or other events.

When directly or indirectly engaging in such fundraising activities or events, you must consider whether you may have future parliamentary functions that could affect directly or indirectly the private interests of the donors.

You should not receive, directly or indirectly, any form of payment or benefit, including donations to a cause in your name, for your support in fundraising activities or events.

If you are also involved in fundraising activities as a director or officer of a non-profit organization with charitable status, you should be mindful that continued participation in the outside activity is subject to your ability to fulfill your obligations under the Members' Code. You should take care to keep those roles separate.

If you are aware that an individual or a corporation donated to a non-profit organization that you have supported, or to an event benefitting the non-profit organization, and, if that individual or corporation approaches you about any matter under discussion before the House of Commons, you must be mindful that this could lead to a contravention of the Members' Code.

Fundraising for Political Purposes

When organizations or individuals such as lobbyists or other stakeholders are involved in fundraising activities for your electoral district association, care should be taken as they may approach you to discuss matters under study before the House of Commons that may affect their private interests. You should be mindful of your obligation under section 8 of the Members' Code.

Gifts and Other Benefits Received While Attending a Charitable or Political Event

Often, Members will be offered gifts or other benefits to recognize their participation in charitable or political events. Subsection 14(1.1) of the Members' Code clearly states that gifts or other benefits related to attendance at a charitable or political event are subject to an acceptability test and any such gift or benefit cannot be accepted if it 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. This test applies to gifts or benefits received by you, whether personally or as the intermediary for redirection to a cause.

Use of Parliamentary Resources

You should consult the Board of Internal Economy before using parliamentary resources to fundraise. While nothing in the Members' Code affects the jurisdiction of the Board in determining the propriety of Members' use of parliamentary funds, goods, services or premises, you must be mindful of the rules of conduct and obligations set out in the Members' Code when engaging in fundraising activities.

Members who are also Ministers or Parliamentary Secretaries

The *Conflict of Interest Act* prohibits public office holders, including ministers and parliamentary secretaries, from personally soliciting funds "from any person or organization if it would place the public office holder in a conflict of interest". See the guideline "Fundraising and the *Conflict of Interest Act*."

If you are contemplating any involvement in fundraising, I ask you to keep these considerations in mind. If you have any remaining doubts or concerns, I encourage you to contact my Office by telephone at 613-995-0721 or [by email](#) for advice tailored to your individual situation.

Mary Dawson
Conflict of Interest and Ethics Commissioner

Ce document est également disponible en français.

<http://ciec-ccie.parl.gc.ca/>