

Backgrounder

Conflict of Interest Code for Members of the House of Commons

Investigations under the Code

A separate [backgrounder](#) on this issue as it relates to the *Conflict of Interest Act* is available. Information for participants in the investigation process under either the Act or the Code (subjects, witnesses and counsel) is also available in a separate [backgrounder](#).

The [Conflict of Interest Code for Members of the House of Commons](#) sets out the processes that must be followed for the Conflict of Interest and Ethics Commissioner to investigate whether Members have failed to comply with their obligations under it. Investigations under the Code are called inquiries.

Requests

Any Member of the House of Commons who has reasonable grounds to believe that another Member has contravened the Code may request an inquiry using the [request for an inquiry form](#). To be valid, a request must:

- be made in writing;
- be signed by the Member making the request;
- identify the alleged non-compliance; and
- set out the reasonable grounds for the Member's belief that the Code has been contravened.

A Member who has requested an inquiry is not allowed to make any public comments relating to the inquiry until a preliminary review has been completed and both Members have been notified.

The Commissioner may be directed to conduct an inquiry by a resolution of the House of Commons. An inquiry may also be conducted on the Commissioner's own initiative if the Commissioner has reasonable grounds to believe that a Member has contravened the Code.

If it is determined that a request for an inquiry was frivolous, vexatious or not made in good faith, this reason must be stated in a report dismissing the request, and a recommendation may be included that action be considered against the Member who made the request.

Follow-up

Upon receiving a valid request, the Commissioner must:

- immediately forward the request to the Member named in it and give them 30 days to respond;
- conduct a preliminary review to determine if an inquiry is warranted; and
- within 15 working days of receiving the response, notify the originator of the request and the Member named in it whether an inquiry will be conducted.

Inquiry

Members subject to an inquiry are required to cooperate with the Office and must be given an opportunity to be heard. All inquiries are conducted in confidence. The Code also prohibits the Commissioner from making any public comments relating to any preliminary review or inquiry.

Report

A report is issued at the conclusion of an inquiry. The report is provided to the Speaker of the House of Commons for tabling and is also made public.

Sanctions

The Commissioner may not impose any sanctions for contraventions of the Code. If the Commissioner finds that the Member has not complied with an obligation under the Code, the Commissioner may recommend appropriate sanctions, but it is the House of Commons that decides whether to sanction a Member. Recommendations concerning interpretations and revisions of the Code may also be made in inquiry reports.