



Backgrounder

Conflict of Interest Act

Investigations under the Act

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

The [Conflict of Interest Act](#) sets out the processes that must be followed for the Conflict of Interest and Ethics Commissioner to investigate whether current or former public office holders have complied with their obligations under the Act. Investigations under the Act are called examinations.

Request. A Senator or Member of the House of Commons who has reasonable grounds to believe the Act has been contravened may ask the Commissioner to investigate. To be valid, a request must:

- Be made in writing;
- Identify the provisions of the Act that are alleged to have been contravened; and
- Set out the reasonable grounds for the requester's belief that a contravention has occurred.

The Commissioner also has the discretion to self-initiate an examination, if he has reason to believe that the Act has been contravened.

If the Commissioner determines that a request for an examination was frivolous, vexatious or not made in good faith, he may decline to investigate but must still issue a report.

Examination. When the Commissioner receives a valid request that was not found to be frivolous, vexatious or made in bad faith, he must immediately proceed with an examination. He must provide the public office holder with a reasonable opportunity to present his or her views. The Commissioner also has the power to summon witnesses and require them to provide written or oral evidence under oath, and to produce documents. He may discontinue his examination at any time, but if it was requested by a Senator or Member, he must issue a report.

The Act imposes limits on what the Commissioner can say publicly and requires that all examinations be conducted in confidence.

Report. The Commissioner issues a report at the conclusion of an examination. The report will set out the facts relevant to the examination, and will include the Commissioner's conclusions and analysis. The report is provided to the Prime Minister, as well as to the Senator or Member who requested the examination, and to the public office holder who was the subject of the examination. The report is then made public.