



## Backgrounder

### *Conflict of Interest Act*

# Measures relating to the Confidential Report and the Divestment of Controlled Assets

This summary, prepared by the Office of the Conflict of Interest and Ethics Commissioner, is intended as a quick reference for reporting public office holders. The *Conflict of Interest Act* itself is the final authority.

## Confidential Report

Under subsections 22(1) and 22(2) of the [Conflict of Interest Act](#), all reporting public office holders (RPOHs) must, within 60 days after their appointment, submit to the Conflict of Interest and Ethics Commissioner a Confidential Report containing the following information:

- A description of all assets and their estimated value (paragraph 22(2)(a));
- A description, including the amount, of all direct and contingent liabilities (paragraph 22(2) (b));
- A description of all income received during the 12 months before the day of appointment and all income they are entitled to receive in the 12 months following the day of appointment (paragraph 22(2)(c));
- A description of all activities referred to in section 15 in which they were engaged in the two-year period before the day of appointment (paragraph 22(2)(d));
- A description of their involvement in philanthropic, charitable or non-commercial activities in the two-year period before the day of appointment (paragraph 22(2)(e));
- A description of all activities as trustee, executor or liquidator of a succession, or holder of a power of attorney in the two-year period before the day of appointment (paragraph 22(2)(f)); and
- Any other information that the Commissioner considers necessary in order to ensure compliance with the Act (paragraph 22(2)(g)).

## **Divestment of Controlled Assets**

The Office of the Conflict of Interest and Ethics Commissioner will advise RPOHs on the requirement to divest controlled assets, either by selling them in an arm's length transaction or by placing them in a blind trust that meets the requirements of the Act, within 120 days of appointment (subsection 27(1)).

The executor of a blind trust has full discretion over the assets held in trust and the trust beneficiary has no knowledge of the trust's holdings (subsection 27(4)). Please see also background on [Blind Trusts](#).

Certain costs associated with divesting controlled assets may be eligible for reimbursement on the recommendation of the Commissioner (section 31).

## **Summary Statement**

RPOHs must sign a *Summary Statement* and provide it to the Commissioner within 120 days after the day of their appointment (subsection 26(1)). The statement will contain the following information, if applicable:

- A description of the asset and the method used to divest for each controlled asset which the Office has ordered divested under section 30 (paragraph 26(2)(a));
- A description of the matter and the information regarding the process to be put in place to effect any recusal ordered by the Office under section 30 (paragraph 26(2)(b)); and
- A description of any other matter upon which the Office has issued an order under section 30 (paragraph 26(2)(c)), together with the steps taken to comply.

The Office will, on an annual basis, review the information in each *Confidential Report* and the measures taken to comply with the Act (section 28).

Public office holders are invited to contact their advisors in the Office of the Conflict of Interest and Ethics Commissioner for assistance and advice regarding their obligations under the *Conflict of Interest Act* in connection with the Confidential Report, the divestment of controlled assets or any other matter, by telephone at 613-995-0721 or [by email](#).