

**Fact sheet**  
**for public office holders**

## **The Role and Mandate of the Conflict of Interest and Ethics Commissioner**

*The Governor in Council shall, by commission under the Great Seal, appoint a Conflict of Interest and Ethics Commissioner after consultation with the leader of every recognized party in the House of Commons and approval of the appointment by resolution of that House.*

*Parliament of Canada Act, s. 81(1)*

The Conflict of Interest and Ethics Commissioner administers the *Conflict of Interest Act* for public office holders and the *Conflict of Interest Code for Members of the House of Commons*, or Members' Code. These two regimes seek to prevent conflicts between private interests and the public duties of appointed and elected officials. The Commissioner also provides confidential advice to the Prime Minister about conflict of interest and ethics issues.

The position of Conflict of Interest and Ethics Commissioner was created under the *Federal Accountability Act*. The Commissioner is an Officer of the House of Commons whose mandate is set out in the *Parliament of Canada Act*.

The Commissioner is completely independent of the government of the day and reports directly to Parliament, through the Speaker of the House of Commons. The Office of the Conflict of Interest and Ethics Commissioner, along with the Senate, the Office of the Senate Ethics Officer, the House of Commons and the Library of Parliament, is part of the parliamentary infrastructure. The Commissioner enjoys the privileges and immunities of the House of Commons and its Members when carrying out official duties and functions.

Canada's first Conflict of Interest and Ethics Commissioner was appointed in July 2007.

## ***Conflict of Interest Act***

The *Conflict of Interest Act* applies to some 2,200 public office holders.

All of them are subject to the Act's core set of conflict of interest and post-employment rules. For example, they cannot participate in decisions or votes in connection with their public office where they would be in a conflict of interest. They are also prohibited from using insider information to advance private interests, and from accepting gifts or other advantages that could reasonably be seen to have been given to influence them.

More than half of those covered by the Act are subject only to these general rules. This group is primarily made up of part-time members of federal boards, commissions and tribunals, as well as some part-time ministerial staff.

About 1,100 mostly full-time public office holders are considered *reporting* public office holders. Reporting public office holders include ministers, parliamentary secretaries, ministerial staff and all full-time Governor in Council appointees such as deputy ministers, heads of Crown corporations and members of federal boards. They are subject not only to the Act's general rules but also to its reporting and public disclosure provisions, as well as prohibitions against outside activities and holding controlled assets. The Act contains additional requirements for ministers and parliamentary secretaries.

For more information, please see the separate fact sheet on the *Conflict of Interest Act*.

## ***Conflict of Interest Code for Members of the House of Commons***

The Members' Code, which is appended to the *Standing Orders of the House of Commons*, applies to all 343 elected Members of Parliament.

The Members' Code prohibits Members from using their public office to further their private interests or those of their family, or from improperly furthering the private interests of another person or entity. This general rule is complemented by rules on avoiding conflict of interest, including restrictions on the gifts that Members can accept, processes for the confidential disclosure of private interests to the Commissioner, procedures for making Members' summary information public and an advisory role for the Commissioner.

Members must also disclose to the Commissioner any sponsored travel that they accept, for themselves and guests, whose costs exceed \$200. Sponsored travel is travel whose costs are not wholly or substantially paid from the Consolidated Revenue Fund or by Members personally, their political party or any interparliamentary association or friendship group recognized by the House of Commons.

For more information, please see the separate fact sheet on the *Conflict of Interest Code for Members of the House of Commons*.

## Administration of the Act and the Members' Code

The Office of the Conflict of Interest and Ethics Commissioner administers these regimes by:

- Providing confidential advice to public office holders and Members of the House of Commons on their obligations under the Act and the Members' Code.
- Reviewing confidential reports. Individuals covered by the Act and the Members' Code must make a number of confidential disclosures relating to their assets, liabilities and outside activities. These disclosures help the Office determine relevant compliance measures and provide appropriate advice and guidance.
- Making information available. While disclosures remain confidential, the Office prepares summaries containing general information that are placed in public registries.
- Investigating possible contraventions of the Act and the Members' Code. Investigations are called "examinations" under the Act and "inquiries" under the Members' Code.
- Reporting to Parliament. The Commissioner reports annually to Parliament through the Speaker of the House of Commons on the administration of the Act and the Members' Code, and prepares an annual list of sponsored travel by Members of the House of Commons. The Commissioner reports on examinations under the Act to the Prime Minister and on inquiries under the Members' Code to the House of Commons. All of these reports are made public.

The Office's activities in support of the administration of the Act and the Members' Code also include working with counterparts across Canada and around the world, exchanging information and sharing best practices, to ensure that the Office remains abreast of issues and developments in the field.