



## Information Notice for Public Office Holders

*NOTE: Any significant change to this document from its October 2018 version is highlighted in yellow.*

# Gifts or other advantages

Here is some general information to help public office holders understand the Conflict of Interest Act. You should also read other [information notices](#) about the Act's rules. Get confidential advice by calling 613-995-0721 or by [sending us an email](#).

Source: [Section 11](#), [section 23](#) and [subsection 25\(5\)](#) of the [Conflict of Interest Act](#).

### 1. What is required by the *Conflict of Interest Act*?

The [Conflict of Interest Act](#) prohibits you and your family members<sup>i</sup> from accepting gifts or other advantages that might reasonably be seen to have been given to influence you in the exercise of an official power, duty or function.

### 2. What does this mean?

Gifts or other advantages can take many forms. Money, in any form, is considered a gift or other advantage if there is no obligation or expectation to repay it. An invitation, a meal, a service or a property<sup>ii</sup>, or the use of such property<sup>iii</sup>, either without charge or for less than its commercial value, is also a gift or other advantage.

The question to ask yourself before accepting a gift or other advantage is not whether the person or organization who gave it to you intended to influence you or whether you were indeed influenced, but rather whether a reasonable person might think that the gift or other advantage was given for that reason. This is known as the acceptability test.

In deciding whether to accept a gift or other advantage, you should consider who is offering it and why it is being offered. The donor's existing or future relationship to you and your office is particularly important. Examples of gifts or other advantages that could reasonably be seen to have been given to influence you include a gift or other advantage from someone who is registered to lobby you or your office, or one from someone whose interests could be affected<sup>iv</sup> by a decision you may be called upon to make. We encourage you to periodically consult the federal [Registry of Lobbyists](#).

These considerations apply to gifts or other advantages offered directly or indirectly by all individuals, trusts and organizations, including non-profit and charitable organizations, as well as other public sector organizations. In determining whether a gift or other advantage is acceptable, the Office will consider all the circumstances surrounding it.

### 3. Are there exceptions to the gift rule?

There are three exceptions to the prohibition on accepting gifts or other advantages:

a) Gifts or other advantages permitted under the *Canada Elections Act*

There is an exception for gifts or other advantages that are permitted under the *Canada Elections Act*, which contains rules about gifts or other advantages that apply to candidates during an election period or during a nomination or leadership campaign. Elections Canada can provide advice on how to comply with the *Canada Elections Act*.

b) Gifts or other advantages from a relative or friend

This exception allows you to accept gifts or other advantages given by a **relative or friend**<sup>v</sup> that the relative or friend has personally paid for. Examples are gifts or other advantages offered in a personal setting and on a personal occasion, such as a birthday, wedding, anniversary or retirement. The Act prohibits you from exercising an official power, duty or function that provides an opportunity to further the private interests of your relatives or friends. You do not need to disclose these gifts or other advantages to the Office or declare them in the public registry.

c) Gifts or other advantages received as courtesy, protocol or customary standards

You and your family may also accept gifts or other advantages received as a **normal expression of courtesy or protocol**. Examples would include:

- (i) a token expression of appreciation received in the context of some official interaction (where you are performing a ceremonial or representational role at an event, as a speaker, presenter, host or government representative);
- (ii) trinkets or favours, such as pins, pens, notepads, key chains, T-shirts or inexpensive carrying cases provided to event attendees;
- (iii) a ceremonial gift or other advantage, given by a visiting official from a foreign or international organization, that is reasonably proportionate to the official duties or functions being exercised during that interaction.

You and your family may accept gifts or other advantages that are within the **customary standards that normally accompany your position**. Examples would include:

- (i) entrance fees to a conference where you are a keynote speaker in your official capacity.
- (ii) low-value gifts or hospitality (*i.e.*, with a commercial value of less than \$40 before taxes or shipping) received from stakeholders or registered lobbyists during an in-person gathering. Such cumulative gifts or hospitality received from the same source must not exceed \$200 annually.<sup>vi</sup>

#### 4. When must a gift or other advantage be disclosed, declared or forfeited?

You must prepare a [public declaration](#) for acceptable gifts or other advantages with a commercial value of \$200 or more. The commercial value of a gift or other advantage is the amount one would have to pay in Canada to purchase a similar item.

##### a) When a gift or other advantage must be disclosed

A gift or other advantage or a series of gifts or other advantages that you or a family member accepts from any one source in a 12-month period with a total commercial value of over \$200 must be disclosed to the Commissioner. The disclosure must be made within 30 days after the day on which the commercial value exceeds \$200. Failure to do so is a contravention of the Act and you are liable to an [administrative monetary penalty](#).

##### b) When a gift or other advantage must be publicly declared

When you or a family member accepts a gift or other advantage with a commercial value of \$200 or more, you must publicly declare it within 30 days of its acceptance or risk an [administrative monetary penalty](#).

##### c) When a gift or other advantage must be forfeited

You must forfeit certain gifts or other advantages with a commercial value of \$1,000 or more unless the Commissioner determines otherwise. Your department will be responsible for managing forfeited gifts or other advantages.

If you are also a Member of the House of Commons, you must also comply with the gift provision of the [Conflict of Interest Code for Members of the House of Commons](#).

## 5. When to seek advice

Any gift or other advantage that does not pass the acceptability test and does not fall within the exceptions is prohibited. You or your family member must refuse it.

You may nevertheless face situations where refusing the offer of a gift, hospitality or other advantage may cause offence to the donor or its acceptance may contravene the acceptability test. In these instances, the acceptance must be disclosed to the Commissioner. Determination of the appropriate action must be taken after reviewing the circumstances of each situation.

Such action may include:

- returning it immediately;
- reimbursing the donor for its commercial value; or
- redirecting it to a registered charity of your choosing provided you do not derive a benefit from the donation.

## 6. Investigation reports dealing with gifts

[\*The Kristmanson Report\*](#) (December 2018)

[\*The Trudeau Report\*](#) (December 2017)

[\*The Bennett Report\*](#) (November 2016)

[\*The Vennard Report\*](#) (September 2016)

[\*The Bonner Report\*](#) (February 2015)

[\*The Paradis Report\*](#) (August 2013)

[\*The Raitt Report\*](#) (April 2012)

[\*The Dykstra Report\*](#) (September 2010)

[\*The Raitt Report\*](#) (May 2010)

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<sup>i</sup> For the purposes of the Act, family members are your spouse or common-law partner, your dependent children and the dependent children of your spouse or common-law partner.

<sup>ii</sup> See, for example, [The Vennard Report](#).

<sup>iii</sup> See, for example, [The Paradis Report](#).

<sup>iv</sup> See, for example, [The Trudeau Report](#). See, for example, [The Bennett Report](#).

<sup>v</sup> The Commissioner has interpreted “friend” to mean individuals who have a close bond of friendship, a feeling of affection or a special kinship with the public office holder. It does not include members of a broad social circle of business associates or colleagues unless such a relationship has developed.

<sup>vi</sup> To ensure consistency of application, both the Act and the *Lobbyists’ Code of Conduct (2023)* have adopted the same meaning for low-value amounts and annual limits on gifts.