



Information Notice for Public Office Holders

Gifts or Other Advantages

This document is intended to provide general information about your obligations under the Conflict of Interest Act. It must be read in conjunction with other relevant information notices. Public office holders are encouraged to contact the Office for confidential advice about their individual situation. Please call 613-995-0721 or email info@cie.parl.gc.ca.

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 membersⁱ 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 is considered a gift or other advantage?

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 propertyⁱⁱ, or the use of such propertyⁱⁱⁱ, either without charge or for less than its commercial value, is also a gift or other advantage.

Promotional items of low value, such as pens, notepads, keychains, T-shirts or inexpensive carrying cases provided to attendees at conventions or similar events, would generally not reasonably be seen to have been given to influence you and would therefore be acceptable.

It is not possible to list everything that might be considered a gift or other advantage. If you have any doubts about a gift or other advantage that is being offered to you, consult your advisor.

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

The Act provides limited exceptions for accepting certain types of gifts or other advantages (see [section 4](#) below). In most cases, you are required to prepare a [public declaration](#) for acceptable gifts or other advantages valued at \$200 or more.

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 value of over \$200 must be disclosed to the Commissioner. The disclosure must be made within 30 days after the day on which the value exceeds \$200. Failure to do so constitutes 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 valued at \$200 or more, you must publicly declare it within 30 days of its acceptance. A contravention of the applicable section of the Act is liable to an [administrative monetary penalty](#).

c) When a gift or other advantage must be forfeited

You must forfeit certain gifts or other advantages valued at \$1,000 or more unless the Commissioner determines otherwise. Your department will be responsible for determining what happens to forfeited gifts or other advantages.

The value of the gift or other advantage is based on its fair market value, that is, the amount one would have to pay in Canada to purchase a similar item.

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

4. When is a gift or other advantage acceptable?

You and your family members are prohibited from accepting gifts or other advantages that might reasonably be seen to have been given to influence you^{iv} in the exercise of an official power, duty or function. This is known as the acceptability test.

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.

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^v 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.

If you have any doubts about a gift or other advantage that is being offered to you, consult your advisor.

5. Are there exceptions to the gift rule?

There are three exceptions to the gift rule:

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

There is an exception for gifts that are permitted under the *Canada Elections Act*, which contains rules about gifts 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^{vi} 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) Courtesy or protocol gifts or other advantages

This exception allows you to accept gifts or other advantages received as a normal expression of courtesy or protocol^{vii}, or that are within the customary standards that normally accompany your position.

It includes a gift or other advantage given as a token expression of appreciation in the context of an official interaction. The exception would also apply if you, as a public office holder, are performing an official function at an event, such as serving as a speaker, moderator or ribbon-cutter.

If your role at a function is limited to information-gathering or networking, then this exception does not apply.

Your advisor can help you determine if the exception applies to a gift or other advantage that you have received.

6. What should I do if I am offered a gift or other advantage that I cannot accept?

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.

If you have accepted a gift or other advantage and have realized shortly after the fact that it may not be acceptable, you should immediately return it. You should contact your advisor.

You may not give, redirect or donate an unacceptable gift or other advantage to someone else, such as a family member, employee, constituent or registered charity.

7. Targeted advice on the subject of gifts or other advantages

a) Invitations to events that are not related to the exercise of an official function

Invitations are considered gifts or other advantages; they include invitations to events where you have an official role or function and events that are not related to the exercise of an official function.

Examples include invitations or tickets^{viii} to attend a sporting event, gala, concert, play or fundraiser at a reduced rate or at no cost. Such events might be organized by associations, special-interest groups, lobbyists or other organizations, and your attendance at them might be sponsored by third parties. Or, you might be invited to attend a fundraising event by a person or entity that has already purchased tickets.

Because these invitations are considered gifts or other advantages under the Act, they must always be evaluated against the acceptability test. That is, you must consider whether the gift or other advantage might reasonably be seen to have been given to influence you in the exercise of an official power, duty or function.

Where there are official dealings, either current or anticipated, between your entity and the person or his or her organization offering the invitation, you should pay the advertised price to attend the event rather than accept a free invitation. For example, if you are part of a public sector entity that regulates the sponsor or organizer of the event, you should pay to attend the event or decline the invitation

If the invitation is acceptable and its value is \$200 or more, you are required to make a public declaration.

b) Business meals

A free business meal is considered a gift or other advantage under the Act and is subject to the acceptability test. However, there are limited instances where such gifts or other advantages cannot reasonably be seen to have been given to influence you, such as when a meal is offered at an event where you are performing an official function.

It is recommended that public office holders pay for their business meals whenever possible to avoid any perception of a conflict of interest.

8. Other legislative requirements

You should be aware that certain gifts or other advantages may also be prohibited under the [Parliament of Canada Act](#) or the [Criminal Code](#).

9. List of examination reports issued dealing with gifts

[The Trudeau Report](#)

[The Bennett Report](#)

[The Vennard Report](#)

[The Bonner Report](#)

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

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

[The Dykstra Report](#)

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

ⁱ 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.

ⁱⁱ See, for example, [The Vennard Report](#).

ⁱⁱⁱ See, for example, [The Paradis Report](#).

^{iv} See, for example, [The Trudeau Report](#).

^v See, for example, [The Bennett Report](#).

^{vi} 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.

^{vii} See, for example, [The Vennard Report](#).

^{viii} See, for example, [The Bonner Report](#).