Conflict of Interest and Ethics Commissioner
Commissaire aux conflits d'intérêts et à l'éthique

Summary of Rules for Ministers and Parliamentary Secretaries

The Conflict of Interest Act is divided into five parts. The first part describes conflict of interest rules; the second, compliance measures; the third, post-employment obligations; the fourth, its administration and enforcement; and the fifth, generalities.

This summary is intended as a quick reference. The Conflict of Interest Act *itself is the final authority. There are detailed information notices available on the Office website on specific subjects and you are also encouraged to seek advice from your advisor by contacting the Office at 613-995-0721 or by email.*

A general summary of the rules that apply to reporting public office holders who are not ministers or parliamentary secretaries is available in the Summary of Rules for Reporting Public Office Holders.

Part 1 – Conflict of Interest Rules

Public office holders are in a conflict of interest when they exercise an official power, duty or function that provides an opportunity to further their private interests or those of their relatives or friends, or to improperly further another person's private interests (section 4).

Compliance with the Act is a condition of your appointment or employment as a public office holder (s. 19).

You have a general duty to arrange your private affairs to prevent conflicts of interest (s. 5).

You are prohibited from:

- making a decision or participating in making a decision related to the exercise of an official power, duty or function that would place you in a conflict of interest (subsection 6(1));
- as a minister or parliamentary secretary, you are also prohibited from debating or voting on a question that would place you in a conflict of interest (subs. 6(2));
- providing preferential treatment to any person or organization based on the identity of the person or organization representing them (s. 7);
- using information that is not available to the public to further private interests (s. 8);
- using your position to influence a decision to further private interests (s. 9);
- being influenced in exercising your duties by offers of outside employment (s. 10);

- accepting any gift or other advantage that might reasonably be seen to have been given to influence you in the exercise of your official duties, with certain exceptions. This prohibition also extends to members of your family (s. 11);
- accepting travel on non-commercial chartered or private aircraft, including those offered by other levels of government, for any purpose unless required in your official capacity or in exceptional circumstances or with the prior approval of the Commissioner. This prohibition extends to members of your family and ministerial staff (s. 12);
- being party to a contract with a public sector entity under which you receive a benefit (other than pension rights), or having an interest in a partnership or private corporation that is party to a contract with a public sector entity under which the partnership or corporation receives a benefit, unless the Commissioner is of the opinion that the contract is unlikely to affect the exercise of your official duties (s. 13);
- entering into a contract or employment relationship, in the exercise of your official duties, with a spouse, common-law partner, child, sibling or parent, or permitting the entity for which you work to do so (s. 14);
- participating in certain outside activities,[i] except as required in the exercise of your official powers, duties and functions (s. 15). This includes:
    - engaging in employment or the practice of a profession;[ii]
    - managing or operating a business or commercial activity;
    - continuing as or becoming a director or officer in a corporation or organization; [iii]
    - holding office in a union or professional association;
    - serving as a paid consultant; and
    - being an active partner in a partnership.
- personally soliciting funds if it places you in a conflict of interest (s. 16);
- holding controlled assets (s. 17); and
- taking any action aimed at circumventing the Act (s. 18).

For more information, you may wish to consult our information notices on gifts and other advantages; outside activities; fundraising; categories of assets; offers of outside employment; political activities of ministers, ministers of state, parliamentary secretaries and ministerial staff during a federal election period; and serving your constituents and complying with the Act when you are a minister, minister of state, or parliamentary secretary.

Part 2 – Compliance Measures

Recusal

- You must recuse yourself from any discussion, decision, debate or vote if you would be in a conflict of interest (s. 21).

Confidential Disclosure

- Within 60 days after your appointment, you must submit to the Commissioner a Confidential Report describing your assets, liabilities, income and certain activities (s. 22).
- You must also make reasonable efforts to include in this report similar information for members of your family.[iv]
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- You must also make reasonable efforts to include in this report similar information for members of your family.
    - any material change to any matter in respect of which you are required to provide a Confidential Report, within 30 days (subs. 22(5));
    - gifts and other advantages from any one source, other than relatives and friends, the total value of which exceed $200 in value over a 12-month period, within 30 days after acceptance or after the day on which their value exceeds $200 (s. 23);
    - firm offers of outside employment, within seven days of receiving them. You must disclose them in writing (subs. 24(1));
    - the acceptance of an offer of outside employment, within seven days. If you are a minister, you must also notify the Prime Minister. If you are a parliamentary secretary, you must also notify the minister you assist (subs. 24(2)).
- You must review the information in your Confidential Report annually and comply with any new measures required to satisfy your obligations under the Act (s. 28).

Public Declaration

You must publicly declare:

- any recusals made pursuant to section 21, within 60 days after the recusal (subs. 25(1));
- all assets that are neither controlled nor exempt, within 120 days after your appointment (subs. 25(2));
- any liabilities of $10,000 or more, within 120 days, and provide sufficient detail to identify the source and nature of the liability but not the amount (subs. 25(3));

- outside activities approved by the Commissioner, referred to in subsection 15(2) or 15(3), within 120 days after your appointment (subs. 25(4));
- any single acceptable gift or other advantage, other than from a relative or friend, whose value is $200 or more, within 30 days after acceptance (subs. 25(5));
- as a minister or parliamentary secretary, you must publicly declare all travel aboard non-commercial chartered or private aircraft, including those offered by other levels of government, that you, a member of your family, your ministerial advisors or your ministerial staff have accepted within 30 days after the acceptance and provide sufficient detail to identify the source and circumstances (subs. 25(6)).

Divestment

You must:

- divest yourself of any controlled assets by selling them in an arm's-length transaction or by placing them in a blind trust within 120 days after your appointment (s. 27); and
- take any appropriate measures to comply with the Act as determined by the Commissioner (ss. 29 and 30).

For more information, you may wish to consult our information notices on complying with the Act, categories of assets, recusal obligations, conflict of interest screens, and divestment and blind trusts.

Part 3 – Post-Employment

You are prohibited, indefinitely, from:

- acting in a manner that takes improper advantage of your previous office (s. 33);
- acting for or on behalf of any person or organization in connection with any specific proceeding, transaction, negotiation or case where the Crown is a party and where you had acted for, or provided advice to, the Crown while in public office (subs. 34(1));
- providing advice to clients, business associates or employers using information that was acquired in the course of your official duties and that is not available to the public (subs. 34(2)).

During a cooling-off period of two years following your last day in office if you were a minister, or of one year if you were a parliamentary secretary, you are prohibited from:

- entering into a contract of service with, accepting an appointment to the board of directors of, or accepting an offer of employment with an entity—including a federal public sector entity—with which you had direct and significant official dealings during your last year in office (subs. 35(1));
- making representations to a department, organization, board, commission or tribunal with which you had direct and significant official dealings during your last year in office (subs. 35(2));

- if you are a former minister, making representations to a current minister who was a minister at the same time as you (subs. 35(3)).

For this period, you must also report to the Commissioner any communication or meeting as defined in paragraphs 5(1)(*a*) and (*b*) of the *Lobbying Act* (s. 37).

For more information, you may wish to consult our information notice on post-employment rules.

Part 4 – Administration and Enforcement

- The Commissioner may conduct an examination:
  - on the written request of a Senator or Member of the House of Commons who has reasonable grounds to believe that a public office holder or former public office holder has contravened the Act (s. 44); or
  - on the Commissioner's own initiative if the Commissioner has reason to believe that a public office holder or former public office holder has contravened the Act (s. 45).
- The Commissioner may impose administrative monetary penalties for failure to comply with certain reporting requirements (ss. 52 and 53).

For more information, you may wish to consult our information notices on the administrative monetary penalties regime and on investigations under the Act.

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[i] Political activities are expressly excluded from the prohibition against outside activities (subs. 15(4)).

[ii] If the Commissioner is of the opinion that it is not incompatible with your duties as a public office holder, you may, for the purpose of maintaining your employment opportunities or ability to practice your profession on leaving public office, engage in employment or the practice of a profession in order to retain any licensing or professional qualifications or standards of technical proficiency necessary for that purpose, provided you do not receive any remuneration.

[iii] The Commissioner may allow you to continue as a director or officer of an organization of a philanthropic, charitable or non-commercial nature if the Commissioner is of the opinion that it is not incompatible with your public duties.

[iv] Subsection 2(2) of the Act defines family members as:
(a) his or her spouse or common-law partner; and
(b) his or her dependent children and the dependent children of his or her spouse or common-law partner.