



Overview of the *Conflict of Interest Act*

The [*Conflict of Interest Act*](#), administered by the Conflict of Interest and Ethics Commissioner, seeks to prevent conflicts between private interests and the public duties of appointed government officials, called “public office holders.”

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)

Application

The Act applies to some 2,200 public office holders. More than half are part-time members of federal boards, commissions and tribunals or part-time ministerial staff and are subject only to the Act's core set of conflict of interest and post-employment rules. The rest are considered *reporting* public office holders, and include ministers, parliamentary secretaries and most ministerial staff, as well as Governor in Council appointees such as deputy ministers, heads of Crown corporations and full-time members of federal boards.

Reporting public office holders 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. Ministers and parliamentary secretaries have additional obligations.

General Duties

All public office holders have a general duty to arrange their private affairs to prevent conflicts of interest, to abstain from making or participating in decisions that would place them in a conflict of interest, and to refrain from taking any action aimed at circumventing the Act.

Prohibited Activities

All public office holders are prohibited from:

- Providing preferential treatment to any person or organization based on the identity of the person or organization representing it.
- Using information that is not available to the public to further private interests.
- Using their position to influence a decision to further private interests.
- Being influenced in exercising their duties by offers of outside employment.
- Accepting any gift or other advantage that might reasonably be seen to have been given to influence them in exercising their official duties.
- Entering into a contract or employment relationship, in the exercise of their official duties, with a spouse, common-law partner, child, sibling or parent, or permitting the entity for which they work to do so.
- Personally soliciting funds if it places them in a conflict of interest.

Ministers and parliamentary secretaries, members of their families, ministerial advisers and ministerial staff may not accept travel on a non-commercial chartered or private aircraft unless required in their capacity as public office holders or in exceptional circumstances.

The Act contains broad prohibitions against reporting public office holders engaging in outside employment or other activities, and holding controlled assets. They must divest any controlled assets that they hold upon appointment, either through an arm's-length sale to a third party or by placing them in a blind trust.

Recusals

Public office holders must recuse themselves from any discussion, decision, debate or vote if it would place them in a conflict of interest.

Confidential Disclosures

Within 60 days after their appointment, new reporting public office holders must submit to the Commissioner a confidential report describing their assets, liabilities, income and certain activities. They have 120 days from the time of their appointment to complete any compliance measures necessary to ensure they meet their obligations under the Act.

Reporting public office holders have an ongoing obligation throughout their term of office to disclose to the Commissioner any material changes to their disclosure statement. They must also disclose any gifts or other advantages from any one source, other than relatives and friends, that exceed \$200 in value in a 12-month period, within 30 days after acceptance or of the day on which their total value exceeds \$200.

They must disclose to the Commissioner any firm offers of outside employment, within seven days of receiving them, and the acceptance of any offer, within seven days of accepting it.

Public Declarations

In addition to their confidential disclosures, reporting public office holders have the obligation to publicly declare certain information.

Within 120 days after their appointment, they must publicly declare all assets that are neither controlled nor exempt.

Throughout their term of office, reporting public office holders must publicly declare any recusals made for reasons of conflict of interest, within 60 days, any acceptable gift or other advantage, other than from a relative or friend, whose value is \$200 or more, within 30 days after acceptance, and any outside activities approved by the Commissioner. Ministers and parliamentary secretaries, their families, and ministerial advisers and staff must publicly declare any travel accepted on non-commercial chartered or private aircraft, within 30 days after acceptance.

The Commissioner maintains a public registry of publicly declarable information under the Act. It includes summary statements based on reporting public office holders' confidential reports, and declarations of gifts, recusals and outside activities.

Post-Employment Restrictions

All public office holders are prohibited for life from taking improper advantage of a previously held public office, switching sides, and improperly using information obtained in their capacity as public office holders.

There is a cooling-off period of two years for former ministers and one year for other reporting public office holders during which they cannot work for, contract with or make representations before an entity with which they had [direct and significant official dealings](#) during their last year in office. During their two-year cooling-off period, former ministers may not make representations to a current minister who was in cabinet at the same time as they were.

Enforcement

The Commissioner can impose administrative monetary penalties of up to \$500 for failure to meet certain reporting deadlines.

The Commissioner may order a public office holder to take any compliance measure that the Commissioner determines is necessary.

The Commissioner can also investigate any public office holder or former public office holder at the request of a Member of the Senate or House of Commons, or on the Commissioner's own initiative if there is reason to believe that the person has contravened a specific section of the Act.

For more information, please see the separate [fact sheet](#) on the role and mandate of the Conflict of Interest and Ethics Commissioner.

Ce document est également disponible en français.

<http://ciec-ccie.parl.gc.ca/>