



## Summary of Rules for Ministers and Parliamentary Secretaries

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)

### General Duties (Part 1)

- Arrange your private affairs to prevent conflicts of interest. (section 5)
- Abstain from participating in decisions that would involve a conflict of interest. (subsection 6(1))
- Do not take any action aimed at circumventing the [Conflict of Interest Act](#). (s. 18)
- Compliance with the Act is a condition of your appointment or employment as a public office holder. (s. 19)

### Conflict of Interest Rules (Part 1)

You are prohibited from:

- 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 in order 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. (s. 11) Certain exceptions to this rule are outlined in ss. 11(2). If you or a member of your family accepts a courtesy or protocol gift that has a value of \$1,000 or more, you must forfeit it to the Crown, unless the Conflict of Interest and Ethics Commissioner determines otherwise. (ss. 11(3))
- Accepting travel on non-commercial chartered or private aircraft for any purpose unless required in your official capacity or in exceptional circumstances or with the prior approval of the Conflict of Interest Commissioner. (s. 12)

- Being party to a contract with a public sector entity under which benefits are received (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 outside employment. This includes:
  - Engaging in employment or the practice of a profession. Exception: 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 practise 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;
  - Managing or operating a business or commercial activity;
  - Continuing as or becoming a director or officer in a corporation or organization. Exception: 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;
  - Holding office in a union or professional association;
  - Serving as a paid consultant; and
  - Being an active partner in a partnership. (ss. 15(1))

*NOTE: Political activities are expressly excluded from the prohibition against outside activities. (ss. 15(4))*
- Personally soliciting funds if it places you in a conflict of interest. (s.16)

## **Recusal (Part 2)**

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

## **Confidential Disclosure (Part 2)**

- 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)
- Throughout your term of office, you must disclose to the Commissioner:
  - Gifts and 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 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. (s. 24)

- 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 appropriate minister. (s. 24)

## **Public Declaration (Part 2)**

You must publicly declare:

- Any recusals made pursuant to section 21, within 60 days after the recusal. (ss. 25(1))
- All assets that are neither controlled nor exempt, within 120 days after your appointment. (ss. 25(2))
- Outside activities approved by the Commissioner, referred to in ss. 15(2) or 15(3), within 120 days after your appointment. (ss. 25(4))
- Any acceptable gift or other advantage, other than from a relative or friend, whose value is \$200 or more, within 30 days after acceptance. (ss. 25(5)) NOTE: The \$200 threshold is not the determining factor for acceptability, but the threshold for public disclosure. If in doubt about a gift's acceptability, please contact the Office.
- Travel that you have accepted in accordance with section 12, from any source, within 30 days after acceptance, identifying the source and the circumstances under which it was accepted.

## **Post-Employment (Part 3)**

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. (ss. 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. (ss. 34(2))

During a "cooling-off" period of two years following your last day in office if you were a minister, or 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 with which you had direct and significant official dealings during your last year in office. (ss. 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. (ss. 35(2))
- Making representations to a current minister who was in Cabinet at the same time as you were, if you were a minister. (ss. 35(3))

### Reporting on lobbying activities:

- For two years after leaving office, you must report to the Commissioner any communication or meeting as defined in paragraphs 5(1)(a) and (b) of the *Lobbying Act*. (s. 37)

## Administration and Enforcement (Part 4)

- 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. (s. 52)

*This summary is intended as a quick reference. The Conflict of Interest Act itself is the final authority. You are encouraged to seek advice from the Office of the Conflict of Interest and Ethics Commissioner. You can reach an advisor by telephone at 613-995-0721 or by email at [ciec-ccie@parl.gc.ca](mailto:ciec-ccie@parl.gc.ca). Members of ministerial staff should refer to the [Summary of Rules for Ministerial Staff](#).*

*Ce document est également disponible en français.*

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