



**SUMMARY**  
**CONFLICT OF INTEREST ACT**

## Administrative Monetary Penalties Regime

*The Office of the Conflict of Interest and Ethics Commissioner has prepared this summary as a quick reference only; the Act itself is the final authority.*

Reporting public office holders who fail to comply with certain sections of the [Conflict of Interest Act](#) may be subject to administrative monetary penalties. These are imposed by the Conflict of Interest and Ethics Commissioner following a process set out in sections 52 to 62 of the Act. The process for the application of an administrative monetary penalty can be initiated up to five years after the Commissioner becomes aware of the alleged violation.

An administrative monetary penalty is not to exceed \$500 and is intended to encourage compliance rather than to punish. The following is a list of all provisions for which penalties could be imposed.

<b>Section</b>	<b>Initial compliance with the Act on appointment</b>	<b>Deadline</b>
	<u>Confidential Disclosures to Commissioner</u>	
22(1)	Filing of Confidential Report	60 days after appointment
22(2)	Completeness and accuracy of Confidential Report	- -
27(7)	Confirmation of divestment	120 days after appointment
	<u>Public Declarations</u>	
25(2)	Non-controlled, non-exempt assets	120 days after appointment
25(4)	Outside activities as an officer or director	120 days after appointment
26(1)	Signing of Summary Statement	120 days after appointment
26(2)	Completeness and accuracy of Summary Statement	- -
25(3)	Liabilities of \$10,000 or more (Ministers and parliamentary secretaries only)	120 days after appointment
	<b>Section Ongoing compliance with Act Deadline</b>	
	<u>Confidential Disclosures to Commissioner</u>	
22(5)	Material change to Confidential Report	30 days after change
23	Multiple gifts from one source with cumulative value of over \$200 in 12-month period	30 days after the total cumulative value exceeds \$200
24(1)	Firm offers of outside employment	7 days after offer
24(2)	Acceptance of offer of outside employment	7 days after acceptance
	<u>Public Declarations</u>	
25(5)	Gifts with a value of \$200 or more	30 days after receipt
25(1)	Recusals	60 days from recusal
25(6)	Travel on non-commercial chartered or private aircraft (Ministers, parliamentary secretaries and ministerial staff only)	30 days after acceptance

## **Process for determining penalties**

The Conflict of Interest and Ethics Commissioner reviews the circumstances around the possible violation (subsection 53(1)).

If the Commissioner believes on reasonable grounds that a Reporting Public Office Holder has committed a violation he may issue a Notice of Violation, along with a proposed penalty (subsections 53(1) and (2)).

The decision on whether or not to propose a penalty and the amount of the penalty will depend on the nature of the violation, whether there have been prior violations by the reporting public office holder in the previous five-years and any other relevant matter. The amount of the penalty, which may not exceed \$500, is set with a view to encouraging compliance rather than punishment (subsection 53(3)).

The reporting public office holder has 30 days in which to pay the penalty or to make written representations to the Commissioner (paragraph 53(2)(d)).

Where representations are made, the Commissioner may determine that the Act has not been violated or may impose, reduce or eliminate any penalty originally proposed. The Commissioner will notify the reporting public office holder of her decision (section 56).

Where a penalty is imposed, payment is to be made payable to the Receiver General of Canada via certified cheque or money order. The nature of the violation, the name of the reporting public office holder and the amount of the penalty will be made public by the Commissioner (section 62). This will be done by placing the information on the Conflict of Interest and Ethics Commissioner's website.

*Ce document est également disponible en français.*  
<http://ciec-ccie.parl.gc.ca/>