

# ***CONFLICT OF INTEREST ACT***

## **SUMMARY OF RULES THAT APPLY TO PUBLIC OFFICE HOLDERS**

*This summary, prepared by the Office of the Conflict of Interest and Ethics Commissioner, is intended as a quick reference; the Act itself is the final authority.*

**August 2007**

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**Conflict of Interest:** 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 that improperly furthers another person's private interests. (Section 4)

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### **General Duties (Part 1)**

All public office holders must:

- **arrange their private affairs** to prevent a conflict of interest (section 5);
- **abstain from participation in decisions** that would involve a conflict of interest (subsection 6.(1)); and
- **not take any action** aimed at circumventing the *Conflict of Interest Act* (section 18).

### **Prohibited activities while holding office (Part 1):**

- **Preferential treatment:** of any person or organization based on the identity of the person or organization representing them (section 7);
- **Insider Information:** using information that is not available to the public to further one's private interests or the private interests of relatives or friends, or to improperly further another person's private interests (section 8);
- **Influence:** using one's position to influence a decision to further private interests (section 9);
- **Offers of employment:** being influenced in exercising one's duties by offers of outside employment (section 10);
- **Gifts:** accepting any gift or other advantage that might reasonably be seen to influence the exercise of one's official duties (section 11);
- **Contracting with family:** entering into a contract or employment relationship, in the exercise of one's official duties, with a spouse, common-law partner, child, sibling or parent or permitting the entity for which one works to do so (section 14);
- **Fundraising:** personally soliciting funds if it would place the public office holder in a conflict of interest (section 16).

### **Recusal (Part 2)**

- All public office holders must recuse themselves from any discussion, decision, debate or vote if they would be in a conflict of interest (section 21).

**Post-Employment – Prohibited Activities (Part 3)**

- acting in a manner that takes improper advantage of one's previous office (section 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 one had acted for, or provided advice to, the Crown while in public office (subsection 34.(1)); and
- providing advice to clients, business associates or employers using information that was acquired in the course of one's official duties and that is not available to the public (subsection 34.(2)).

**Administration and Enforcement (Part 4)**

- The Commissioner may conduct an examination:
  - on the written request of a member of the Senate or House of Commons who has reasonable grounds to believe that a public officer holder or a former public office holder has contravened the Act (section 44); or
  - on her own initiative if she has reason to believe that a public office holder or a former public office holder has contravened the Act (section 45).