

The Office of the Senate Ethics Officer

The Office of the Senate Ethics Officer was created as a result of Bill C-4, *An Act to amend the Parliament of Canada Act (Senate Ethics Officer and Ethics Commissioner) and other Acts in consequence*. That bill received Royal Assent on March 31, 2004.

Mr. Jean T. Fournier was appointed the Senate's first Ethics Officer following the adoption of a motion to that effect by the Senate on February 24, 2005. The Governor in Council approved the appointment on the following day. Mr. Fournier assumed office on April 1, 2005.

The Senate Ethics Officer is independent of government. He carries out his duties under the general direction of a committee established under the Act for the purposes of the Code. He is appointed for a seven- year term and can only be removed for cause. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out his duties and functions. He has the rank of a deputy head of a department of the Government of Canada.

The mandate of the Senate Ethics Officer is to administer and interpret the Conflict of Interest Code for Senators adopted by the Senate on May 18, 2005. The Code sets out acceptable standards of conduct for all Members of the Senate.

The main responsibilities of the Office are the following:

- **Opinions and advice.** The Code allows each Senator to seek the advice of the Senate Ethics Officer on any matter respecting the Senator's obligations under the Code. While oral "unofficial" advice may be given on ordinary or routine matters, the normal practice is to provide written advice in accordance with section 8 of the Code. This not only ensures clarity as to the content of the advice, it may enable a Senator to demonstrate that he or she sought and followed the advice of the Senate Ethics Officer. The opinion given is confidential and can only be released by the Senator or with his or her consent.
- **Annual disclosures.** The Code requires each Senator to submit to the Senate Ethics Officer an annual **confidential** disclosure statement listing sources of income, assets, liabilities, government contracts, financial and other interests. The Senate Ethics Officer reviews the information, advises individual Senators on possible conflicts and recommends compliance measures. A **public** disclosure summary is also prepared by the Office based on the information provided by each Senator. The summary is placed on file at the Office of the Senate Ethics Officer and made available for public inspection.
- **Inquiries and investigations .** Under the Code, an inquiry may be conducted to determine whether a Senator has complied with his or her obligations. The Senate Ethics Officer may conduct such inquiries at the request of: a Senator; the Committee established for the purposes of the Code; or on his own initiative in accordance with the procedure set out in the Code.
- **Communications and partnerships.** Another important function of the Office is communication. This includes the preparation of educational material for Senators and their staff; responding to requests from the public and the media; updating the



Office's website, public events and speeches. Under section 20 (7) of the Act, the Senate Ethics Officer is required to prepare an annual report.

The Office maintains close working relations with provincial and territorial Ethics Offices across the country as well as with the Office of the Ethics Commissioner who is responsible for the Conflict of Interest Code for Members of the House of Commons and the Prime Minister's Conflict of Interest and Post-Employment Code for Public Office Holders. All Ethics Commissioners or Officers meet once a year to draw on their collective experiences and efforts to improve ethical practices in government.

The Office follows relevant developments in countries such as the United States, the United Kingdom, France and Australia and in international agencies such as the OECD. The Office welcomes Canadians and international delegations who are interested in learning about the Office's programs and activities as they develop or seek to improve their own compliance mechanisms.⁴



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Frequently Asked Questions

What is a code ?

What is a conflict of interest ?

What is the role of the Senate Ethics Officer ?

What are the Senators' key obligations under the Code ?

How was the Senate Ethics Officer selected ?

Are there provisions other than in the Code regarding the conduct of Senators ?

What is a code ?

The Oxford dictionary defines a code as « a set of conventions or principles governing behaviour or activity in a particular sphere ». In that sense, the word code is often used to refer to a code of ethics, a code of conduct or a code of conflict. Groups such as doctors, nurses, lawyers and engineers have long been subject to codes.

Codes for public officials in Canada, elected and non-elected, have been introduced gradually over the last 35 years. Codes now cover all federal, provincial and territorial officials and some municipal office holders.

Codes over the years have proven to be excellent prevention tools and most public officials endeavour to meet the standards. While they are necessary to achieve higher standards of ethical behaviour, they are not sufficient to avoid conflicts of interest altogether.

On May 11, 2005 the Committee on Rules, Procedures and the Rights of Parliament tabled its Third Report in the Senate to which was attached the Conflict of Interest Code for Senators. On May 18, the Senate approved the new Code.

What is a conflict of interest ?

Simply put, a conflict of interest is a situation when a public official's duties conflict with his private or personal interests. This arises when a public official uses his office to further his private interest or to derive a personal benefit in a manner that is contrary to the Code. Such situations may involve obtaining insider information, the use of influence, gift receiving, sponsored travels or benefits from government contracts.

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What is the role of the Senate Ethics Officer ?

The Senate Ethics Officer is responsible for administering and interpreting the Code of Conflict of Interest for Senators which sets out acceptable standards of conduct for all Senators. He is an Officer of the Senate, and is independent from government. He operates under the general direction of a five-person committee established for the purposes of the Code. Mr. Jean T. Fournier was appointed the first Senate Ethics Officer on April 1, 2005 for a 7 year term.

The Senate Ethics Officer performs a variety of roles under the Code. An important role is to advise Senators on how to meet the standards of conduct set out in the Code. This is done by assisting Senators in understanding their obligations, identifying areas of conflict or possible conflict, and making recommendations, thereby preventing ethics violations before they occur, a primary objective of the Office. The Senate Ethics Officer's advice is independent and non-partisan.

The Senate Ethics Officer receives annual confidential statements filed by all Senators to ensure compliance with the Code. He also prepares public statements which reveal publicly the private interests held by Senators (although not the extent of those interests). This transparency allows Canadians to judge the ethical performance of Senators with the full knowledge of their private interests.

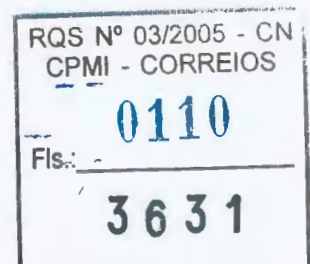
Working with the Committee of Senators established for the purposes of the Code, the Senate Ethics Officer also investigates any complaints in accordance with the procedures set out in the Code.

What are the Senators' key obligations under the Code ?

Principles:

"Given that service in Parliament is a public trust, the Senate recognizes and declares that Senators are expected

- to remain members of their communities and regions and to continue their activities in those communities and regions while serving the public interest and those they represent to the best of their abilities;
- to fulfil their public duties while upholding the highest standards so as to avoid conflicts of interest and maintain an enhance public confidence and trust in the integrity of each Senator and in the Senate; and



- to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest." (Section 2.1)

Specific obligations:

1. Not act in a way to further his private interests, or those of a family member, when performing parliamentary duties and functions (section 10);
2. Not use his position to influence a decision of another person so as to further the Senator's private interests, or those of a family member (section 11);
3. Not use information that is not generally available to the public to further the Senator's private interests or those of a family member (section 12);
4. Make a declaration, orally or in writing, when the Senator, or a family member, has a private interest that might be affected by a matter that is before the Senate or a committee of which he is a member (section 14). [Senator may participate in debate on that matter, provided that a declaration is first made orally on the record; the Senator shall not vote, but may abstain (sections 15 and 16)];
5. Not accept, nor a family member, any gift or other benefit that could reasonably be considered to relate to the Senator's position, including sponsored travel, except as allowed under sections 19 and 20, and declared to the SEO as required;
6. Not be a party to a contract with the Government of Canada under which the Senator receives a benefit, unless specifically authorized (sections 22-28);
7. Disclose annually in confidence and in public, his private interests, as required (section 29-36);
8. Report to the Senate Ethics Officer any material change to the information in the confidential disclosure statement, within prescribed time limit (section 30(4));
9. Cooperate with the Senate Ethics Officer with respect to any inquiry (section 44(12)).

How was the Senate Ethics Officer selected ?

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On February 22, 2005, the Leader of the Government in the Senate, supported by the Leader of the Opposition in the Senate introduced a motion asking the Senate to approve the appointment of Jean T. Fournier as Senate Ethics Office for a term of seven years. On February 24, the motion was debated in Committee of the Whole when Mr. Fournier was called as a witness. The motion was approved by the Senate on that day. The motion reads: That in accordance with section 20.1 of the Parliament of Canada Act, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Jean T. Fournier, of Ottawa, Ontario, as Senate Ethics Officer for a term of seven years. On February 25, the Governor in Council approved an Order in Council appointing Mr. Fournier as the first Senate Ethics Officer, effective April 1, 2005.

Are there provisions other than in the Code regarding the conduct of Senators ?

The principal restrictions are as follows:

Criminal code

Section 119 of the Criminal Code prohibits a Senator from receiving bribes in respect of acts or omissions of office.

Section 121 of the Criminal code prohibits influence peddling. A Senator may not receive a payment or other benefit in return for an act or omission in connection with government business.

Parliament of Canada Act

Section 16 of the Parliament of Canada Act prohibits a Senator from receiving a payment or other compensation from a source other than the Senate for business in relation to parliamentary functions.

Rules of the Senate

Rules 65(8) and 94(1) of the Rules of the Senate prohibit a Senator from sitting on a committee or voting on a question in which he has a pecuniary interest not available to the general public.



CONFLICT OF INTEREST CODE FOR SENATORS

Purposes

1. The purposes of this Code are to

- (a) maintain and enhance public confidence and trust in the integrity of Senators and the Senate;
- (b) provide for greater certainty and guidance for Senators when dealing with issues that may present foreseeable real or apparent conflicts of interest; and
- (c) establish clear standards and a transparent system by which questions relating to proper conduct may be addressed by an independent, non-partisan adviser.

Principles

2. (1) Given that service in Parliament is a public trust, the Senate recognizes and declares that Senators are expected

- (a) to remain members of their communities and regions and to continue their activities in those communities and regions while serving the public interest and those they represent to the best of their abilities;
 - (b) to fulfil their public duties while upholding the highest standards so as to avoid conflicts of interest and maintain and enhance public confidence and trust in the integrity of each Senator and in the Senate; and
 - (c) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest.
- (2) The Senate further declares that this Code shall be interpreted and administered so that Senators and their families shall be afforded a reasonable expectation of privacy.

Interpretation

Definitions

3. (1) The following definitions apply in this Code.

"Committee"
« Comité »

"Committee" means the Committee designated or established under section 37.



“common-law partner”
« conjoint de fait »

“common-law partner” means a person who is cohabiting with a Senator in a conjugal relationship, having so cohabited for at least one year.

“Intersessional Authority”
« autorité intersessionnelle »

“Intersessional Authority on Conflict of Interest for Senators” means the committee established by section 41.

“parliamentary duties and functions”
« fonctions parlementaires »

“parliamentary duties and functions” means duties and activities related to the position of Senator, wherever performed, and includes public and official business and partisan matters.

“Senate Ethics Officer”
« conseiller sénatorial en éthique »

“Senate Ethics Officer” means the Senate Ethics Officer appointed under section 20.1 of the *Parliament of Canada Act*.

“spouse”
« époux »

“spouse” means a person to whom a Senator is married but does not include a person from whom the Senator is separated where all support obligations and family property have been dealt with by a separation agreement or by a court order.

Family members

(2) The following are the family members of a Senator for the purposes of this Code:

(a) a Senator’s spouse or common-law partner; and

(b) a child of a Senator, a child of a Senator’s spouse or common-law partner, or a person whom a Senator treats as a child of the family, who

(i) has not reached the age of 18 years, or

(ii) has reached that age but is primarily dependent on a Senator or a Senator’s spouse or common-law partner for financial support.

Activities and Jurisdiction Preserved



Assisting the public

4. Senators are encouraged to continue to assist members of the public as long as their actions are consistent with their obligations under this Code.

Carrying on activities

5. Senators who are not ministers of the Crown may participate in any outside activities, including the following, as long as they are able to fulfil their obligations under this Code:

- (a) engaging in employment or in the practice of a profession;
- (b) carrying on a business;
- (c) being a director or officer in a corporation, association, trade union or not-for-profit organization; and
- (d) being a partner in a partnership.

Existing Committee jurisdiction

6. Nothing in this Code affects the jurisdiction of the Standing Senate Committee on Internal Economy, Budgets and Administration.

Role of the Speaker

7. Procedural matters referred to in this Code that are expressly provided for in *The Rules of the Senate* are under the jurisdiction and authority of the Speaker rather than the Senate Ethics Officer.

Opinions and Advice

Request for opinion

8. (1) In response to a request in writing from a Senator on any matter respecting the Senator's obligations under this Code, the Senate Ethics Officer shall provide the Senator with a written opinion containing any recommendations that the Senate Ethics Officer considers appropriate.

Opinion binding

(2) An opinion given by the Senate Ethics Officer to a Senator is binding on the Senate Ethics Officer in relation to any subsequent consideration of the subject matter of the opinion as long as all the relevant facts that were known to the Senator were disclosed to the Senate Ethics Officer.

Written advice binding



(3) Any written advice given by the Senate Ethics Officer to a Senator on any matter relating to this Code is binding on the Senate Ethics Officer in relation to any subsequent consideration of the subject matter of the advice as long as all the relevant facts that were known to the Senator were disclosed to the Senate Ethics Officer.

Confidentiality

(4) A written opinion or advice is confidential and may be made public only by the Senator or with his or her written consent.

Committee consideration

(5) A written opinion or advice given by the Senate Ethics Officer under subsection (2) or (3) and relied on by a Senator is conclusive proof that the Senator has fully complied with the Senator's obligations under this Code in any subsequent consideration by the Committee of the subject matter of the opinion or advice as long as all the relevant facts that were known to the Senator were disclosed to the Senate Ethics Officer.

Publication

(6) Nothing in this section prevents the Senate Ethics Officer, subject to the approval of the Committee, from publishing opinions and advice for the guidance of Senators, provided that no details are included that could identify a Senator.

Guidelines

9. Subject to the approval of the Committee, the Senate Ethics Officer may publish Guidelines for the assistance of Senators on any matter concerning the interpretation of this Code that the Senate Ethics Officer considers advisable.

Rules of Conduct

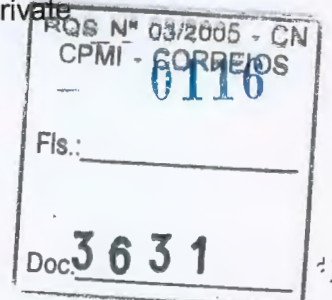
Furthering private interests

10. When performing parliamentary duties and functions, a Senator shall not act or attempt to act in any way to further his or her private interests, or those of a family member, or to improperly further another person's or entity's private interests.

Use of influence

11. A Senator shall not use or attempt to use his or her position as a Senator to influence a decision of another person so as to further the Senator's private interests, or those of a family member, or to improperly further another person's or entity's private interests.

Use of information



12. (1) If as a result of his or her position, a Senator obtains information that is not generally available to the public, the Senator shall not use or attempt to use the information to further the Senator's private interests, or those of a family member, or to improperly further another person's or entity's private interests.

Conveying information

(2) A Senator shall not convey or attempt to convey information referred to in subsection (1) to another person if the Senator knows, or reasonably ought to know, that the information may be used to further the Senator's private interests, or those of a family member, or to improperly further another person's or entity's private interests.

Clarification: furthering private interests

13. (1) In sections 10 to 12, furthering private interests of a person or entity, including the Senator's own private interests, means actions taken by a Senator for the purpose of achieving, directly or indirectly, any of the following:

- (a) an increase in, or the preservation of, the value of the person's or entity's assets;
- (b) the elimination, or reduction in the amount, of the person's or entity's liabilities;
- (c) the acquisition of a financial interest by the person or entity;
- (d) an increase in the person's or entity's income from a contract, a business or a profession;
- (e) an increase in the person's income from employment;
- (f) the person becoming a director or officer in a corporation, association or trade union; or
- (g) the person becoming a partner in a partnership.

Clarification: not furthering private interests

(2) A Senator is not considered to further his or her own private interests or the private interests of another person or entity if the matter in question

- (a) is of general application;
- (b) affects the Senator or the other person or entity as one of a broad class of the public; or
- (c) concerns the remuneration or benefits of the Senator as provided under an Act of Parliament or a resolution of the Senate or of a Senate committee.

Declaration of a private interest: Senate or committee



14. (1) If a Senator has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before the Senate or a committee of which the Senator is a member, the Senator shall, on the first occasion at which the Senator is present during consideration of the matter, make a declaration regarding the general nature of the private interest. The declaration can be made orally on the record or in writing to the Clerk of the Senate or the Clerk of the committee, as the case may be. The Speaker of the Senate shall cause the declaration to be recorded in the *Journals of the Senate* and the Chair of the committee shall, subject to subsection (4), cause the declaration to be recorded in the Minutes of Proceedings of the committee.

Subsequent declaration

(2) If a Senator becomes aware at a later date of a private interest that should have been declared under subsection (1), the Senator shall make the required declaration forthwith.

Declaration recorded

(3) The Clerk of the Senate or the Clerk of the committee, as the case may be, shall send the declaration to the Senate Ethics Officer, who shall, subject to subsection (4), file it with the Senator's public disclosure summary.

Where declaration *in camera*

(4) In any case in which the declaration was made during an *in camera* meeting, the Chair of the committee and Senate Ethics Officer shall obtain the consent of the subcommittee on agenda and procedure of the committee concerned before causing the declaration to be recorded in the Minutes of Proceedings of the committee or filing it with the Senator's public disclosure summary, as the case may be.

Declaration of a private interest: other circumstances

(5) In any circumstances other than those in subsection (1) that involve the Senator's parliamentary duties and functions, a Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected shall make an oral declaration regarding the general nature of the private interest at the first opportunity.

Debate in the Senate

15. (1) A Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before the Senate may participate in debate on that matter, provided that an oral declaration is made on the record prior to each intervention.

Debate in Committee

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(2) A Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest that might be affected by a matter that is before a committee of which the Senator is a member may participate in debate on that matter, provided that a declaration is first made orally on the record.

Prohibition on voting

16. A Senator who has reasonable grounds to believe that he or she, or a family member, has a private interest in a matter before the Senate or a committee of which the Senator is a member shall not vote on that matter, but may abstain.

Procedure

17. If a Senator reasonably believes that another Senator has failed to make a declaration of a private interest as required by section 14 or 15, or that another Senator has voted contrary to the prohibition in section 16, the matter may be raised with the Senate Ethics Officer.

Clarification: having a private interest

18. For the purpose of sections 14 to 16, private interest means those interests that can be furthered in subsection 13(1), but does not include the matters listed in subsection 13(2).

Prohibition: gifts and other benefits

19. (1) Neither a Senator, nor a family member, shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that could reasonably be considered to relate to the Senator's position.

Exception

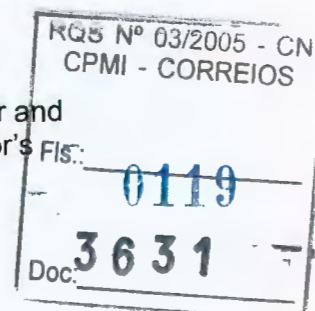
(2) A Senator, and a family member, may, however, accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Senator's position.

Statement: gift or other benefit

(3) If a gift or other benefit that is accepted under subsection (2) by a Senator or his or her family members exceeds \$500 in value, or if the total value of all such gifts or benefits received from one source in a 12-month period exceeds \$500, the Senator shall, within 30 days after that value is exceeded, file with the Senate Ethics Officer a statement disclosing the nature and value of the gifts or other benefits, their source and the circumstances under which they were given.

Statement: sponsored travel

20. (1) Notwithstanding subsection 19(1), a Senator may accept, for the Senator and guests of the Senator, sponsored travel that arises from or relates to the Senator's



position. If the travel costs of a Senator or any guest exceed \$500 and are not paid personally by the Senator or the guest, and the travel is not paid through the programs for international and interparliamentary affairs of the Parliament of Canada, by the Senate, the Government of Canada, or the Senator's political party, the Senator shall, within 30 days after the end of the trip, file a statement with the Senate Ethics Officer.

Contents of statement

(2) The statement shall disclose the name of the person or organization paying for the trip, the destination or destinations, the purpose and length of the trip, whether or not any guest was also sponsored, and the general nature of the benefits received.

Duplication

(3) Any disclosure made in relation to sponsored travel does not need to be disclosed as a gift or other benefit.

Consent of Senate

21. Gifts, other benefits and sponsored travel accepted in compliance with the requirements of sections 19 and 20 are deemed to have received the consent of the Senate thereto for all purposes.

Government contracts

22. A Senator shall not knowingly be a party, directly or through a subcontract, to a contract or other business arrangement with the Government of Canada or any federal agency or body under which the Senator receives a benefit unless the Senate Ethics Officer provides a written opinion that

(a) due to special circumstances the contract or other business arrangement is in the public interest; or

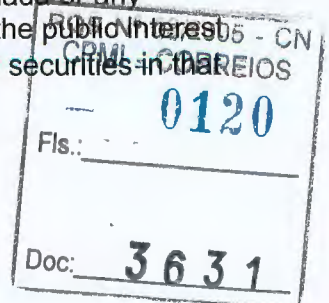
(b) the contract or other business arrangement is unlikely to affect the Senator's obligations under this Code.

Public corporations

23. (1) A Senator may own securities in a public corporation that contracts with the Government of Canada or any federal agency or body unless the holdings are so significant that the Senate Ethics Officer provides a written opinion that they are likely to affect the Senator's obligations under this Code.

Public interest

(2) A contract between a public corporation and the Government of Canada or any federal agency or body that, in the Senate Ethics Officer's opinion is in the public interest due to special circumstances, shall not preclude a Senator from holding securities in that public corporation.



Government programs

(3) For the purpose of subsection (1), a public corporation shall not be considered to contract with the Government of Canada or any federal agency or body merely because the corporation participates in a Government program that meets the criteria described in section 25.

Trust

(4) If the Senate Ethics Officer is of the opinion that the Senator's obligations under this Code are likely to be affected under the circumstances of subsection (1), the Senator may comply with the Code by placing the securities in a trust under such terms as the Senate Ethics Officer considers appropriate.

Partnerships and private corporations

24. A Senator shall not have an interest in a partnership or in a private corporation that is a party, directly or through a subcontract, to a contract or other business arrangement with the Government of Canada or any federal agency or body under which the partnership or corporation receives a benefit unless the Senate Ethics Officer provides a written opinion that

(a) due to special circumstances the contract or other business arrangement is in the public interest; or

(b) the contract or other business arrangement is unlikely to affect the Senator's obligations under this Code.

Clarification: Government programs

25. For the purposes of sections 22 and 24, it is not prohibited to participate in a program operated or funded, in whole or in part, by the Government of Canada or any federal agency or body under which a Senator, or a partnership or private corporation in which a Senator has an interest, receives a benefit if

(a) the eligibility requirements of the program are met;

(b) the program is of general application or is available to a broad class of the public;

(c) there is no preferential treatment with respect to the application; and

(d) no special benefits are received that are not available to other participants in the program.

Trust

26. Section 24 does not apply if the Senator has entrusted his or her interest in a partnership or private corporation to one or more trustees on all of the following terms:



- (a) the provisions of the trust have been approved by the Senate Ethics Officer;
- (b) the trustees are at arm's length from the Senator and have been approved by the Senate Ethics Officer;
- (c) except as provided in paragraph (d), the trustees may not consult with the Senator with respect to managing the trust, but they may consult with the Senate Ethics Officer;
- (d) the trustees may consult with the Senator, with the approval of the Senate Ethics Officer and in his or her presence, if an extraordinary event is likely to materially affect the trust property;
- (e) in the case of an interest in a corporation, the Senator resigns any position of director or officer in the corporation;
- (f) the trustees provide the Senate Ethics Officer annually with a written report setting out the nature of the trust property, the value of that property, the trust's net income for the preceding year and the trustees' fees, if any; and
- (g) the trustees give the Senator sufficient information to permit the Senator to submit returns as required by the *Income Tax Act* and give the same information to the appropriate taxation authorities.

Pre-existing contracts

27. The rules in sections 22, 23 and 24 do not apply to a contract or other business arrangement that existed before a Senator's appointment to the Senate, but they do apply to its renewal or extension.

Interest acquired by inheritance

28. The rules in sections 22, 23 and 24 do not apply to an interest acquired by inheritance until the first anniversary date of the transfer of legal and beneficial ownership. In special circumstances, the Senate Ethics Officer may extend this time period.

Duty to Disclose

Confidential disclosure statement: sitting Senators

29. (1) A Senator who holds office on the day this Code comes into force shall, within 120 days after that day, and annually thereafter on or before the date established by the Senate Ethics Officer under subsection (2), file with the Senate Ethics Officer a confidential statement disclosing the information required by section 30.

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(2) The date on or before which the annual confidential disclosure statements are required to be filed shall be established by the Senate Ethics Officer following approval by the Committee.

Confidential disclosure statement: new Senators

(3) A Senator shall, within 120 days after being summoned to the Senate, and annually thereafter on or before the date established by the Senate Ethics Officer under subsection (2), file with the Senate Ethics Officer a confidential statement disclosing the information required by section 30.

Submission to Committee

(4) Thirty days after the date established under subsection (2), the Senate Ethics Officer shall submit to the Committee the name of any Senator who has not complied with his or her duty to file a confidential disclosure statement.

Errors or Omissions

(5) If, at any time after the date established under subsection (2), the Senate Ethics Officer has reason to believe that a Senator's confidential statement contains an error or omission, the Senate Ethics Officer shall notify the Senator concerned and request the Senator to provide the relevant information.

Response within 60 days

(6) Upon receipt of a request under subsection (5), the Senator shall provide the information within 60 days.

Family members

(7) A Senator may file with the Senate Ethics Officer a confidential disclosure statement relating to the Senator's family members so that the Senator may discuss their interests in relation to the Senator's obligations under this Code and receive advice in that regard.

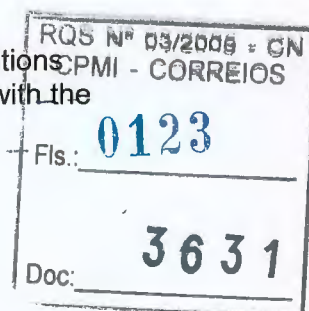
Confidentiality

(8) The Senate Ethics Officer and all officers, employees, agents, advisers and consultants that may be employed or engaged by the Senate Ethics Officer shall keep all statements confidential.

Initial meeting with Senate Ethics Officer

(9) Senators, and in particular newly-summoned Senators, who may have questions regarding their confidential disclosure duties should make every effort to meet with the Senate Ethics Officer before submitting their confidential disclosure statement.

Contents of confidential disclosure statement



30. (1) Subject to subsection (2) regarding excluded matters, and any Guidelines published by the Senate Ethics Officer under section 9, the confidential disclosure statement shall list :

- a. any corporations, income trusts and trade unions in which the Senator is a director or officer and any partnerships in which the Senator is a partner, including a description of the activities of each entity;
- b. any associations and not-for-profit organizations in which the Senator is a director, officer or patron, including memberships on advisory boards and any honorary positions;
- c. the nature but not the amount of any source of income over \$2,000 that the Senator has received in the preceding 12 months and is likely to receive during the next 12 months; for this purpose,

(i) a source of income from employment is the employer,

(ii) a source of income from a contract is a party with whom the contract is made,

(iii) a source of income arising from a business or profession is that business or profession, and

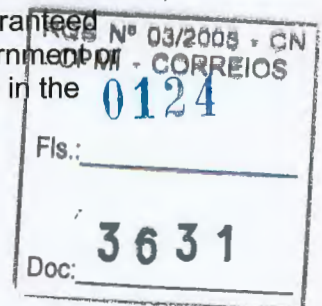
(iv) a source of income arising from an investment is that investment;

- d. the source, nature and value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has directly, or through a subcontract;
- e. the source, nature and value of any contracts, subcontracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has by virtue of a partnership or a significant interest in a private corporation that the Senator is able to ascertain by making reasonable inquiries;
- f. the source, nature and value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that a member of the Senator's family has, directly or through a subcontract, or by virtue of a partnership or a significant interest in a private corporation, that the Senator is able to ascertain by making reasonable inquiries;
- g. information regarding the nature but not the value of any assets and liabilities over \$10,000; and
- h. any additional information that the Senator believes to be relevant to this Code.

Excluded matters

(2) For the purpose of subsection (1), it is not required to disclose properties used by the Senator or family members as residences; mortgages or hypothecs on such residences; household goods; personal effects; deposits with a financial institution; guaranteed investment certificates; financial instruments issued by any Canadian government or agency; and obligations incurred for living expenses that will be discharged in the ordinary course of the Senator's affairs.

Additional excluded matters



(3) The Senate Ethics Officer may, with the approval of the Committee, establish additional matters not required to be disclosed on the basis that they present no potential to interfere with the obligations of a Senator under this Code.

Material change

(4) A Senator shall report in writing any material change to the information relating to the confidential disclosure statement to the Senate Ethics Officer within 60 days after the change.

Meeting with the Senate Ethics Officer

31. After reviewing a Senator's confidential statement, the Senate Ethics Officer may request to meet with the Senator to discuss the statement and the Senator's obligations under this Code.

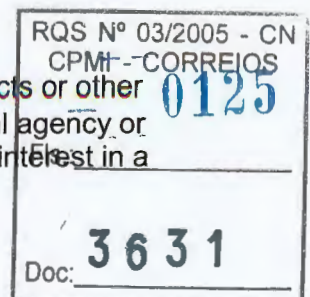
Public disclosure summary

32. The Senate Ethics Officer shall prepare a public disclosure summary based on each Senator's confidential statement and submit it to the Senator for review.

Contents of public disclosure summary

33. (1) The public disclosure summary shall list

- a. any corporations, income trusts and trade unions in which the Senator is a director or officer and any partnerships in which the Senator is a partner, including a description of the activities of each entity;
- b. any associations and not-for-profit organizations in which the Senator is a director, officer or patron, including memberships on advisory boards and any honorary positions;
- c. the source and nature but not the amount of any income that the Senator has received in the preceding 12 months and is likely to receive in the next 12 months that the Senate Ethics Officer has determined could relate to the parliamentary duties and functions of the Senator or could otherwise be relevant;
- d. the source and nature but not the value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has, directly or through a subcontract, including the Senate Ethics Officer's written opinion authorizing them;
- e. the source and nature but not the value of any contracts, subcontracts or other business arrangements with the Government of Canada or a federal agency or body that the Senator has by virtue of a partnership or a significant interest in a



private corporation that the Senator is able to ascertain by making reasonable inquiries, including the Senate Ethics Officer's written opinion authorizing them;

- f. the source and nature but not the value of any contracts or other business arrangements with the Government of Canada or a federal agency or body that a member of the Senator's family has, directly or through a subcontract, or by virtue of a partnership or a significant interest in a private corporation, that the Senator is able to ascertain by making reasonable inquiries;
- g. information regarding the nature but not the value of any assets and liabilities that the Senate Ethics Officer has determined could relate to the parliamentary duties and functions of the Senator or could otherwise be relevant;
- h. any declarations of a private interest under section 14, unless the Senate Ethics Officer is of the opinion that the information need not have been declared;
- i. any statements filed under sections 19 and 20 in relation to gifts and sponsored travel; and
- j. any statements of material change that pertain to the contents of this summary.

Discretion

(2) The Senate Ethics Officer need not include in the public disclosure summary information that he or she determines should not be disclosed because

(a) the information is not relevant to the purposes of this Code or is inconsequential, or

(b) a departure from the general principle of public disclosure is justified in the circumstances.

Disagreement

34. In cases of disagreement between a Senator and the Senate Ethics Officer regarding the contents of the public disclosure summary, the Senate Ethics Officer shall refer the disputed matter to the Committee for decision.

Public inspection

35. Each public disclosure summary is to be placed on file at the office of the Senate Ethics Officer and made available for public inspection.

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Evasion

36. A Senator shall not take any action that has as its purpose the evasion of the Senator's obligations under this Code.

Committee

Designation or Establishment

37. (1) At the beginning of each session, a Committee of the Senate shall be designated or established for the purposes of this Code.

Membership

(2) The Committee shall be composed of five members, three of whom shall constitute a quorum.

No *ex officio* members

(3) The Committee shall have no *ex officio* members.

Election of members

(4) Two of the Committee members shall be elected by secret ballot in the caucus of Government Senators at the opening of the session; two of the Committee members shall be elected by secret ballot in the caucus of Opposition Senators at the opening of the session; the fifth member shall be elected by the majority of the other four members after the election of the last of the other four members.

Presentation and adoption of motion

(5) The Leader of the Government in the Senate, seconded by the Leader of the Opposition in the Senate, shall present a motion on the full membership of the Committee to the Senate, which motion shall be deemed adopted without any debate or vote.

Chair

(6) The Chair of the Committee shall be elected by four or more members.

Removal

(7) A member is deemed removed from the Committee as of the time that:

(a) the Senate Ethics Officer informs the Committee that a request for an inquiry made by the Senator is warranted; or

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(b) the Senator becomes the subject of an inquiry under the Code.

Substitutions

(8) Where a vacancy occurs in the membership of the Committee, the replacement member shall be elected by the same method as the former member being replaced.

Meetings *in camera*

38. (1) Subject to subsection (2), meetings of the Committee shall be held *in camera*.

Meetings in public

(2) At the request of a Senator who is the subject of an investigation, the Committee may hold meetings at which the investigation is being conducted in public.

Attendance

(3) Subject to subsection (4), the Committee may limit attendance at its meetings.

Affected Senator

(4) The Committee shall give notice to a Senator who is the subject of an investigation of all meetings at which the investigation is being conducted, and shall admit the Senator to those meetings, but the Committee may exclude that Senator from those meetings or portions of meetings at which the Committee is considering a draft agenda or a draft report.

Withdrawal

(5) A member of the Committee who is the subject of a matter being considered by the Committee relating to that specific Senator shall withdraw from the Committee during its deliberations.

Jurisdiction

39. (1) The Committee is responsible for all matters relating to this Code, including all forms involving Senators that are used in its administration, subject to the general jurisdiction of the Senate.

Senate Ethics Officer

(2) The Senate Ethics Officer shall carry out his or her duties and functions under the general direction of the Committee.

Directives

(3) The Committee may give Directives to the Senate Ethics Officer concerning the interpretation and administration of this Code.

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Appeals to the Committee

(4) All decisions of the Senate Ethics Officer may be appealed to the Committee.

Decisions binding

(5) All decisions of the Committee made under subsection (4) are binding on the Committee in relation to any subsequent consideration of the same subject matter as long as all the relevant facts that were known to the Senator were disclosed to the Committee.

Confidentiality

40. All information relating to the private interests of Senators and those of their family members is to be kept confidential, except in accordance with this Code.

Intersessional Authority

Intersessional Authority created

41. During a period of prorogation or dissolution of Parliament and until the members of a successor Committee are appointed by the Senate, there shall be a committee known as the Senate Intersessional Authority on Conflict of Interest for Senators.

Composition

42. The Intersessional Authority on Conflict of Interest for Senators shall be composed of the members of the Committee.

General authority

43. (1) The Senate Ethics Officer shall carry out his or her duties and functions under the general direction of the Intersessional Authority on Conflict of Interest for Senators.

Additional functions

(2) Subject to the rules, direction and control of the Senate and of the Committee, the Intersessional Authority on Conflict of Interest for Senators shall carry out such other of the Committee's duties and functions as the Committee gives to it by resolution.

Inquiries and Investigations

Direction by the Committee

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44. (1) The Committee may direct the Senate Ethics Officer to conduct an inquiry to determine whether a Senator has complied with his or her obligations under this Code.

Request for an inquiry

(2) A Senator who has reasonable grounds to believe that another Senator has not complied with his or her obligations under this Code may request that the Senate Ethics Officer conduct an inquiry into the matter.

Form of request

(3) The request shall be in writing, shall be signed by the requesting Senator, shall identify the alleged non-compliance with this Code and shall set out the reasonable grounds for the belief that the Code has not been complied with.

Request to be sent

(4) The Senate Ethics Officer shall forward the request for an inquiry to the Senator who is the subject of the request and afford the Senator a reasonable opportunity to respond.

Preliminary review

(5) After a preliminary review to determine whether or not an inquiry is warranted, the Senate Ethics Officer shall notify both the requesting Senator and the Senator who is the subject of the request of his or her decision.

If inquiry warranted

(6) If the Senate Ethics Officer's decision under subsection (5) is that an inquiry is warranted, the Senate Ethics Officer shall so inform the Committee.

Receipt of information

(7) If, after receiving significant evidence, the Senate Ethics Officer believes that an inquiry may be warranted to determine whether a Senator has complied with his or her obligations under this Code, the Senate Ethics Officer shall provide the Senator written notice of his or her concerns and any documentation upon which those concerns are based, and shall afford the Senator a reasonable opportunity to address the issues.

Committee to approve

(8) Following the measures taken in subsection (7), if the Senate Ethics Officer has reasonable grounds to believe that an inquiry is warranted to determine whether the Senator has complied with his or her obligations under this Code, the Senate Ethics Officer shall request the Committee to approve the inquiry, and may proceed with the inquiry if the Committee's approval has been received.

Notice

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(9) Once approval to conduct an inquiry has been received under subsection (8), the Senate Ethics Officer shall provide the Senator concerned with his or her reasons for the opinion that an inquiry is warranted.

Respect for the inquiry process

(10) Once a request for an inquiry has been made, or direction or approval for an inquiry has been given, Senators should respect the process established by this Code.

Inquiry to be confidential

(11) The Senate Ethics Officer shall conduct a confidential inquiry as promptly as the circumstances permit, provided that at all appropriate stages throughout the inquiry the Senate Ethics Officer shall give the Senator a reasonable opportunity to be present and to make representations to the Senate Ethics Officer in writing or in person, by counsel or by any other representative.

Cooperation

(12) Senators shall cooperate without delay with the Senate Ethics Officer with respect to any inquiry.

Powers of Senate Ethics Officer

(13) In carrying out an inquiry, the Senate Ethics Officer may send for persons, papers, things and records, which measures may be enforced by the Senate acting on the recommendation of the Committee following a request from the Senate Ethics Officer.

Report to the Committee

45. (1) Following an inquiry the Senate Ethics Officer shall report confidentially in writing to the Committee.

Contents of report

(2) The Senate Ethics Officer may make findings and recommendations, including:

(a) that the complaint appears to be unfounded and should be dismissed;

(b) that the request for an inquiry was frivolous or vexatious or was not made in good faith, or that there were no grounds or insufficient grounds to warrant an inquiry or the continuation of an inquiry;

(c) that the complaint appears to be founded and that remedial action has been agreed to by the Senator involved; or

(d) that the complaint appears to be founded, but that no remedial action was available or agreed to by the Senator involved.



Bad faith

(3) Where the Senate Ethics Officer makes a finding that the complaint or request for an inquiry was frivolous or vexatious or was not made in good faith, he or she may recommend that action be considered against the person who made the complaint or request.

Mitigation

(4) If the Senate Ethics Officer concludes that a Senator has not complied with an obligation under this Code but that the Senator took all reasonable measures to prevent the non-compliance, or that the non-compliance was trivial or occurred through inadvertence or an error in judgement made in good faith, the Senate Ethics Officer shall so state in the report and may recommend that no sanction be imposed.

General recommendations

(5) The Senate Ethics Officer may include in the report any recommendations arising from the matter that concern the general interpretation of this Code.

Reasons

(6) The Senate Ethics Officer shall include in the report reasons and any supporting documentation for any findings and recommendations.

Consideration of report

46. (1) The Committee shall take into consideration a report received from the Senate Ethics Officer under section 45 as promptly as circumstances permit.

Due process

(2) The Committee shall provide, without delay, a copy of the report of the Senate Ethics Officer to the Senator who was the subject of the inquiry, and shall afford that Senator the opportunity to be heard by the Committee.

Investigation

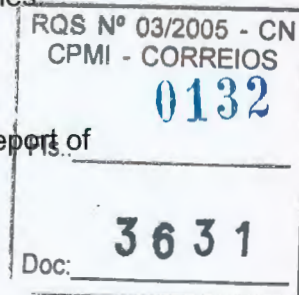
(3) In considering a report, the Committee may:

(a) conduct an investigation; or

(b) direct that the Senate Ethics Officer's inquiry be continued and refer the report back to the Senate Ethics Officer for such further information as the Committee specifies.

Committee report

(4) Subject to subsection (5), following its consideration under this section of a report of the Senate Ethics Officer, the Committee shall report to the Senate.



No report required

(5) Where the Committee finds that a complaint against a Senator was unfounded, the Committee is not required to report to the Senate unless the Senator concerned requests that it do so.

Contents of report

(6) In its report to the Senate, the Committee shall report the fact of the inquiry and give its findings with respect thereto, its recommendations if any, and its reasons and the supporting documentation for any findings or recommendations.

Remedial action

(7) The Committee may recommend that the Senator be ordered to take specific action or be sanctioned.

Anonymity

(8) Where the Committee finds that a complaint is unfounded and reports to the Senate, its report may, at the Senator's request, keep the Senator's name anonymous in order to protect the Senator's reputation.

Suspension of investigation or inquiry: Act of Parliament

47. (1) The Committee or the Senate Ethics Officer may suspend the investigation or inquiry if

(a) there are reasonable grounds to believe that the Senator has committed an offence under an Act of Parliament in relation to the same subject matter, in which case the Committee or Senate Ethics Officer, subject to subsection (4), shall refer the matter to the proper authorities; or

(b) it is discovered that

(i) the subject matter under investigation or inquiry is also the subject matter of an investigation to determine if an offence under an Act of Parliament has been committed, or

(ii) a charge has been laid with respect to that subject matter.

Investigation or inquiry continued

(2) If the Committee or the Senate Ethics Officer has suspended the investigation or inquiry, it may resume once the other investigation or charge regarding the same subject matter has been finally disposed of.

Suspension of investigation or inquiry: other laws

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(3) The Committee or the Senate Ethics Officer may suspend the investigation or inquiry and subject to subsection (4), refer the matter to the proper authorities if there are reasonable grounds to believe that the Senator has committed an offence under the law of a Canadian province or territory in relation to the same subject matter, and may continue the investigation or inquiry when any actions arising from the referral have been completed.

Advice of Committee

(4) The Senate Ethics Officer shall seek the advice of the Committee before making a referral to the proper authorities.

Notice for motion to adopt

48. (1) A motion that the Senate adopt a report referred to in subsection 46(4) shall be put pursuant to the notice provisions of paragraph 58(1)(g) of the *Rules of the Senate*.

Motion

(2) A motion to adopt a report referred to in subsection 46(4) shall be deemed to have been moved on the fifth sitting day subsequent to the presentation of the report if the motion has not yet been moved.

Senator may speak

(3) After a motion to adopt a report has been moved, or has been deemed to have been moved, no vote may be held for at least five sitting days, or until the Senator who is the subject of the report has spoken to the motion for its adoption, whichever is the sooner.

Right to speak last

(4) The Senator who is the subject of the report may exercise the right of final reply.

Senate vote

(5) If a motion for the adoption of a report has not been put to a vote by the 15th sitting day after the motion was moved or deemed to have been moved, the Speaker shall immediately put all necessary questions to dispose of the matter when the item is called.

Referral back

(6) The Senate may refer any report back to the Committee for further consideration.

Miscellaneous

Privacy to be minimally impaired

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49. In interpreting and administering this Code, reasonable expectations of privacy shall be impaired as minimally as possible.

Confidentiality

50. The Senate Ethics Officer and all officers, employees, agents, advisers and consultants that may be employed or engaged by the Senate Ethics Officer shall keep confidential all matters required to be kept confidential under this Code. Failure to do so shall constitute behaviour sufficient to justify either or both of the following

(a) a resolution by the Senate under subsection 20.2(1) of the *Parliament of Canada Act* requesting the Governor in Council to remove the Senate Ethics Officer from office;

(b) dismissal of any officers, employees, agents, advisers or consultants involved.

Retention of documents

51. (1) The Senate Ethics Officer shall retain all confidential documents relating to a Senator for a period of 12 months after he or she ceases to be a Senator, after which the documents shall be destroyed, subject to subsection (2), unless there is an inquiry in progress under this Code concerning them or a charge has been laid against the Senator and the documents may relate to that matter.

(2) At a Senator's request, confidential documents originating with the Senator may be returned to the Senator instead of being destroyed.

Committee review

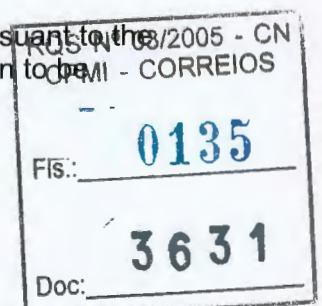
52. The Committee shall, within three years after the coming into force of this Code and every five years thereafter, undertake a comprehensive review of its provisions and operation, and shall submit a report to the Senate thereon, including a statement of any changes the Committee recommends.

Scope of Speaker's Authority (New Rule 18 (2.1))

With respect to the *Conflict of Interest Code for Senators*, the authority of the Speaker is limited to matters expressly incorporated into these rules.

Declaration of interest (New Rule 32.1)

After a Senator has made an oral or written declaration of private interest pursuant to the *Conflict of Interest Code for Senators*, the Speaker shall cause the declaration to be recorded in the *Journals of the Senate*.



Right of final reply (Rule 35)

A Senator shall have the right of final reply if:

- (a) the Senator has moved the second reading of a bill or made a substantive motion, other than a motion to adopt a committee report on the *Conflict of Interest Code for Senators* pertaining to the conduct of a Senator, or an inquiry; or
- (b) the Senator is the subject of a report made by a committee under the *Conflict of Interest Code for Senators*.

Role of Selection Committee (Rule 85)

85(1) (a) and

- (b) the Senators to serve on the several select committees, except the Committee on Conflict of Interest for Senators.

Report by the Leader of the Government (Rule 85)

85 (2.1) The Leader of the Government shall present a motion, seconded by the Leader of the Opposition, to the Senate on the membership of the Committee on Conflict of Interest for Senators at the beginning of each session and this motion will be deemed adopted without debate or vote when moved and a similar motion will be moved for any substitution in the membership of the Committee.

85 (4) Except as provided in subsection (1) above and subject to subsection (5) below, a change in the membership of a committee may be made by a notice filed with the Clerk of the Senate who shall cause such change to be recorded in the *Journals of the Senate*.

Mandate of the Committee (Rule 86)

86(1)(t) The Committee on Conflict of Interest for Senators, composed of 5 members, 3 of whom shall constitute a quorum, which is authorized on its own initiative:

- (i) to exercise general direction over the Senate Ethics Officer; and
- (ii) to be responsible for all matters relating to the *Conflict of Interest Code for Senators*, including all forms involving Senators that are used in its administration, subject to the general jurisdiction of the Senate.

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Ex officio (Rule 87)

The Leader of the Government in the Senate, or in the absence of that Leader, the Deputy Leader of the Government, and the Leader of the Opposition in the Senate, or, in the absence of that Leader, the Deputy Leader of the Opposition, are members *ex officio* in addition to the number of appointed members, of the Committee of Selection and all select committees of the Senate except the Committee on Conflict of Interest for Senators.

Participation by non-members (New Rule 91)

91(1) Except as provided in section (2) below a Senator though not a member of a committee may attend and participate in its deliberations but shall not vote.

(2) When the Committee on Conflict of Interest for Senators is meeting *in camera*, only Senators who are members of the Committee or, by decision of the Committee, a Senator who is the subject of its inquiry or investigation, can attend and participate in its deliberations.

In Camera Meetings (Rule 92 (2.1))

Meetings of the Committee on Conflict of Interest for Senators shall be *in camera* unless the Committee accepts the request of the Senator who is the subject of an inquiry or investigation that the meetings be public.

Declarations in Committee (Rule 94 partially deleted)

Rule 94 (3) to (10) be deleted.

Sitting during adjournment (Rule 95)

95(2) Except as provided in subsection (3.1) below, ...

95(3) Except as provided in subsection (3.1) below, ...

95 (3.1) The Committee on Conflict of Interest for Senators may sit during any adjournment of the Senate.

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Committee Report (Rule 97)

97(1.1) A report of the Committee on Conflict of Interest for Senators may be deposited with the Clerk of the Senate when the Senate stands adjourned and the report will be deemed to have been presented to the Senate at the next sitting.

(6) A motion to adopt a report presented on the conduct of an individual Senator under the *Conflict of Interest Code for Senators* shall, if the motion has not already been moved, be deemed to have been made on the fifth sitting day following its presentation.

(7) No vote on the adoption of a report presented pursuant to subsection (6) shall be held for at least five sitting days or until the Senator who is the subject of the report has spoken, whichever is sooner.

(8) If the adoption of a report presented pursuant to subsection (6) has not been put to a vote on the fifteenth sitting day after it was moved, the Speaker shall put all necessary questions to dispose of the report when it is called.

(9) If the questions to dispose of a report pursuant to subsection (8) are put prior to 5:30 o'clock p.m., any standing vote requested in relation thereto shall not be subject to the provisions of rule 67 and shall be deferred until 5:30 o'clock p.m. of the same afternoon.

(10) If the questions to dispose of a report pursuant to subsection (8) are put after 5:30 o'clock p.m., any standing vote requested in relation thereto shall be deferred until 5:30 o'clock p.m. in the afternoon of the next day thereafter on which the Senate sits.

Source: Office of the Senate Ethics Officer, http://sen.parl.gc.ca/seocse/code_eng.html

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Office of the Ethics Commissioner

Mandate, Role and Responsibilities

An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence (Chapter 7 of the Statutes of Canada, 2004), and the Conflict of Interest Code for Members of the House of Commons determine the parameters of the **mandate of the Office of the Ethics Commissioner**.

Contrary to some public perception, the Ethics Commissioner is not a federal Ombudsman. His functions and duties are limited to the legislative framework outlined above. With particular respect to the conduct of Members of the House of Commons, these functions and duties are assigned by the House itself, and are carried within the institution of the House of Commons. In summary, the mandate of the Office of the Ethics Commissioner, carried on behalf of Parliament, is to:

1. **administer** the Conflict of Interest Code for Members of the House of Commons adopted by the House of Commons on April 29, 2004; as part of that responsibility, our Office maintains the registry of the public disclosure summaries of Members. In addition, the Office also administers the Prime Minister's Conflict of Interest and Post-Employment Code for Public Office Holders; within that responsibility, the Ethics Commissioner is also charged with the Public Registry for Public Office Holders, including Ministers, Ministers of state and Parliamentary secretaries;
2. **provide confidential opinions** to Members of the House of Commons and advice to Public Office Holders, on any matter respecting their obligations under the Code to which they are subject; and
3. **conduct inquiries**, on behalf of Parliament, at the request of Members of Parliament, of Members of the House of Commons, either as members or as Public Office Holders, on questions of compliance with either Code, as applicable.

In discharging these duties, the Office may also undertake educational initiatives and information activities in order to inform its clients, and the public at large.

To support its mandate, Parliament grants an annual budget to the Office; as well the Ethics Commissioner has the power to engage the staff to assist him in carrying his duties. This section of the website provides the Office's structure and organization chart, as well as its budget, both for the current year, and the years since May 2004.





APPENDIX 1

CONFLICT OF INTEREST CODE FOR MEMBERS OF THE HOUSE OF COMMONS

Purposes

1. The purposes of this Code are to

(a) maintain and enhance public confidence and trust in the integrity of Members as well as the respect and confidence that society places in the House of Commons as an institution;

(b) demonstrate to the public that Members are held to standards that place the public interest ahead of their private interests and to provide a transparent system by which the public may judge this to be the case;

(c) provide for greater certainty and guidance for Members in how to reconcile their private interests with their public duties and functions; and

(d) foster consensus among Members by establishing common standards and by providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.

Principles

2. Given that service in Parliament is a public trust, the House of Commons recognizes and declares that Members are expected

(a) to serve the public interest and represent constituents to the best of their abilities;

(b) to fulfill their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflicts of interests, and maintain and enhance public confidence and trust in the integrity of each Member and in the House of Commons;

(c) to perform their official duties and functions and arrange their private affairs in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law;

(d) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest; and

(e) not to accept any gift or benefit connected with their position that might reasonably be seen to compromise their personal judgment or integrity except in accordance with the provisions of this Code.

ANNEXE 1

CODE RÉGISSANT LES CONFLITS D'INTÉRÊTS DES DÉPUTÉS

Objet

1. Le présent code a pour objet :

a) de préserver et d'accroître la confiance du public dans l'intégrité des députés ainsi que le respect et la confiance de la société envers la Chambre des communes en tant qu'institution;

b) de montrer au public que les députés doivent respecter des normes qui font passer l'intérêt public avant leurs intérêts personnels et d'établir un mécanisme transparent permettant au public de juger qu'il en est ainsi;

c) de fournir des règles claires aux députés sur la façon de concilier leurs intérêts personnels et leurs fonctions officielles;

d) de favoriser l'émergence d'un consensus parmi les députés par l'adoption de normes communes et la mise en place d'un organe indépendant et impartial chargé de répondre aux questions d'ordre déontologique.

Principes

2. Vu que les fonctions parlementaires constituent un mandat public, la Chambre des communes reconnaît et déclare qu'on s'attend à ce que les députés :

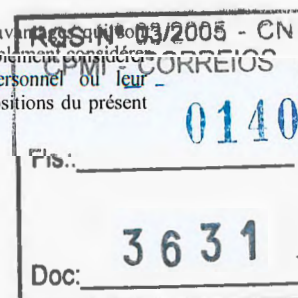
a) soient au service de l'intérêt public et représentent au mieux les électeurs;

b) remplissent leurs fonctions avec honnêteté et selon les normes les plus élevées de façon à éviter les conflits d'intérêts réels ou apparents et à préserver et accroître la confiance du public dans l'intégrité de chaque député et envers la Chambre des communes;

c) exercent leurs fonctions officielles et organisent leurs affaires personnelles d'une manière qui résistera à l'examen public le plus minutieux, allant au-delà d'une stricte observation de la loi;

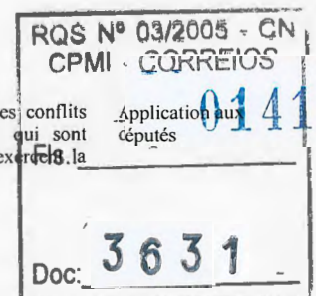
d) prennent les mesures voulues en ce qui touche leurs affaires personnelles pour éviter les conflits d'intérêts réels ou apparents qui sont prévisibles, ceux-ci étant réglés de manière à protéger l'intérêt public;

e) évitent d'accepter des cadeaux ou des avantages personnels liés à leur charge et qu'on pourrait raisonnablement considérer comme compromettant leur jugement personnel ou leur intégrité, sauf s'ils se conforment aux dispositions du présent code.



Interpretation		Définitions	
Definitions	3.(1) The following definitions apply in this Code.	3.(1) Les définitions qui suivent s'appliquent au présent code.	Définitions
"common-law partner" « conjoint de fait »	"common-law partner", with respect to a Member, means a person who is cohabiting with the Member in a conjugal relationship, having so cohabited for a period of at least one year.	« commissaire » Le commissaire à l'éthique nommé au titre de l'article 72.01 de la <i>Loi sur le Parlement du Canada</i> .	« commissaire » "Ethics Commissioner"
"Ethics Commissioner" « commissaire »	"Ethics Commissioner" means the Ethics Commissioner appointed under section 72.01 of the <i>Parliament of Canada Act</i> .	« conjoint de fait » La personne qui vit dans une relation conjugale avec un député depuis au moins un an.	« conjoint de fait » "common-law partner"
"spouse" « époux »	"spouse", with respect to a Member, does not include a person from whom the Member is separated where all support obligations and family property have been dealt with by a separation agreement or by a court order.	« époux » N'est pas considérée comme un époux la personne dont un député est séparé et dont les obligations alimentaires et les biens familiaux ont fait l'objet d'un accord de séparation ou d'une ordonnance judiciaire.	« époux » "spouse"
Furthering private interests	(2) A Member is considered to further a person's private interests, including his or her own private interests, when the Member's actions result, directly or indirectly, in any of the following (a) an increase in, or the preservation of, the value of the person's assets; (b) the extinguishment, or reduction in the amount, of the person's liabilities; (c) the acquisition of a financial interest by the person; (d) an increase in the person's income from a source referred to in subsection 21(2); (e) the person becoming a director or officer in a corporation, association or trade union; and (f) the person becoming a partner in a partnership.	(2) Sont de nature à favoriser les intérêts personnels d'une personne, y compris ceux du député, les actes de celui-ci qui ont pour effet, même indirectement : a) d'augmenter ou de préserver la valeur de son actif; b) de réduire la valeur de son passif ou d'éliminer celui-ci; c) de lui procurer un intérêt financier; d) d'augmenter son revenu à partir d'une source visée au paragraphe 21(2); e) d'en faire un dirigeant ou un administrateur au sein d'une personne morale, d'une association ou d'un syndicat; f) d'en faire un associé au sein d'une société de personnes.	Intérêts personnels
Not furthering private interests	(3) For the purpose of this Code, a Member is not considered to further his or her own private interests or the interests of another person if the matter in question (a) is of general application; (b) affects the Member or the other person as one of a broad class of the public; or (c) concerns the remuneration or benefits of the Member as provided under an Act of Parliament.	(3) Pour l'application du présent code, ne sont pas considérés comme les intérêts personnels d'un député ou d'une autre personne ceux : a) qui sont d'application générale; b) qui le concernent en tant que membre d'une vaste catégorie de personnes; c) qui ont trait à la rémunération ou aux avantages accordés au député au titre d'une loi fédérale.	Exclusions
Family members	(4) The following are the members of a Member's family for the purposes of this Code: (a) the Member's spouse or common-law partner; and (b) a child of the Member, or a child of the Member's spouse or common-law partner, who has not reached the age of 18 years or who has reached that age but is primarily dependent on the Member or the Member's spouse or common-law partner for financial support.	(4) Pour l'application du présent code, sont considérés comme des membres de la famille d'un député : a) son époux ou conjoint de fait; b) son propre enfant ou celui de son époux ou conjoint de fait, enfant qui n'a pas atteint l'âge de dix-huit ans ou qui, l'ayant atteint, dépend principalement, sur le plan financier, du député ou de son époux ou conjoint de fait.	Membres de la famille

Application		Application	
Application to Members	4. The provisions of this Code apply to conflicts of interest of all Members of the House of Commons when carrying out the duties and functions of their office as Members of the House, including Members who are ministers of the Crown or	4. Les dispositions du présent code régissent les conflits d'intérêts de tous les députés, y compris ceux qui sont ministres ou secrétaires parlementaires, lorsqu'ils exercent la charge de député.	Application aux députés

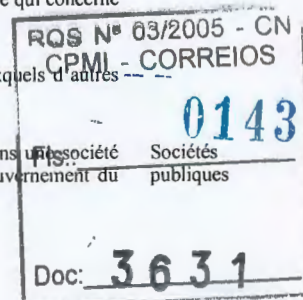


parliamentary secretaries.

Assisting constituents	5. A Member does not breach this Code if the Member's activity is one in which Members normally and properly engage on behalf of constituents.	5. Le député ne manque pas à ses obligations aux termes du présent code s'il exerce une activité à laquelle les députés se livrent habituellement et à bon droit pour le compte des électeurs.	Défense des intérêts des électeurs
Jurisdiction of the Board of Internal Economy	6. Nothing in this Code affects the jurisdiction of the Board of Internal Economy of the House of Commons to determine the propriety of the use of any funds, goods, services or premises made available to Members for carrying out their parliamentary duties and functions.	6. Le présent code n'a pas pour effet de limiter la compétence du Bureau de régie interne de la Chambre des communes pour ce qui est de décider si les députés utilisent convenablement les fonds, les biens, les services ou les locaux mis à leur disposition pour l'exercice de leurs fonctions parlementaires.	Compétence du Bureau de régie interne
Activities outside Parliament	7. Nothing in this Code prevents Members who are not ministers of the Crown or parliamentary secretaries from any of the following, as long as they are able to fulfill their obligations under this Code: (a) engaging in employment or in the practice of a profession; (b) carrying on a business; (c) being a director or officer in a corporation, association, trade union or non-profit organization; and (d) being a partner in a partnership.	7. Le présent code n'a pas pour effet d'empêcher les députés qui ne sont pas ministres ou secrétaires parlementaires, dès lors qu'ils s'y conforment : a) d'occuper un emploi ou d'exercer une profession; b) d'exploiter une entreprise; c) d'être un dirigeant ou un administrateur au sein d'une personne morale, d'une association, d'un syndicat ou d'un organisme à but non lucratif; d) d'être un associé au sein d'une société de personnes.	Activités extra-parlementaires
Rules of Conduct		Règles de déontologie	
Furthering private interests	8. When performing parliamentary duties and functions, a Member shall not act in any way to further his or her private interests or those of a member of the Member's family, or to improperly further another person's private interests.	8. Le député ne peut, dans l'exercice de ses fonctions parlementaires, agir de façon à favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon induue, ceux de toute autre personne.	Favoritisme
Using influence	9. A Member shall not use his or her position as a Member to influence a decision of another person so as to further the Member's private interests or those of a member of his or her family, or to improperly further another person's private interests.	9. Le député ne peut se prévaloir de sa charge pour influencer la décision d'une autre personne de façon à favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon induue, ceux de toute autre personne.	Influence
Insider information	10.(1) A Member shall not use information obtained in his or her position as a Member that is not generally available to the public to further the Member's private interests or those of a member of his or her family, or to improperly further another person's private interests.	10.(1) Le député ne peut utiliser les renseignements qu'il obtient dans le cadre de sa charge et qui ne sont généralement pas à la disposition du public pour favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon induue, ceux de toute autre personne.	Utilisation de renseignements
Information not to be communicated	(2) A Member shall not communicate information referred to in subsection (1) to another person if the Member knows, or reasonably ought to know, that the information may be used to further the Member's private interests or those of a member of his or her family, or to improperly further another person's private interests.	(2) Le député ne peut communiquer ces renseignements s'il sait ou devrait raisonnablement savoir que ceux-ci peuvent servir à favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon induue, ceux de toute autre personne.	Communication de renseignements
Attempts	11. A Member shall not attempt to engage in any of the activities prohibited under sections 8 to 10.	11. Le député ne peut tenter de se livrer à aucune des activités interdites aux termes des articles 8 à 10.	Tentatives
Disclosure of a private interest	12.(1) A Member who has reasonable grounds to believe that he or she or a member of his or her family has a private interest that might be affected by a matter that is before the House of Commons or a committee of which the Member is a member shall, if present during consideration of the matter, disclose orally or in writing the general nature of the private interest at the first opportunity. The general nature of the private interest shall be disclosed forthwith in writing to the Clerk of the House.	12.(1) Lorsqu'il participe à l'étude d'une question dont la Chambre ou un comité dont il est membre est saisi, le député est tenu de divulguer dans les plus brefs délais, verbalement ou par écrit, la nature générale des intérêts personnels qu'il croit, pour des motifs raisonnables, que lui-même ou un membre de sa famille détient dans cette question et qui pourraient être visés. Le greffier de la Chambre doit sans délai être avisé par écrit de la nature générale des intérêts personnels.	Divulgence des intérêts personnels
Subsequent disclosure	(2) If a Member becomes aware at a later date of a private interest that should have been disclosed in the circumstances of subsection (1), the Member shall make the required disclosure forthwith.	(2) Si le député se rend compte ultérieurement de l'existence d'intérêts personnels qui auraient dû être divulgués aux termes du paragraphe (1), il doit sans délai les faire connaître de la façon requise.	Divulgence subséquente

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Disclosure recorded	(3) The Clerk of the House shall send the disclosure to the Ethics Commissioner, who shall file it with the Member's public disclosure documents.	(3) Le greffier de la Chambre communique ces renseignements au commissaire, qui les classe avec les documents du député relatifs à la divulgation publique.	Publication
Debate and voting	13. A Member shall not participate in debate on or vote on a question in which he or she has a private interest.	13. Le député ne peut participer à un débat ou voter sur une question dans laquelle il a un intérêt personnel.	Débat ou vote
Prohibition: gifts and other benefits	14.(1) Neither a Member or any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that is related to the Member's position.	14.(1) Le député ou un membre de sa famille ne peut, dans le cadre de la charge du député, accepter, même indirectement, de cadeaux ou d'autres avantages, sauf s'il s'agit d'une rétribution autorisée par la loi.	Interdiction : cadeaux et autres avantages
Exception	(2) A Member or a member of the Member's family may, however, accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Member's position.	(2) Le député ou un membre de sa famille peut toutefois accepter les cadeaux ou autres avantages qui sont des marques normales ou habituelles de courtoisie ou de protocole ou des marques d'accueil habituellement reçues dans le cadre de la charge du député.	Exception
Statement: gift or other benefit	(3) If gifts or other benefits that are accepted under subsection (2) exceed \$500 in value, or if the total value of all such gifts or benefits received from one source in a 12-month period exceeds \$500, the Member shall, within 30 days after receiving the gifts or other benefits, or after that total value is exceeded, file with the Ethics Commissioner a statement disclosing the nature of the gifts or other benefits, their source and the circumstances under which they were given.	(3) Si un cadeau ou un autre avantage visé au paragraphe (2) a une valeur supérieure à 500 \$ ou si, sur une période de douze mois, des cadeaux ou autres avantages de même provenance ont une valeur totale supérieure à cette somme, le député dépose auprès du commissaire, dans les trente jours suivant la date de la réception du cadeau ou de l'avantage ou celle à laquelle la valeur totale dépasse 500 \$, une déclaration mentionnant la nature de chaque cadeau ou avantage, sa provenance et les circonstances dans lesquelles il a été donné.	Déclaration : cadeaux et autres avantages
Exception	(4) Any disclosure made pursuant to the requirements of section 15 does not need to be disclosed as a gift or other benefit under subsection (3).	(4) Ce qui est divulgué en application de l'article 15 n'a pas à être déclaré comme un cadeau ou un autre avantage aux termes du paragraphe (3).	Exception
Statement: sponsored travel	15.(1) If travel costs of a Member for a trip that arises from or relates to his or her position exceed \$500 and those costs are not wholly paid from the Consolidated Revenue Fund or by the Member personally, his or her political party or any interparliamentary association or friendship group recognized by the House, the Member shall, within 30 days after the end of the trip, file a statement with the Ethics Commissioner disclosing the trip.	15.(1) Si les frais payables pour tout déplacement qu'il effectue dans le cadre de sa charge dépassent 500 \$ et ne sont pas entièrement pris en charge par le Trésor, par lui-même ou son parti, ou par un groupe d'amitié ou une association interparlementaire reconnu par la Chambre, le député dépose auprès du commissaire une déclaration faisant état du déplacement, dans les trente jours qui en suivent la fin.	Déclaration : déplacements parrainés
Content of statement	(2) The statement shall disclose the name of the person or organization paying for the trip, the name of any person accompanying the Member, the destination or destinations, the purpose and length of the trip, the nature of the benefits received and the value, including supporting documents for transportation and accommodation.	(2) La déclaration comporte le nom de la personne ou de l'organisation qui prend en charge les frais de déplacement, le nom de toute personne accompagnant le député, la ou les destinations, le but et la durée du déplacement, la nature des avantages reçus et leur valeur, ainsi que des documents justificatifs pour les frais de transport et de logement.	Contenu de la déclaration
Publication	(3) By January 31 of each year, the Ethics Commissioner shall prepare a list of all sponsored travel, including the details set out in subsection (2), and the Speaker shall lay the list upon the Table when the House next sits.	(3) Au plus tard le 31 janvier de chaque année, le commissaire établit une liste de tous les déplacements parrainés, en y incluant les détails prévus au paragraphe (2), et le Président la dépose sur le bureau à la prochaine séance de la Chambre.	Publication
Government contracts	16.(1) A Member shall not knowingly be a party to a contract with the Government of Canada or any federal agency or body under which the Member receives a benefit.	16.(1) Le député ne peut sciemment être partie à un contrat, conclu avec le gouvernement du Canada ou un organisme fédéral, qui lui procure un avantage.	Contrats
Clarification	(2) A Member may participate in a program operated or funded, in whole or in part, by the Government of Canada under which the Member receives a benefit if (a) the Member meets the eligibility requirements of the program; (b) the Member does not receive any preferential treatment with respect to his or her participation; and (c) the Member does not receive any special benefit not available to other participants.	(2) Le député peut participer à un programme qui est exploité ou financé, en tout ou en partie, par le gouvernement du Canada et qui lui procure un avantage, si les conditions suivantes sont respectées : a) il satisfait aux critères d'admissibilité du programme; b) il ne reçoit pas de traitement préférentiel en ce qui concerne sa participation; c) il ne reçoit pas d'avantages particuliers auxquels d'autres participants n'ont pas droit.	Précision
Public corporations	17.(1) A Member is not prohibited from owning securities in a public corporation that contracts with the Government of	17.(1) Le député peut posséder des titres dans une société publique ayant des liens d'affaires avec le gouvernement du	Sociétés publiques



	Canada unless the holdings are so significant that the Ethics Commissioner is of the opinion that they are likely to affect the Member's obligations under this Code.	Canada, sauf si le commissaire estime, en raison de l'importance de la quantité de ces titres, que le député risque de manquer à ses obligations aux termes du présent code.	
Trust	(2) If the Ethics Commissioner is of the opinion that the Member's obligations under this Code are likely to be affected under the circumstances of subsection (1), the Member may comply with the Code by placing the securities in a trust under such terms established in section 19 as the Ethics Commissioner considers appropriate.	(2) Si le commissaire estime qu'il y a un risque que le député manque à ses obligations aux termes du présent code dans les circonstances exposées au paragraphe (1), le député peut se conformer au présent code en mettant ses titres en fiducie selon les modalités prévues à l'article 19 que le commissaire juge appropriées.	Fiducie
Partnerships and private corporations	18. A Member shall not have an interest in a partnership or in a private corporation that is a party to a contract with the Government of Canada under which the partnership or corporation receives a benefit unless the Ethics Commissioner is of the opinion that the interest is unlikely to affect the Member's obligations under this Code.	18. Le député ne peut détenir, dans une société de personnes ou une société privée qui est partie à un contrat conclu avec le gouvernement du Canada, un intérêt qui procure un avantage à celle-ci, sauf si le commissaire estime que le député ne risque pas de manquer à ses obligations aux termes du présent code.	Sociétés privées ou de personnes
Pre-existing contracts	19.(1) Sections 16 and 18 do not apply to a contract that existed before the Member's election to the House of Commons, but they do apply to its renewal or extension.	19.(1) Les articles 16 et 18 ne s'appliquent pas au contrat conclu avant l'élection du député à la Chambre des communes, mais ils s'appliquent au renouvellement ou à la prorogation d'un tel contrat.	Contrats préexistants
Trust	(2) Section 18 does not apply if the Member has entrusted his or her interest in a partnership or in a private corporation that is a party to a contract with the Government of Canada under which the partnership or corporation receives a benefit to one or more trustees on all of the following terms: (a) the provisions of the trust have been approved by the Ethics Commissioner; (b) the trustees are at arm's length from the Member and have been approved by the Ethics Commissioner; (c) the trustees may not consult with the Member with respect to managing the trust, but they may consult with the Ethics Commissioner; (d) the trustees may, however, consult with the Member, with the approval of the Ethics Commissioner and in his or her presence if an extraordinary event is likely to materially affect the trust property; (e) in the case of an interest in a corporation, the Member shall resign any position of director or officer in the corporation; (f) the trustees shall provide the Ethics Commissioner with a written annual report setting out the nature of the trust property, the value of that property, the trust's net income for the preceding year and the trustees' fees, if any; and (g) the trustees shall give the Member sufficient information to permit the Member to submit returns as required by the <i>Income Tax Act</i> and give the same information to the Canada Customs and Revenue Agency.	(2) L'article 18 ne s'applique pas si le député a mis en fiducie auprès d'un ou de plusieurs fiduciaires l'intérêt qu'il détient dans une société de personnes ou une société privée qui est partie à un contrat conclu avec le gouvernement du Canada dans le cadre duquel elle obtient un avantage, dès lors que les règles suivantes sont respectées : a) le commissaire a approuvé les modalités de la fiducie; b) les fiduciaires n'ont aucun lien de dépendance avec le député et ont reçu l'agrément du commissaire; c) les fiduciaires ne peuvent consulter le député sur la gestion de la fiducie, mais ils peuvent consulter le commissaire; d) les fiduciaires peuvent toutefois consulter le député, sur autorisation du commissaire et en sa présence, s'il se produit un événement extraordinaire susceptible d'avoir des incidences importantes sur l'actif de la fiducie; e) dans le cas d'un intérêt dans une personne morale, le député est tenu de démissionner de tout poste d'administrateur ou de dirigeant de celle-ci; f) les fiduciaires remettent au commissaire un rapport annuel qui précise la nature et la valeur de l'actif de la fiducie, le revenu net de celle-ci au cours de l'année précédente et, le cas échéant, leurs honoraires; g) les fiduciaires donnent au député les renseignements suffisants pour lui permettre de fournir les déclarations requises par la <i>Loi de l'impôt sur le revenu</i> et donnent les mêmes renseignements à l'Agence des douanes et du revenu du Canada.	Fiducie
Interest acquired by inheritance	(3) Sections 16 to 18 do not apply to an interest acquired by inheritance until the first anniversary date of the acquisition.	(3) Les articles 16 à 18 ne visent pas l'intérêt acquis par succession avant la date du premier anniversaire de l'acquisition.	Intérêt acquis par succession
Disclosure statement	20.(1) A Member shall, within 60 days after the notice of his or her election to the House of Commons is published in the <i>Canada Gazette</i> , and annually on or before a date established by the Ethics Commissioner, file with the Ethics Commissioner a full statement disclosing the Member's private interests and the private interests of the members of the Member's family.	20.(1) Dans les soixante jours qui suivent l'annonce de son élection dans la <i>Gazette du Canada</i> et tous les ans par la suite au plus tard à la date fixée par le commissaire, le député dépose auprès de celui-ci une déclaration complète de ses intérêts personnels et des intérêts personnels des membres de sa famille.	Déclaration
Reasonable efforts	(2) Information relating to the private interests of the members of the Member's family shall be to the best of the	(2) L'information concernant les intérêts personnels des membres de la famille est fournie au mieux de la connaissance	Efforts raisonnables

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	Member's knowledge, information and belief. The Member shall make reasonable efforts to determine such information.	du député. Le député doit faire des efforts raisonnables en ce sens.	
Confidentiality	(3) The Ethics Commissioner shall keep the statement confidential.	(3) Le commissaire assure la confidentialité de la déclaration.	Confidentialité
Content of disclosure statement	<p>21.(1) The statement shall</p> <p>(a) identify the assets and liabilities of the Member and the members of the Member's family and state their value;</p> <p>(b) state the income that the Member and the members of the Member's family have received during the preceding 12 months and are entitled to receive during the next 12 months, and indicate the source of that income;</p> <p>(c) state all benefits that the Member and the members of the Member's family, and any private corporation in which the Member or a member of the Member's family has an interest, have received during the preceding 12 months, and those that the Member and the members of the Member's family or corporation are entitled to receive during the next 12 months, as a result of a contract with the Government of Canada, and describe the subject-matter and nature of each such contract;</p> <p>(d) if the statement mentions a private corporation,</p> <p>(i) include any information about the corporation's activities and sources of income that the Member is able to obtain by making reasonable inquiries,</p> <p>(ii) state the names of any other corporations with which that corporation is affiliated, and</p> <p>(iii) list the names and addresses of all persons who have an interest in the corporation;</p> <p>(e) list all corporations, associations and trade unions in which the Member or a member of the Member's family is a director or officer and all partnerships in which he or she or a member of his or her family is a partner; and</p> <p>(f) include any other information that the Ethics Commissioner may require.</p>	<p>21.(1) La déclaration contient les renseignements suivants :</p> <p>a) les éléments d'actif et de passif du député et des membres de sa famille, ainsi que la valeur de ces éléments;</p> <p>b) tout revenu que le député et les membres de sa famille ont touché au cours des douze mois précédents et sont en droit de recevoir au cours des douze prochains mois, ainsi que la source de ce revenu;</p> <p>c) tout avantage que le député et les membres de sa famille, ainsi que toute société privée dans laquelle lui ou un membre de sa famille détient un intérêt, ont reçu au cours des douze mois précédents ou sont en droit de recevoir au cours des douze prochains mois dans le cadre d'un contrat conclu avec le gouvernement du Canada, et une description de l'objet et de la nature du contrat;</p> <p>d) si elle fait mention d'une société privée :</p> <p>(i) les renseignements sur ses activités et les sources de ses revenus que le député peut raisonnablement obtenir,</p> <p>(ii) le nom des autres personnes morales affiliées à cette société,</p> <p>(iii) le nom et l'adresse des personnes qui détiennent des intérêts dans cette société;</p> <p>e) les noms des personnes morales, associations et syndicats au sein desquels le député ou un membre de sa famille occupe un poste de dirigeant ou d'administrateur, ainsi que les noms des sociétés de personnes dont le député ou un membre de sa famille est un associé;</p> <p>f) tout autre renseignement que le commissaire peut exiger.</p>	Contenu
Source of income	<p>(2) For the purposes of paragraph (1)(b), a source of income is</p> <p>(a) in the case of income from employment, the employer;</p> <p>(b) in the case of income from a contract, the party with whom the contract is made; and</p> <p>(c) in the case of income arising from a business or profession, that business or profession.</p>	<p>(2) Pour l'application de l'alinéa (1)b) :</p> <p>a) l'employeur est la source du revenu tiré d'un emploi;</p> <p>b) le cocontractant est la source du revenu tiré d'un contrat;</p> <p>c) l'entreprise ou la profession est la source du revenu d'entreprise ou de profession.</p>	Source de revenu
Material change	(3) The Member shall report in writing any material change to the information required under subsection (1) to the Ethics Commissioner within 30 days after the change.	(3) Le député signale par écrit tout changement important apporté aux renseignements contenus dans la déclaration, dans les trente jours suivant le changement.	Changements importants
Meeting with the Ethics Commissioner	22. After reviewing a Member's statement filed under section 20, the Ethics Commissioner may require that the Member meet with the Ethics Commissioner, and may request the attendance of any of the members of the Member's family, if available, to ensure that adequate disclosure has been made and to discuss the Member's obligations under this Code.	22. Après avoir examiné la déclaration visée à l'article 20, le commissaire peut exiger de rencontrer le député et demander la présence des membres de sa famille si ces derniers sont disponibles, en vue de vérifier la conformité de la déclaration et de discuter des obligations du député aux termes du présent code.	Rencontre avec le commissaire
Disclosure summary	23.(1) The Ethics Commissioner shall prepare a disclosure summary based on each Member's statement filed under	23.(1) Le commissaire établit à partir de la déclaration du député un sommaire qu'il soumet à l'examen de celui-ci.	Sommaire



section 21 and submit it to the Member for review.

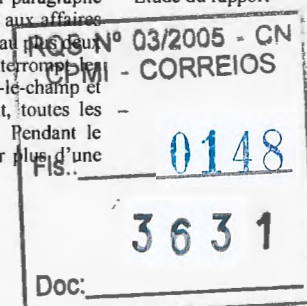
Public inspection	(2) Each summary is to be placed on file at the office of the Ethics Commissioner and made available for public inspection during normal business hours.	(2) Le sommaire est gardé au bureau du commissaire et rendu accessible au public pour examen pendant les heures normales d'ouverture.	Consultation
Content of disclosure summary	<p>24.(1) The summary shall</p> <p>(a) subject to subsection (3), set out the source and nature, but not the value, of the income, assets and liabilities referred to in the Member's statement filed under section 20;</p> <p>(b) identify any contracts with the Government of Canada referred to in that statement, and describe their subject-matter and nature;</p> <p>(c) list the names of any affiliated corporations referred to in that statement; and</p> <p>(d) include a copy of any statements of disclosure filed by the Member under subsections 14(3) and 15(1).</p>	<p>24.(1) Le sommaire comporte les éléments suivants :</p> <p>a) sous réserve du paragraphe (3), une mention de la source et de la nature, mais non de la valeur, du revenu et des éléments d'actif et de passif indiqués dans la déclaration du député déposée conformément à l'article 20;</p> <p>b) tout contrat conclu avec le gouvernement du Canada dont fait mention cette déclaration, ainsi que l'objet et la nature du contrat;</p> <p>c) les noms des personnes morales affiliées mentionnées dans cette déclaration;</p> <p>d) une copie des déclarations visées aux paragraphes 14(3) et 15(1).</p>	Contenu
Categorization of interests	(2) An interest in a partnership or corporation may be qualified in the summary by the word "nominal", "significant" or "controlling" if, in the opinion of the Ethics Commissioner, it is in the public interest to do so.	(2) Le commissaire peut qualifier l'intérêt détenu dans une société de personnes ou une personne morale de « symbolique », « important » ou « majoritaire », s'il estime que l'intérêt public le justifie.	Qualification
Items not to be disclosed	<p>(3) The following shall not be set out in the summary:</p> <p>(a) an asset or liability with a value of less than \$10,000;</p> <p>(b) sources of income if the total amount of income from all sources was less than \$10,000 during the 12 months before the relevant date;</p> <p>(c) real property or immovables that the Member uses as a principal residence or uses principally for recreational purposes;</p> <p>(d) personal property or movable property that the Member uses primarily for transportation, household, educational, recreational, social or aesthetic purposes;</p> <p>(e) cash on hand or on deposit with a financial institution that is entitled to accept deposits;</p> <p>(f) fixed-value securities issued or guaranteed by a government or by a government agency;</p> <p>(g) a registered retirement savings plan that is not self-administered or self-directed;</p> <p>(h) investments in a registered retirement savings plan that is self-administered or self-directed that would not be publicly disclosed under this section if held outside the plan;</p> <p>(i) an interest in a pension plan, employee benefit plan, annuity or life insurance policy;</p> <p>(j) an investment in an open-ended mutual fund;</p> <p>(k) a guaranteed investment certificate or similar financial instrument; and</p> <p>(l) any other asset, liability or source of income that the Ethics</p>	<p>(3) Ne sont pas mentionnés dans le sommaire :</p> <p>a) l'élément d'actif ou de passif d'une valeur inférieure à 10 000 \$;</p> <p>b) les sources de revenu si le total des revenus de toutes les sources est de moins de 10 000 \$ durant les douze mois qui précèdent la date considérée;</p> <p>c) le bien immeuble ou réel que le député utilise comme résidence principale ou principalement à des fins de loisir;</p> <p>d) le bien meuble ou personnel que le député utilise principalement à des fins de transport, domestiques, éducatives, décoratives, sociales ou de loisir;</p> <p>e) les sommes d'argent en caisse ou en dépôt dans une institution financière habilitée à accepter des dépôts;</p> <p>f) les valeurs mobilières à valeur fixe émises ou garanties par un gouvernement ou un organisme gouvernemental;</p> <p>g) le régime enregistré d'épargne-retraite qui n'est pas autogéré;</p> <p>h) le placement dans un régime enregistré d'épargne-retraite autogéré qui ne serait pas déclaré au titre du présent article s'il était détenu hors du régime;</p> <p>i) l'intérêt dans un régime de retraite, un régime de prestations aux employés, une rente ou une police d'assurance-vie;</p> <p>j) le placement dans un fonds mutuel de placement à capital variable;</p> <p>k) le certificat de placement garanti ou un instrument financier analogique;</p> <p>l) tout autre élément d'actif ou de passif et toute autre source</p>	Exceptions



	Commissioner determines should not be disclosed because	de revenu qui, de l'avis du commissaire, ne doit pas être divulgué :	
	(i) the information is not relevant to the purposes of this Code, or	(i) soit parce qu'un tel renseignement n'est pas pertinent pour l'application du présent code,	
	(ii) a departure from the general principle of public disclosure is justified in the circumstances.	(ii) soit parce qu'une dérogation au principe de déclaration publique se justifie en l'espèce.	
Evasion	25. A Member shall not take any action that has as its purpose the circumvention of the Member's obligations under this Code.	25. Le député ne peut prendre de mesures dont l'effet est de contourner les obligations prévues au présent code.	Contournement
Opinions		Avis	
Request for opinion	26.(1) In response to a request in writing from a Member on any matter respecting the Member's obligations under this Code, the Ethics Commissioner may provide the Member with a written opinion containing any recommendations that the Ethics Commissioner considers appropriate.	26.(1) Sur demande écrite d'un député, le commissaire peut lui donner un avis, assorti des recommandations qu'il juge indiquées, sur toute question concernant les obligations du député aux termes du présent code.	Demande d'avis
Confidentiality	(2) The opinion is confidential and may be made public only by the Member or with his or her written consent.	(2) L'avis est confidentiel et ne peut être rendu public que par le député ou avec son consentement écrit.	Confidentialité
Opinion binding	(3) An opinion given by the Ethics Commissioner to a Member is binding on the Ethics Commissioner in relation to any subsequent consideration of the subject-matter of the opinion so long as all the relevant facts that were known to the Member were disclosed to the Ethics Commissioner.	(3) Le commissaire est lié par son avis dans toute nouvelle demande portant sur l'objet de celui-ci, pourvu que tous les faits pertinents dont le député avait connaissance lui aient été communiqués.	Nouvelle demande
Publication	(4) Nothing in this section prevents the Ethics Commissioner from publishing opinions for the guidance of Members, provided that no details are included that could identify the Member.	(4) Le présent article n'empêche pas le commissaire de publier des avis pour guider les députés, à condition de ne pas révéler de détails permettant d'identifier un député.	Publication
Inquiries		Enquêtes	
Request for an inquiry	27.(1) A Member who has reasonable grounds to believe that another Member has not complied with his or her obligations under this Code may request that the Ethics Commissioner conduct an inquiry into the matter.	27.(1) Le député qui a des motifs raisonnables de croire qu'un autre député n'a pas respecté ses obligations aux termes du présent code peut demander au commissaire de faire une enquête.	Demande d'enquête
Form of request	(2) The request shall be in writing and shall identify the alleged non-compliance with this Code and set out the reasonable grounds for the belief that it has not been complied with.	(2) La demande d'enquête est présentée par écrit et énonce les motifs pour lesquels il est raisonnable de croire que le présent code n'a pas été respecté.	Forme de la demande
Direction by the House	(3) The House may, by way of resolution, direct the Ethics Commissioner to conduct an inquiry to determine whether a Member has complied with his or her obligations under this Code.	(3) La Chambre peut, par résolution, ordonner au commissaire de faire une enquête pour déterminer si un député s'est conformé à ses obligations aux termes du présent code.	Ordre de la Chambre
Initiative of Ethics Commissioner	(4) The Ethics Commissioner may, on his or her own initiative, and on giving the Member concerned reasonable written notice, conduct an inquiry to determine whether the Member has complied with his or her obligations under this Code.	(4) Le commissaire peut, de sa propre initiative, après avoir donné par écrit au député un préavis raisonnable, faire une enquête pour déterminer si celui-ci s'est conformé à ses obligations aux termes du présent code.	Enquête à l'initiative du commissaire
Respect for the inquiry process	(5) Once a request for an inquiry has been made to the Ethics Commissioner, Members should respect the process established by this Code and permit it to take place without commenting further on the matter.	(5) Une fois qu'une demande d'enquête a été adressée au commissaire, les députés devraient respecter le processus établi par le présent code et permettre son déroulement sans formuler d'autres commentaires à ce sujet.	Respect du processus
Non-meritorious requests	(6) If the Ethics Commissioner is of the opinion that a request for an inquiry is frivolous or vexatious or was not made in good faith, or that there are no or insufficient grounds to warrant an inquiry or the continuation of an inquiry, the Ethics Commissioner shall so state in dismissing the request. The Ethics Commissioner shall report the dismissal in accordance with section 28 and may recommend that further action be considered against the Member who made the request.	(6) S'il est d'avis qu'une demande d'enquête est frivole ou vexatoire ou n'a pas été présentée de bonne foi ou qu'aucun motif suffisant ne justifie la tenue ou la poursuite d'une enquête, le commissaire le précise lorsqu'il rejette la demande. Le commissaire fait rapport de sa décision, conformément à l'article 28, et il peut de plus recommander que des mesures soient prises à l'égard du député qui a fait la demande.	

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Inquiry to be private	(7) The Ethics Commissioner is to conduct an inquiry in private and with due dispatch, provided that at all appropriate stages throughout the inquiry the Ethics Commissioner shall give the Member reasonable opportunity to be present and to make representations to the Ethics Commissioner in writing or in person by counsel or by any other representative.	(7) Le commissaire procède à huis clos et avec toute la diligence voulue, en donnant au député, à tous les stades de l'enquête, la possibilité d'être présent et de lui faire valoir ses arguments par écrit ou en personne ou par l'entremise d'un conseiller ou d'un autre représentant.	Huis clos
Cooperation	(8) Members shall cooperate with the Ethics Commissioner with respect to any inquiry.	(8) Les députés sont tenus de collaborer avec le commissaire dans toute enquête.	Collaboration
Report to the House	28.(1) Forthwith following an inquiry, the Ethics Commissioner shall report to the Speaker, who shall present the report to the House when it next sits.	28.(1) Une fois son enquête terminée, le commissaire remet sans délai un rapport d'enquête au Président, lequel présente le rapport à la Chambre à sa prochaine séance.	Rapport à la Chambre
Report to be public	(2) The report of the Ethics Commissioner shall be made available to the public upon tabling in the House, or, during a period of adjournment or prorogation, upon its receipt by the Speaker.	(2) Le rapport du commissaire est accessible au public dès qu'il est déposé à la Chambre ou, pendant une période d'ajournement ou de prorogation, dès qu'il est reçu par le Président.	Publicité du rapport
Report after dissolution	(3) During the period following a dissolution of Parliament, the Ethics Commissioner shall make the report public.	(3) Si le Parlement est dissous, le commissaire rend son rapport public.	Rapport en cas de dissolution
No contravention	(4) If the Ethics Commissioner concludes that there was no contravention of this Code, the Ethics Commissioner shall so state in the report.	(4) Si le commissaire conclut que le présent code n'a pas été enfreint, il l'indique dans son rapport.	Aucune infraction
Mitigated contravention	(5) If the Ethics Commissioner concludes that a Member has not complied with an obligation under this Code but that the Member took all reasonable measures to prevent the non-compliance, or that the non-compliance was trivial or occurred through inadvertence or an error in judgment made in good faith, the Ethics Commissioner shall so state in the report and may recommend that no sanction be imposed.	(5) S'il conclut que le député ne s'est pas conformé à une obligation aux termes du présent code, mais qu'il a pris toutes les précautions raisonnables pour éviter de l'enfreindre, ou que l'infraction est sans gravité, est survenue par inadvertance ou est imputable à une erreur de jugement commise de bonne foi, le commissaire l'indique dans son rapport et peut recommander qu'aucune sanction ne soit imposée.	Infraction sans gravité
Sanctions	(6) If the Ethics Commissioner concludes that a Member has not complied with an obligation under this Code, and that none of the circumstances in subsection (5) apply, the Ethics Commissioner shall so state in the report and may recommend appropriate sanctions.	(6) S'il conclut que le député n'a pas respecté une obligation aux termes du présent code et qu'aucune des circonstances énoncées au paragraphe (5) ne s'applique, le commissaire l'indique dans son rapport et peut recommander l'application des sanctions appropriées.	Sanctions
Reasons	(7) The Ethics Commissioner shall include in the report reasons for any conclusions and recommendations.	(7) Le commissaire motive ses conclusions et recommandations dans son rapport.	Motifs
General recommendations	(8) The Ethics Commissioner may include in his or her report any recommendations arising from the matter that concern the general interpretation of this Code and any recommendations for revision of this Code that the Ethics Commissioner considers relevant to its purpose and spirit.	(8) Le commissaire peut formuler dans son rapport sur l'affaire des recommandations concernant l'interprétation générale du présent code ou sa modification, eu égard à son objet et son esprit.	Recommandations générales
Right to speak	(9) Within five sitting days after the tabling of the report of the Ethics Commissioner in the House of Commons, the Member who is the subject of the report shall have a right to make a statement in the House immediately following Question Period, provided that he or she shall not speak for more than 20 minutes.	(9) Dans les cinq jours de séance suivant le dépôt à la Chambre du rapport du commissaire, le député qui fait l'objet du rapport a le droit de faire une déclaration à la Chambre immédiatement après la période des questions, sous réserve que son intervention ne dépasse pas vingt minutes.	Déclaration du député
Deemed concurrence	(10) A motion to concur in a report referred to in subsection (4) or (5) may be moved during Routine Proceedings. If no such motion has been moved and disposed of within 10 sitting days after the day on which the report was tabled, a motion to concur in the report shall be deemed to have been moved and adopted at the expiry of that time.	(10) Une motion portant adoption du rapport visé aux paragraphes (4) ou (5) peut être proposée pendant la période réservée aux affaires courantes. Si une telle motion n'est pas proposée et soumise à une décision dans les dix jours de séance suivant le dépôt du rapport, une motion portant adoption du rapport est réputée proposée et adoptée à la fin de ce délai.	Adoption d'office
Report to be considered	(11) A motion respecting a report referred to in subsection (6) may be moved during Routine Proceedings, when it shall be considered for no more than two hours, after which the Speaker shall interrupt any proceedings then before the House and put forthwith and successively, without further debate or amendment, every question necessary to dispose of the motion. During debate on the motion, no Member shall speak more than once or longer than ten minutes.	(11) Une motion concernant le rapport visé au paragraphe (6) peut être proposée pendant la période réservée aux affaires courantes où elle est prise en considération durant au plus deux heures; à la fin de cette période, le Président interromp les délibérations de la Chambre et met aux voix, sur-le-champ et successivement, sans autre débat ni amendement, toutes les questions nécessaires à la prise d'une décision. Pendant le débat sur la motion, aucun député ne peut parler plus d'une fois, ni plus de dix minutes.	Étude du rapport



Vote	(12) If no motion pursuant to subsection (11) has been previously moved and disposed of, a motion to concur in the report shall be deemed to have been moved on the 15th sitting day after the day on which the report was tabled, and the Speaker shall immediately put every question necessary to dispose of the motion.	(12) Si aucune motion proposée aux termes du paragraphe (11) n'a fait l'objet d'une décision dans les quinze jours de séance suivant le dépôt du rapport, une motion portant adoption du rapport est réputée proposée à la fin de cette période, et le Président met immédiatement aux voix toutes les questions nécessaires à la prise d'une décision.	Vote
Referral back	(13) The House may refer any report back to the Ethics Commissioner for further consideration, with or without instruction.	(13) La Chambre peut renvoyer un rapport au commissaire afin qu'il l'examine à nouveau, avec ou sans instructions.	Renvoi
Suspension of inquiry	<p>29.(1) The Ethics Commissioner shall immediately suspend the inquiry into a matter if</p> <p>(a) there are reasonable grounds to believe that the Member has committed an offence under an Act of Parliament, in which case the Ethics Commissioner shall refer the matter to the proper authorities; or</p> <p>(b) it is discovered that:</p> <p>(i) the act or omission under investigation is also the subject of an investigation to determine if an offence under an Act of Parliament has been committed, or</p> <p>(ii) a charge has been laid with respect to that act or omission.</p>	<p>29.(1) Le commissaire suspend l'enquête sans délai :</p> <p>a) s'il y a des motifs raisonnables de croire que le député a commis une infraction à une loi fédérale, auquel cas il en avise les autorités compétentes;</p> <p>b) s'il est constaté que les faits – actes ou omissions – visés par l'enquête font l'objet :</p> <p>(i) soit d'une autre enquête visant à établir s'ils constituent une infraction à une loi fédérale,</p> <p>(ii) soit d'une accusation.</p>	Sursis
Inquiry continued	(2) The Ethics Commissioner shall not continue his or her inquiry until the other investigation or the charge regarding the act or omission has been finally disposed of.	(2) Le commissaire ne peut poursuivre son enquête qu'à l'issue de l'autre enquête ou que s'il a été statué en dernier ressort sur l'accusation.	Reprise de l'enquête
Miscellaneous		Dispositions diverses	
Rules	30.(1) The Ethics Commissioner shall submit any proposed rules for the administration of this Code to the Standing Committee on Procedure and House Affairs.	30.(1) Le commissaire soumet au Comité permanent de la procédure et des affaires de la Chambre tout projet de règle d'application du présent code.	Règles
Tabling of rules	(2) Any rules approved by the Committee shall be reported to the House and shall come into effect when the report is concurred in by the House.	(2) Les règles agréées par le Comité font l'objet d'un rapport présenté à la Chambre et entrent en vigueur dès l'adoption du rapport par celle-ci.	Dépôt
Retention of documents	31. The Ethics Commissioner shall retain all documents relating to a Member for a period of 12 months after he or she ceases to be a Member, after which the documents shall be destroyed unless there is an inquiry in progress under this Code concerning them or a charge has been laid against the Member under an Act of Parliament and the documents may relate to that matter.	31. Le commissaire garde les documents relatifs à un député pendant les douze mois suivant la cessation de ses fonctions parlementaires. Ces documents sont ensuite détruits, sauf si une enquête est en cours aux termes du présent code ou qu'une accusation a été portée contre le député au titre d'une loi fédérale et que les documents peuvent être pertinents.	Archives
Educational activities	32. The Ethics Commissioner may undertake educational activities for Members and the general public regarding this Code and the role of the Ethics Commissioner.	32. Le commissaire peut organiser des activités afin de renseigner les députés et le public sur son rôle et sur le présent code.	Activités éducatives
Committee review	33. The Standing Committee on Procedure and House Affairs shall, within five years of the coming into force of this Code and every five years thereafter, undertake a comprehensive review of its provisions and operation, and shall submit a report thereon, including a statement of any changes the Committee recommends.	33. Dans les cinq ans suivant l'entrée en vigueur du présent code et tous les cinq ans par la suite, le Comité permanent de la procédure et des affaires de la Chambre procède à un examen exhaustif des dispositions du présent code et de son application, et présente un rapport assorti des modifications qu'il recommande, le cas échéant.	Examen par le comité
Part of the Standing Orders	34. This Code shall form part of the Standing Orders of the House of Commons.	34. Le présent code fait partie du Règlement de la Chambre des communes.	Règlement

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ROYAL COMMISSIONS OR COMMISSIONS OF INQUIRY

About Royal Commissions

Royal commissions, or commissions of inquiry, are appointed by Cabinet under the terms of the Inquiries Act in order to carry out full and impartial investigations of specific *national* problems. The terms of reference for the commission and the powers and the names of the commissioners are officially stated by an Order-in-Council. When the investigation is complete, the findings of the commission are reported to Cabinet and the Prime Minister for appropriate action.

Commissions are often referred to by the name of the chairperson or commissioner(s). For example, the Royal Commission on National Development in the Arts, Letters and Sciences is commonly known as the Massey Commission (chaired by Vincent Massey in 1949-1950).

Para mais detalhes sobre "commissions of inquiry", consultar os seguintes links na página de Internet:

<http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=commissions>

- [About Commissions of Inquiry](#)
- [Index to Federal Royal Commissions](#) (National Library of Canada web site)

Current Commissions

- [Commission of Inquiry into the Sponsorship Program and Advertising Activities](#)
- [Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar](#)
- [Indian Specific Claims Commission](#)

Reports of Previous Commissions (*available on the Web*)

- [Miramichi and Acadie-Bathurst Electoral Boundaries Commission](#)
- [Commission on the Future of Health Care in Canada](#)
- [Commission of Inquiry into the Deployment of Canadian Forces to Somalia. Final Report. \(July 2, 1997\)](#)
- [Commission of Inquiry on the Blood System in Canada \(Krever Commission\). Final Report. \(November 26, 1997\)](#)

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- Royal Commission on Aboriginal Peoples
 - Report of the Royal Commission on Aboriginal Peoples
 - Highlights from the Report of the Royal Commission on Aboriginal Peoples - People to People, Nation to Nation (1996)
- Royal Commission on National Development in the Arts, Letters & Sciences 1949 - 51

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What is Legislative Auditing?

In Canada's parliamentary system, legislatures are responsible for overseeing government activities and holding governments accountable for their handling of public money.

Legislative auditing plays a central role in holding governments to account. It provides objective information, advice, and assurance that legislatures can draw on in their scrutiny of government spending and performance. Elected representatives need this independent reporting so they can effectively question or challenge the government on its actions.

In Canada, the Office of the Auditor General is responsible for legislative auditing of the federal government. It also audits the three territorial governments.

The Office of the Auditor General carries out three main types of legislative audits.

Performance audits

Performance audits (formerly known as value-for-money audits) answer these questions: Are programs being run with due regard for economy, efficiency, and environmental impact? Does the government have the means in place to measure their effectiveness?

Performance audits do not question the merits of government policies. Rather, they examine the government's management practices, controls, and reporting systems based on its own public administration policies and on best practices. The Office reports its findings, which may include areas that are working well and recommendations for improvement.

For more information on performance audits, see the fact sheets *How Does the Office of the Auditor General Choose Topics for its Performance Audits?* and *How does the Office of the Auditor General Conduct Performance Audits?*

Financial audits

Financial audits answer the question: Is the government keeping proper accounts and records and presenting its financial information fairly?

Every year, the Government of Canada publishes the *Public Accounts of Canada*, which contain the government's annual financial statements. The Auditor General provides an opinion as to whether these financial statements are fairly presented in accordance with the government's stated accounting policies. The Auditor General also conducts annual financial audits of most Crown corporations and many federal organizations.

Financial audits of the federal government are similar to those done in the private sector, except that they have two additional components. First, they include an opinion on whether transactions examined by the auditors conform to laws and regulations. This tells Parliament whether the organization complied with authorities. And secondly, the Auditor General is able to report on any other matters she thinks should be brought to the attention of Parliament.

General inquiries:
Communications
(613) 995-3708

E-mail:
communications@oag-bvg.gc.ca

Parliamentary inquiries:
Parliamentary Liaison
(613) 995-3708



In financial audits, auditors test whether financial transactions support the amounts and disclosures in the financial statements. Audit procedures may include comparing the results of operations with planned results, assessing the reliability of a department's financial control systems, and checking samples of transactions and balances. Auditors supplement these audit tests by further analysis and discussions with management.

Special examinations of Crown corporations

Special examinations of Crown corporations are a form of performance audit where the scope is set by law to include the entire corporation. In special examinations, the Auditor General provides an opinion on the management of the corporation as a whole.

Special examinations answer the question: Do the corporation's systems and practices provide reasonable assurance that assets are safeguarded, resources are managed economically and efficiently, and operations are carried out effectively?

Under the *Financial Administration Act*, federal Crown corporations are subject to a special examination once every five years. The Auditor General audits most, but not all, Crown corporations.

At the start of a special examination, the corporation's audit committee receives the audit plan, which includes the criteria that will be used in the audit. When the special examination is complete, the Office submits its Report directly to the corporation's board of directors. In exceptional cases, the Office submits its Report to the responsible minister and Parliament.

The February 2004 Budget stated that the government will require Crown corporations to table their special examinations before Parliament and post them on their Web sites.

*Further information and relevant reports can be found on the Web site
of the Office of the Auditor General at www.oag-bvg.gc.ca.*

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Office of the Auditor General of Canada

Fact sheet

What Does the Office of the Auditor General Audit?

The Office of the Auditor General audits a vast range of activities of the Canadian federal government and the three territories. This includes health, culture, the environment, finance, agriculture, transportation, and scientific research, to name only a few. While the Office may comment on policy implementation in an audit, it does not comment on policy itself.

The Office audits

- the federal government, which includes some 100 departments and agencies, and ranges from small boards to large, complex organizations whose activities extend across Canada and overseas;
- some 40 Crown corporations, such as the Canadian Broadcasting Corporation and the Royal Canadian Mint. Under the *Financial Administration Act*, most Crown corporations must undergo a performance audit (called a special examination) every five years. In addition, their financial statements are audited annually; and
- the governments of Nunavut, the Yukon, the Northwest Territories, and some 20 territorial corporations and agencies.

With the creation of the position of Commissioner of the Environment and Sustainable Development in December 1995, the Auditor General's responsibilities regarding environmental matters increased considerably.

The Commissioner, on behalf of the Auditor General, reports annually to the House of Commons on all matters related to the environment and sustainable development that she considers should be brought to its attention. In addition, government departments must publish sustainable development strategies that are monitored, audited, and reported on by the Commissioner.

Does the Auditor General Conduct Audits Upon Request?

Under the *Auditor General Act*, the Auditor General chooses which matters to examine through performance audits. The Office receives many requests to conduct audits from individual citizens, groups, members of Parliament, senators, and others. These are all carefully reviewed and taken into consideration in the selection process. However, final decisions about what to audit are made in light of our mandate, the significance of the issue, the existing audit schedule, and available resources. The Office of the Auditor General pays particular attention to requests for audits from parliamentary committees; however, the ultimate decision about what to audit rests with the Auditor General. The process for selecting audits is explained in greater detail in the fact sheet entitled *How Does the Office of the Auditor General Choose Topics for its Performance Audits?*

General inquiries:
Communications
(613) 995-3708

E-mail:
communications@oag-bvg.gc.ca

Parliamentary inquiries:
Parliamentary Liaison
(613) 995-3708



Further information and relevant reports can be found on the Web site
the Office of the Auditor General at www.oag-bvg.gc.ca.

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Mandate

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Parliament By

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Reports to Northern
Legislative
Assemblies

Work Opportunities

Careers

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Registration

Feedback on the Site

Working with Parliament for Better Government

One of the most important roles of Parliament is to hold the federal government to account for its use of taxpayer dollars. To do this effectively, parliamentarians need objective and fact-based information about how well the government raises and spends public funds.

The Office of the Auditor General is an independent and reliable source of such information.

The Auditor General is an Officer of Parliament who reports to the House of Commons. Parliament has granted the Office specific powers and responsibilities, and these are spelled out in the *Auditor General Act*, the *Financial Administration Act*, and many other statutes. The Auditor General is also the auditor for the governments of Nunavut, the Yukon and the Northwest Territories; and she reports directly to their legislative assemblies.

Providing objective and reliable information

The Office of the Auditor General provides objective and reliable information by

- auditing federal government departments and agencies, most Crown corporations, and many other federal organizations;
- reporting publicly up to four times a year to the House of Commons on matters that the Auditor General believes should be brought to the attention of the House; and
- testifying before parliamentary committees on the Office's audits.

With the creation of the position of **Commissioner of the Environment and Sustainable Development** in December 1995, the Auditor General's responsibilities regarding environmental matters increased considerably.

The Commissioner, on behalf of the Auditor General, reports annually to the House of Commons on all matters related to the environment and sustainable development that she considers should be brought to its attention. In addition, the Commissioner is responsible for monitoring, auditing, and reporting publicly on the **environmental petitions process** and **departmental sustainable development strategies**.

Overview of our audits

What We Do

A Brief History

Enabling Legislation

- *Auditor General Act*
- *Financial Administration Act*

Working with Parliament for Better Government

What is Legislative Auditing?

What Do We Audit?

How Do We Ensure the Quality of our Audits?

Who Audits the Auditor General?

International Activities

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- Financial auditing indicates whether the government is presenting its financial information fairly according to the government's accounting policies, thereby providing assurance on the credibility of its financial statements. Every year, we audit the federal government's summary financial statements (which are included in the *Public Accounts of Canada*) and those of the three territories. We also conduct an annual audit of the financial statements of most Crown corporations and many federal organizations.
- Performance auditing examines management practices, controls, and reporting systems with a focus on results. These audits examine whether government programs are being managed with due regard for economy, efficiency, and environmental impact, and with measures in place to determine their effectiveness. Covering a wide range of topics, these audits contain recommendations that can serve as a springboard to lasting and positive change in the way government functions. Follow-up audits are conducted to determine whether the government has made satisfactory progress in implementing the Office's recommendations. Results are published in an annual Status Report.
- Special examinations are a form of performance audit of Crown corporations that are required every five years. We provide our reports to the corporations' boards of directors.

Working together for better government

Parliament, the Auditor General, and government have distinct powers and responsibilities in the Canadian system of government. Working together, all three can help improve the management of government programs and services and the way government accounts to Parliament and the public for the results achieved.

- Parliament holds the government to account through its system of parliamentary committees. These committees may review a report by the Auditor General, conduct hearings, and make recommendations for action. Legislative assemblies provide the same oversight in the North.
- The Office of the Auditor General conducts a program of planned performance audits in addition to annual financial audits that are mandated by legislation. We report our findings to Parliament; these include good practices, areas requiring attention, and recommendations for improvement.
- The government sets priorities and provides programs and services to Canadians according to direction provided by laws passed by Parliament. The government may also implement changes recommended by the Auditor General's reports.

Last Updated: 2005-03-17

Important Notices

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Accountable Government

A Guide for Ministers

2006

Canada

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ACCOUNTABLE GOVERNMENT

A Guide for Ministers

2006

Accountable Government: A Guide for Ministers sets out core principles regarding the role and responsibilities of Ministers in Canada's system of responsible parliamentary government. This includes the central tenet of ministerial responsibility, both individual and collective, as well as Ministers' relations with the Prime Minister and Cabinet, their portfolios, and Parliament. It outlines standards of conduct expected of Ministers as well as addressing a range of administrative, procedural and institutional matters. On the critical issue of ethical conduct, Ministers should ensure that they are thoroughly familiar with the *Conflict of Interest and Post-Employment Code for Public Office Holders*.

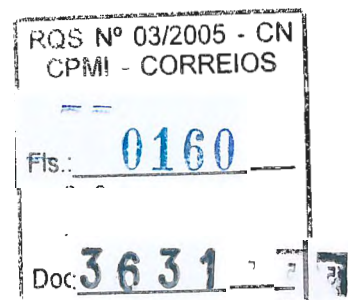


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PRIME MINISTER • PREMIER MINISTRE

A Message to Ministers

Canadians have entrusted our government with ensuring that the institutions and individuals by whom they are governed are fully accountable for the policies they adopt and the actions they take. This means that we must uphold the highest standards of probity and ethical conduct. But it also entails a transformation in the culture of government to reflect the evolving expectations of Canadians. If Canadians are to have confidence in their political institutions and representatives, and be truly engaged in the nation's political life, government must recognize that accountability is not a concession it makes or a set of technical rules to be complied with, but rather the very essence of its role as an instrument by which Canadians govern themselves.

In Canada's system of government, the principles of accountability have no greater expression than in Parliament, whose foremost task is to hold government to account. A Minister's central consideration must therefore be his or her responsibility and accountability to Parliament, demonstrated through respect and support for the parliamentary process.

As Ministers, you are expected to strengthen the effectiveness of Parliament through close attention to your parliamentary duties. Your participation in Parliament must be characterized by constructiveness and the utmost integrity in order to earn the cooperation of your colleagues and the respect of all Canadians.

A further goal of our government, one that will also strengthen transparency and accountability to Parliament, is to streamline and simplify the executive, beginning with the Ministry. We will have a smaller Cabinet, in which all members are equal. All members of the Ministry will be members of Cabinet and have full ministerial status. Parliamentary Secretaries will focus on their parliamentary responsibilities and will not be members of the Queen's Privy Council for Canada. Further, we have strengthened



the *Conflict of Interest and Post-Employment Code for Public Office Holders*. We have also strengthened this Guide, for example, by providing greater detail and clarity on the relationship between exempt staff and public servants, and on ministerial responsibility for non-departmental organizations in a Minister's portfolio.

Accountable Government: A Guide for Ministers sets out the fundamental principles of our system of responsible government, with its core tenet of ministerial responsibility, and provides practical guidance for the conduct of your official duties. The conduct of Ministers should be characterized by the following principles:

- Ministers must act with integrity. To ensure public trust and confidence, not only in our government but in government generally, Ministers must uphold the highest standards of honesty and impartiality. Both the performance of your official duties and the arrangement of your private affairs should bear the closest public scrutiny.
- Ministers are responsible for ensuring that their departments are managed soundly and with complete integrity. They must discharge their portfolio responsibilities with careful regard to the particular powers, duties and functions assigned to them by statute and convention.
- Ministers are accountable to Parliament for the use of all powers vested in them. This demands constant attention to their parliamentary duties, including being present in Parliament to answer honestly and accurately about their areas of responsibility, and taking corrective action, as appropriate and within their authority, to address any problems that may arise within their portfolios. Should Ministers make any inadvertent error in answering to Parliament, they must take steps to correct it at the earliest opportunity.
- Ministers are bound by their oath as Privy Councillors. This oath reflects parliamentary government's core convention of Cabinet solidarity, by which Ministers share collective responsibility for the actions of government and speak to Parliament and Canadians with a single voice.

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This requires frank discussion in Cabinet and confidentiality in Cabinet decision making.

- Ministers must respect the non-partisanship of the Public Service of Canada and not seek to engage public servants in work that is outside their appropriate role. In this way, successive governments can have confidence that the Public Service will provide the support they need to fulfill their ministerial functions and mandate without regard to political partisanship.

This Guide will serve as an important reference as we work to promote a culture of accountability in everything we do. You will also have other important sources of support, including your deputy ministers. In the final analysis, however, no document or rules can supplant the need to approach your responsibilities with the utmost judgment and accountability.

Stephen Harper
Prime Minister of Canada



Introduction

This Guide sets out the duties and responsibilities of the Prime Minister and of Ministers and outlines key principles of responsible government in Canada. This essential information will help members of the Ministry individually and collectively support the Prime Minister in managing the business of the Government of Canada. The Guide also covers the duties and responsibilities of Parliamentary Secretaries.

Ministers who want further information or advice about the subject matters of this document may consult the Clerk of the Privy Council or their deputy minister. This document has been prepared by the Machinery of Government Secretariat in the Privy Council Office, which is responsible for supporting the Clerk of the Privy Council and deputy ministers by advising them on matters contained in this Guide.



I

Ministerial Responsibility and Accountability

Ministers of the Crown are chosen by the Prime Minister, who may ask for their resignation at any time. The Ministry together helps carry out the mandate of the government. Government policy is established by the Cabinet, which includes all members of the Ministry.

Ministers of the Crown are responsible and accountable to the Prime Minister and Parliament in two fundamental ways:

- Individually, for their performance in carrying out the responsibilities of the portfolio assigned to them by the Prime Minister.
- Collectively, in support of the Cabinet team and its decisions.

Ministers' individual and collective responsibility is an essential principle guiding the rule of Cabinet government in Canada, and is at the core of the standards for ministerial behaviour.¹

I.1. Individual Ministerial Responsibility

Parliament confers power on a Minister through parliamentary statutes that set out the duties and functions for which the Minister is individually responsible. In addition to these enabling statutes, there are "unwritten" conventions or precedents governing the ways in which Ministers fulfill their responsibilities and account for their actions in exercising their statutory authority.

¹ Details may be found in *Responsibility in the Constitution*, Privy Council Office, 1993.

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In addition to statutory powers conferred on them by Parliament, Ministers may also have other responsibilities assigned to them by the Prime Minister. Ministers are accountable to Parliament for the exercise of their responsibilities whether they are assigned by statute or otherwise.

1.2. Collective Ministerial Responsibility

All members of the Ministry are collectively responsible for carrying out the government's policies as established by the Cabinet. They are therefore expected to work in close consultation with their ministerial colleagues. This principle is the foundation of a key unwritten constitutional convention known as Cabinet solidarity. Coordinated and consistent communication with Parliament and the public is another essential requirement of Cabinet government.

Policies presented to Parliament and to the public must be the agreed policies of the Cabinet. Ministers cannot dissociate themselves from or repudiate the decisions of their Cabinet colleagues unless they resign from the Cabinet.

Cabinet solidarity is further reinforced by the Privy Councillor's oath requiring Ministers to declare their opinion as decisions are being made, and to strictly uphold the confidentiality of Cabinet decision making.

Ministers also make decisions collectively for practical reasons. In working toward achieving government objectives, ministerial responsibilities may overlap or have implications for other Ministers. The increasing complexity of issues means that, if the government's objectives are to be achieved, policies and programs must be reviewed in relation to each other. Ministers also have responsibilities for representing the different perspectives and interests of their regions, and these inevitably cut across the departmental division of government activities.

Ministers also share two limited assets: parliamentary time and financial resources of the Consolidated Revenue Fund. Only a relatively small number of major initiatives can be handled at one time. Thus, the government's overall policy agenda necessarily impinges on the portfolio goals of individual Ministers. Ministers therefore need to work closely together to ensure their goals are considered in the broader objectives of the government's agenda.

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I.3. Ministerial Accountability and Answerability

In providing good government for the people of Canada, Ministers are responsible and *accountable to Parliament* for the use of the powers vested in them by statute or otherwise. Ministers must be present in Parliament to respond to questions on the use of those powers, as well as to accept responsibility and account for that use. Whether a Minister has used the powers appropriately is a matter of political judgment by Parliament. The Prime Minister has the prerogative to evaluate the consequences and to reaffirm support for that Minister or to ask for his or her resignation.

Ministers are also required to *answer to Parliament* by providing information to Parliament on the use of powers by bodies that report to Parliament through them. In providing the information, Ministers must take into account all implications, including the lawful protection of privacy and the Minister's statutory authority over the organization. The Public Service supports Ministers by providing information that assists them in answering to Parliament.

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II

Portfolio Responsibilities and Support

In appointing a Minister to a portfolio, the Prime Minister may assign a broad range of responsibilities, from their immediate departmental powers, duties and functions to other special assignments or roles. In exercising the powers conferred by Parliament and in implementing Cabinet decisions, Ministers are supported by a deputy minister and departmental officials. They are also provided with resources for exempt staff,² whom they personally appoint to assist them in constituency and political work.

Given his role as head of government, the Prime Minister has a responsibility for the effective operation of the whole of government and often has to answer in the House for the operation of all departments and agencies. This may mean that, in carrying out this overarching responsibility, the Prime Minister will be involved in matters within the responsibility of individual Ministers.

This chapter provides information on the framework and management of ministerial portfolios and on the Public Service resources that provide support to Ministers.

II.1. Powers, Duties and Functions

Departmental *powers, duties and functions* are vested in Ministers through statute. Many of these powers are normally delegated to deputy ministers and departmental officials, who act on their behalf. Ministers are individually responsible to Parliament and the Prime Minister for their own actions and those of their department, including the actions of all officials under their management and direction, whether or not the Ministers had prior knowledge. In practice, when errors or wrongdoing is committed by officials under their direction, Ministers are

² See Chapter VI, section 1 regarding exempt staff.

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responsible for promptly taking the necessary remedial steps and for providing assurances to Parliament that appropriate corrective action has been taken to prevent reoccurrence.

Ministers' responsibilities may include a variety of non-departmental bodies such as Crown corporations or tribunals. In accordance with the enabling legislation, Ministers exercise varying degrees of control and responsibility for the agencies that are part of their portfolio.

The Prime Minister may assign additional responsibilities to a Minister, either through an Order in Council³ or as a result of a designation by the Prime Minister (for example, political regional responsibilities). Consequently, ministerial responsibilities can encompass a range of diverse activities, some based on statute, others on specific direction provided by the Prime Minister.

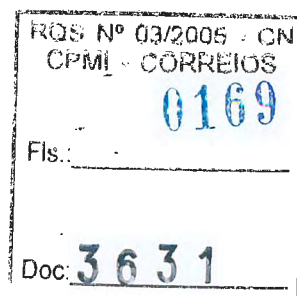
II.2. Integrated Portfolio Management

Quality programs and services in keeping with the government's objectives depend strongly upon Ministers' ability to manage their respective portfolios in an integrated way. Portfolios are organized to bring together bodies that share common purposes. Ministers must ensure that all actors and organizations within the portfolio work together in a coherent fashion, while respecting any necessary degrees of independence.

In certain instances, the Prime Minister may appoint a Minister to additional duties in the portfolio of another Minister. In such cases, the portfolio Minister is accountable for the entire portfolio, and any arrangements made with respect to portfolio management must fully respect any statutory responsibilities and accountabilities vested in Ministers. One or more Parliamentary Secretaries may also be appointed to assist the Minister or Ministers in the portfolio. These Ministers and Parliamentary Secretaries must all work together to ensure coordinated and integrated functioning of the portfolio.

The portfolio, the actors in it and its organizations should function as a team. Portfolios are varied, and the organizational bodies can include:

³ See Annex B, section 5 regarding Orders in Council.



- a department that has a role in shaping future policies and laws, and, in some cases, delivering services;
- service agencies that provide services within the government's policy and legislative framework and on the basis of a Business Plan;
- administrative tribunals that make decisions and hear appeals at arm's length from the government and on an independent basis; and
- Crown corporations that provide specific services on a commercial basis.

Each organization is different. They all have different mandates, a variety of organizational structures, and a different relationship to the Minister that reflects their purpose. However, they all provide services to Canadians and report to Ministers, or through Ministers to Parliament.

Building on existing statutory roles under a Minister's authority and his or her leadership role as assigned by the Prime Minister, the goal of integrated portfolio management is to ensure all actors and organizations work together in the most effective fashion. The Minister must captain the portfolio in order to achieve good governance, coherent coordination of policy, legislation and programs, excellence in delivery of programs and services, and meaningful accountability to the public, through Parliament, for the activities of the full portfolio.

The deputy minister, as the Minister's principal source of Public Service support and policy advice, will be expected to advise the Minister on all matters under the Minister's responsibility and authority. He or she will have a key role in promoting appropriate policy coordination, and building coherence in the activities and reporting of the portfolio bodies. Deputies can provide advice to Ministers on the appropriate means to ensure integration in the undertakings of their portfolio, while respecting any accountability requirements and mandates set out by legislation. Depending on the portfolio, the deputy may also be assigned certain specific responsibilities by the Minister. In those cases, it is important that the Minister provide clear guidance to all agency heads on his or her expectation of the portfolio integration role of the deputy.

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Agency and Crown corporation heads—while maintaining the necessary arm's-length relationship and managerial autonomy required for their bodies—should seek out opportunities to contribute to the overall functioning of the portfolio. Ministers need to make sure that the perspectives of these bodies are brought to bear in the policy development process within the portfolio.

II.3. Equality of Ministers and Duties Across Portfolios

All members of the Ministry are members of Cabinet and have full ministerial status. In certain instances, the Prime Minister may appoint a Minister to additional duties in the portfolio of another Minister, and in such cases the portfolio Minister is accountable for the entire portfolio.

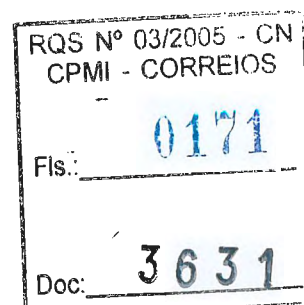
II.4. Parliamentary Secretaries

Parliamentary Secretaries are chosen by the Prime Minister, and are assigned to assist Ministers. They are key resources in a Minister's portfolio, and full participants in the government's work. Parliamentary Secretaries receive a mandate letter from the Prime Minister, and their responsibilities are carried out within the policy and program frameworks set out by their Minister. They may also be called upon to support other Ministers in the portfolio.

Parliamentary Secretaries are expected generally to support a Minister with respect to House and public duties as well as department-related duties, as discussed below:

House and Public Duties

- Parliamentary Secretaries are a fundamental link between Ministers and Parliament. They help Ministers maintain contacts with Senators and other members of the House of Commons in order to promote effective parliamentary decision making and to assist in the development of the legislative agenda. They play a necessary liaison role within the caucus and throughout the House of Commons and its committees. In committees, they help in sharing departmental information, and can work with committee chairs to plan appearances of Ministers and departmental officials to ensure



productive dialogue. They are expected to facilitate departmental appearances by representing the Minister's views and addressing political issues which may arise. On Private Members' business, Parliamentary Secretaries are a link between the caucus and the Minister, and can also facilitate interaction with departments in the development of Private Members' business which the government chooses to support. Parliamentary Secretaries may also be called upon to answer policy questions during Question Period in the Minister's absence, although acting Ministers may respond to particularly sensitive questions. Given that they work under the direction of a Minister, Parliamentary Secretaries do not introduce their own Private Member's bills or motions.

Department-Related Duties

- Parliamentary Secretaries may have specific policy-related priorities to pursue, as set out in a mandate letter from the Prime Minister, and are expected to be engaged as key players in making strategic contributions to policy development. A Minister may delegate to a Parliamentary Secretary specific duties for policy development initiatives. Overall responsibility and accountability remains with the Minister, who also remains responsible for the direction of public servants and departmental resources, and authority to initiate departmental actions. Parliamentary Secretaries must also assist in ensuring liaison between parliamentary committees and the Public Service.

Parliamentary Secretaries are subject to the *Conflict of Interest and Post-Employment Code for Public Office Holders*. Further information on the Code can be obtained from the Ethics Commissioner or the Privy Council Office. They are also subject to the *Conflict of Interest Code for Members of the House of Commons* in their capacity as members of the House of Commons. Further information on the House Code can be obtained from the Ethics Commissioner.

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II.5. Deputy Ministers

Deputy ministers are professional, non-partisan public servants. They are chosen and assigned by the Prime Minister on the advice of the Clerk of the Privy Council and are appointed by the Governor in Council.⁴ Their role is to provide their Minister with the broadest possible expert advice and support needed for the Minister's portfolio responsibilities, and to undertake the day-to-day management of the department on behalf of their Minister. However, deputy ministers do not exercise direct authority over non-departmental bodies within the portfolio. Deputy ministers are required to manage a complex set of multiple accountabilities which arise out of various powers, authorities and responsibilities attached to the position.

Deputy ministers are responsible and accountable for a wide range of duties including policy advice, program delivery, internal departmental management, and interdepartmental coordination. In performing these duties, deputy ministers have a fundamental responsibility to support both the individual and collective responsibilities of their Minister. They are accountable on a day-to-day basis to their Minister, and a cooperative relationship between the two is critical. The advice that deputy ministers provide should be objective and must respect the law. If conflict occurs between the Minister's instructions and the law, the law prevails.

The Prime Minister is responsible for the unity and direction of the Ministry and the government's policies. As a result of their role in the collective management of the government, deputy ministers are also accountable to the Prime Minister for responding to the policies of the Ministry as a whole and to the requirements of the Treasury Board and the Public Service Commission. This includes ensuring that appropriate interdepartmental consultation occurs on any matter that may touch upon broader ministerial responsibilities. In this capacity, deputy ministers are required to keep the Clerk of the Privy Council informed of any matter they consider significant enough to affect their responsibilities or those of their Minister. If the issue is of sufficient concern, the Clerk of the Privy Council will inform the Prime Minister.

⁴ See Annex A, section 3 for a definition of Governor in Council.



Deputy ministers also carry a general obligation of accountability to the Treasury Board for the overall management capacity and performance of the department. In order to assist in managing this accountability, and to ensure performance is subject to regular review, deputy ministers are required to implement the Treasury Board Secretariat's Management Accountability Framework. The Comptroller General of Canada also sets reporting requirements on departmental spending, and deputy ministers and departmental comptrollers must ensure that all requirements for expenditure planning, control and oversight are met, including in the development of policy proposals.

Further details on the accountability and duties of deputy ministers are included in *Guidance for Deputy Ministers*, a companion to this Guide.

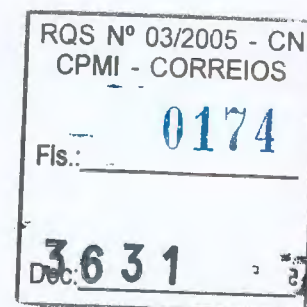
II.6. Departmental Officials

The department reports to the Minister through the deputy minister in a clear chain of command. Deputy ministers are chosen by the Prime Minister, whereas assistant deputy ministers, other executives and departmental officials are appointed according to conditions set out by the Public Service Commission. The accountability of departmental officials is to the Minister through the deputy minister, but it is the Minister who is accountable to Parliament.

Federal officials must work within the laws of Canada, and are expected to maintain the tradition of the political neutrality of the Public Service. This ensures their continuing ability to provide professional, candid and frank advice. In no circumstances should departmental officials be asked to participate in partisan political activities. The Treasury Board's *Values and Ethics Code for the Public Service* notes that Ministers are responsible for preserving public confidence in the integrity of management and operations within their departments, and for maintaining the tradition of political neutrality of the Public Service and its continuing ability to provide professional, candid and frank advice.

II.7. Non-Departmental Bodies

Most Ministers are responsible for several non-departmental bodies such as Crown or departmental corporations, agencies, commissions, tribunals or boards. A Minister's degree of control and responsibility for a non-departmental body is defined in the Act that establishes that body. While a Minister's



relationship with a non-departmental body is at arm's length, the Minister must still provide the organization with general guidance on the government's objectives and expectations. *Ministers need to know the details of their responsibilities, as well as the limits of their powers, for those bodies.* Deputy ministers can provide advice to Ministers on these issues, particularly in the context of integrated portfolio management.

The nature of the relationship between a Minister and an administrative tribunal with independent decision-making or quasi-judicial functions is a particularly sensitive issue. Ministers must not intervene in specific decisions of those bodies. Specific guidance governing Ministers' dealings with quasi-judicial tribunals is included in Annex E, as are guidelines on Crown corporations in Annex F.

Heads of non-departmental bodies are appointed by the Governor in Council, on the recommendation of the responsible Minister, after consultation with the Prime Minister. Their responsibilities and duties, and those of the designated Minister, vary with each governing statute. The responsible Minister is accountable for the overall effectiveness of Crown corporations in his or her portfolio, as opposed to their day-to-day operations. But while their degree of independence from the portfolio Minister may vary, all non-departmental bodies have a responsibility to answer to Parliament. Heads of non-departmental bodies and their officials appear before parliamentary committees and do so in accordance with the principles of ministerial responsibility and the political neutrality of public servants. Many non-departmental bodies are required to report annually to Parliament, through their designated Minister, on their performance and planning.

II.8. Acting Ministers

The Prime Minister establishes a standing roster of acting and alternate Ministers who assume additional duties when their colleagues are unable to perform their duties. The roster is formalized by an Order in Council. The Prime Minister can act for any Minister, but normally does so only when the designated acting Minister or the alternate Minister is not available.

Ministers acting on behalf of their colleagues may exercise the full powers of the Minister, but are advised not to make major decisions in the Minister's temporary absence. In urgent cases, they traditionally consult the Minister, the Prime Minister or other Cabinet colleagues as appropriate.



III

Ministerial Relations with Parliament

In our system of government, Parliament is the pre-eminent institution of democratic accountability. Clear ministerial accountability to Parliament is fundamental to responsible government,⁵ and to ensuring that Canadians have confidence that their government is acting in an open, honest and transparent manner. A Parliament that makes real decisions requires parliamentarians who have and can use information and tools to promote the interests of the regions they live in, and to hold the government to account for its decisions. The Prime Minister expects Ministers to demonstrate respect and support for the parliamentary process. They should place a high priority on ensuring that Parliament and its committees are informed of departmental policy priorities, spending plans, and management challenges, including by appearing before parliamentary committees whenever appropriate. Ministers are expected to seek the views of parliamentarians and parliamentary committees on future plans and priorities, and to dedicate time to consulting and engaging their colleagues in Parliament in order to earn their support. These elements are key to bringing the public will and the purpose of a government into productive alignment.

Under the convention of responsible government, Parliament confers executive authority on Ministers on the condition that they, and through them the officials under their management and direction, be accountable to Parliament for their actions. Parliamentary review of spending is a key element of this accountability. A Minister's sphere of responsibility is generally set out in the statutes establishing the departments and organizations within a Minister's portfolio.

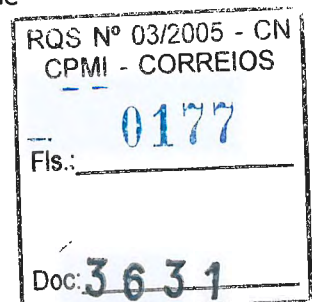
⁵ See Chapter 1 and Annex A for more information about responsible government.

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III.1. Ministerial House Duties

The daily proceedings in the House of Commons are key to the government's effectiveness. Consequently, the Prime Minister expects Ministers to place a very high priority on their House duties. These duties include the following activities:

- *Daily attendance at Question Period.* Any proposed absences must be cleared with the Prime Minister's Office before other commitments are made. When a Minister is absent, a designated Minister or Parliamentary Secretary answers for him or her.
- *Attendance.* Attendance at other specified times is required according to a *mandatory schedule* of House duties prepared by the Leader of the Government in the House of Commons. Ministers are personally responsible for arranging replacements if they have to be absent and for notifying the Leader of the Government in the House of Commons and the Chief Government Whip of the arrangements.
- *Piloting legislation.* The Prime Minister expects Ministers to pilot their own legislation through the House and to appear before parliamentary committees of both Houses as required. The government will be pursuing its legislative agenda by requiring that government MPs vote with the government on matters of confidence, which include matters of fundamental importance to the government, including the Main and Supplementary Estimates, the Budget, and priority items in the government's agenda. On other matters, the government will take a position, and recommend a preferred outcome to the government caucus.
- *Private Members' business.* Under the Standing Orders of the House of Commons, all Private Members' Business items are votable. The government determines its position on all Private Members' items. If an item specifically opposes government policy, Ministers who are responsible for the policy should ensure that Members of Parliament, including caucus members, are



informed about the government's position, and should seek the support of caucus members for the government's position.

- *Committee relations.* The government will look to parliamentary committees to play an active role in policy and legislative issues, and Ministers should place a high priority on developing good relationships with parliamentary committee chairs and members, and supporting the essential work of the committee. This includes appearing before committees whenever appropriate.
- *Other House duties.* The Leader of the Government in the House of Commons assigns and coordinates other House duties to Ministers, such as attendance at votes and leading the government's response to Opposition Day motions.

The *Constitution Act, 1867* sets out the principles underlying the sovereignty of Parliament in the raising and spending of public money. Revenue can only be raised and moneys spent or borrowed by the government with the authority of Parliament. Regular, ongoing parliamentary spending reviews are part of ensuring that taxpayer dollars are aligned with the priorities set by Canadians, and that the government's management of the public purse is credible and avoids waste. Ministers must be prepared to respond to questions on spending for which they are responsible, and to regular parliamentary review of departmental expenditures.

Ministers' duties and relations with Parliament are very demanding and require significant support, particularly for Question Period and committee work. They require careful daily and long-term coordination with the Prime Minister and the government's Leaders in the Senate and the House. Ministers normally assign a senior member of their exempt staff to support their relations with Parliament. This person ensures ongoing liaison with the Whip's Office and the Office of the Leader of the Government in the House of Commons regarding House business, and acts as a key contact to obtain information from departmental staff for Question Period. Ministers who are assigned a Parliamentary Secretary are expected to make full use of this valuable resource to support them in the House of Commons and before parliamentary committees.

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In the context of their accountability to the House of Commons, Ministers are required to answer parliamentary questions within their areas of authority as clearly and fully as possible. It is of paramount importance for Ministers to give accurate and truthful information to Parliament, and to correct any error at the earliest opportunity. Parliamentary questions cannot be directed to a former Minister concerning policies or transactions in a portfolio he or she no longer holds. However, current Ministers must account to the House for taking any corrective action required to address problems that may have occurred prior to their appointment.

Parliamentary accountability recognizes that only the person to whom responsibility and authority are assigned can take action. Ministers cannot be accountable for matters over which they have no authority. The statutes governing many non-departmental bodies such as regulatory commissions or tribunals may assign only limited ministerial responsibility for internal management and operations. In these cases, Ministers' accountability is limited, consistent with their direct responsibilities. Where Ministers do not have direct responsibility for addressing issues raised by Parliament, they must nevertheless answer to Parliament (i.e., provide the necessary information and explanations) and ensure that the non-departmental body concerned does address those issues, as appropriate.

III.2. Ministerial Senate Duties

The Leader of the Government in the Senate is responsible for managing the government's agenda in the Senate, and Ministers are expected to work with the Leader of the Government in the Senate on legislation and Private Members' bills for which they are responsible. In carrying out these duties, the Leader of the Government in the Senate is supported by political staff and the Privy Council Office. Ministers are responsible for ensuring that their legislation is piloted through the Senate and that questions related to their portfolio are answered in the Senate.

III.3. Parliamentary Committees and the Role of Departmental Officials

Appearances before House and Senate committees by Ministers and their officials are an essential part of informing Parliament, enabling parliamentarians to represent the views of

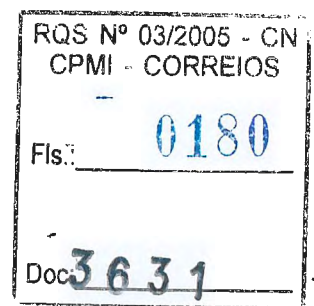


their constituents in the development of policy and legislation, and to hold the government to account for its management and policies. Ministers should promote an ongoing dialogue with parliamentary committees on their department's policy priorities, legislative and spending issues, and management challenges. Ministers, supported by the Public Service, should appear regularly before their respective parliamentary committee to seek the committee's input into policy and spending priorities, and to discuss departmental performance and results. Ministers are expected to provide, consistent with Treasury Board guidelines, informative and balanced reports to Parliament, most importantly the Estimates, the Report on Plans and Priorities, and Departmental Performance Reports. Ministers and their officials must cooperate with the committees in their work and seek the views of parliamentarians and committees on future plans and priorities.

The principles of ministerial accountability and responsibility guide Ministers and their officials appearing before parliamentary committees. Ministers are responsible for providing answers to Parliament on questions regarding the government's policies, programs and activities, and for providing as much information as possible about the use of powers assigned to them or delegated by them to others.

Ministers are also responsible for deciding which questions they should answer personally and which questions may be answered by officials speaking on their behalf. Officials can assist Ministers by factually answering questions at parliamentary committees, but they are to explain rather than defend or debate policies. When appearing before a parliamentary committee, officials maintain the traditional impartiality of the Public Service. The authoritative political presence of either the Minister or his or her political representative is required if politically controversial matters are likely to arise. As members of parliamentary committees, Parliamentary Secretaries are essential resources and play a key role by representing their Ministers before committees. Ministers should ask their Parliamentary Secretaries to address partisan issues raised during departmental appearances, and to act as a liaison between the committee and the Minister and the department.

Ministers should ensure that appearances by their officials before parliamentary committees are fully consistent with the ministerial responsibility assigned by Parliament in statute. Public



servants are ultimately accountable to Ministers and not directly to Parliament.⁶ Consequently, departmental officials do not appear before committees without clear guidance from their Minister.

In appearing on behalf of their Minister before committees, departmental officials are often able to provide more detailed information on departmental plans and performance than Ministers can. The deputy minister and other officials must be prepared to describe in detail the plans, activities and performance of the department in areas such as financial management, program and service delivery, and human resources management.

Officials also have a duty and specific legal responsibility to hold in confidence information that may have come into their possession in the course of their duties. Therefore, when appearing before parliamentary committees, they are bound by these legal obligations, as well as an obligation to the Minister and to the government, not to disclose information that is confidential for reasons of national security or privacy, or because it consists of advice to Ministers. In practice, officials should endeavour to work with Members of Parliament, in cooperation with Ministers and their offices, to find ways to respond to legitimate requests for information from Members of Parliament, within the limitations placed on them. In the context of a committee hearing, information that is not in the public domain can only be made available on the specific authorization of the Minister, and within the context of statutory obligations.

Through their own initiative or in response to a request from a parliamentary caucus, Ministers can also inform Parliament by directing departmental officials to provide factual briefings to parliamentary caucuses. Briefings organized for one caucus are made available to other caucuses and, accordingly, House Leaders or Leaders of each party are kept informed of such briefings. It is never appropriate for the deputy minister or departmental officials to act in a partisan manner. Any questions of a political nature or expressions of disagreement with government policy should be referred to the Minister.

⁶ See *Notes on the Responsibilities of Public Servants in Relation to Parliamentary Committees*, available from the Privy Council Office.



IV

Consultation and Coordination

This chapter provides information on the roles of central agencies to support the Prime Minister and the work of the Cabinet. The Prime Minister expects Ministers and their departments to work closely with all central agencies to coordinate issues and to establish an overall program supported by the Cabinet.

IV.1. Central Agencies

a) Privy Council Office

The Privy Council Office provides the Prime Minister with Public Service support and directly assists the Prime Minister in performing all of his or her duties and responsibilities as head of government. It is also the Cabinet secretariat. Through ongoing consultation with departments and agencies, the Privy Council Office provides the Prime Minister with comprehensive information and analysis on contemplated policies and priorities. Specifically, it provides information on organization of the government and its relations with Parliament and the Crown, appointment of holders of senior offices, overall spending program of the government, functioning of the Cabinet decision-making system, development of major policies, management of intergovernmental relations and other specific issues.

The Privy Council Office also provides the necessary support to other Ministers in the Prime Minister's portfolio.

The Privy Council Office is headed by the Clerk of the Privy Council, whose role in the Government of Canada is combined with that of Secretary to the Cabinet. The Clerk is a non-partisan public servant selected by the Prime Minister. The Clerk of the Privy Council acts as the Prime Minister's deputy minister and is also the custodian of the records of the current and previous Ministries. In addition, this person is also Head of the Public Service, as designated by statute. In that capacity, he or she is responsible for the quality of expert, professional and non-partisan advice and service provided by the Public Service to the Prime Minister and the Cabinet. He or she reports annually to the Prime Minister on the state of the Public Service.



b) Department of Finance

The Department of Finance is responsible for the government's macro-economic policy, including tax policy and tax expenditures, as well as the overall fiscal framework, and for analysing the economic and fiscal impact of proposals by any Minister. The Department of Finance supports its Minister and maintains a broad socio-economic analytical capacity.

c) Treasury Board Secretariat

The Treasury Board Secretariat supports the President of the Treasury Board. As the administrative agency of the Treasury Board, the Secretariat supports the Board, which is a committee of the Queen's Privy Council for Canada, and assumes its legal responsibilities under the *Financial Administration Act* and other statutes. It has a central oversight role to play in government-wide management practices and ensuring value for money. The Comptroller General ensures improved financial management government-wide.

The Treasury Board Secretariat submits recommendations and provides advice to the Treasury Board on all matters relating to general administrative policy and organization in the Public Service of Canada, financial and asset management policies and procedures, review of annual and long-term expenditure plans and programs, and determination of related priorities.

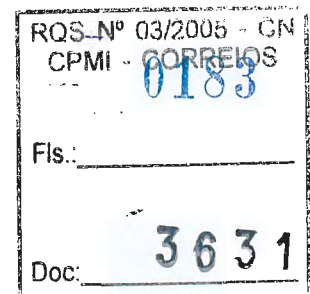
d) Other Departments

In addition to the central agencies described above, there are two other departments that exercise certain central agency functions. The Department of Justice makes available legal services and advice to all Ministers and their departments. The Department of Foreign Affairs and International Trade provides government-wide coordination of activities and issues that involve foreign policy.

IV.2. The Prime Minister's Office

The Prime Minister's Office consists of the Prime Minister's political staff. The Office serves the Prime Minister and is fully accountable to him or her.

The Prime Minister's Office supports the Prime Minister in exercising his or her duties as head of government, leader of a



political party and Member of Parliament. The political staff in the Prime Minister's Office provide advice on policy development and appointments, discuss House of Commons proceedings with him or her, and facilitate the Prime Minister's relations with Ministers, the caucus and the party as a whole. In addition, the Prime Minister's Office schedules the Prime Minister's time, organizes his or her public statements and relations with the media, and handles his or her correspondence.

In general, the Prime Minister's Office plays an important role in enabling the Prime Minister to guide the political strategy of the government and is the central point of communication and coordination with Ministers, Parliamentary Secretaries and Members of Parliament. It also works closely with the Privy Council Office. Together, these two organizations provide advice and support from different perspectives on the issues of daily concern to the Prime Minister.

IV.3. Federal-Provincial-Territorial Relations and Regional Coordination

The Prime Minister is responsible for the overall management of federal-provincial-territorial relations, since they touch on virtually all areas of the federal government's activities. The Prime Minister is assisted by the Minister of Intergovernmental Affairs in coordinating intergovernmental relations. The Privy Council Office is the Public Service department that advises and assists the Prime Minister and the Minister in carrying out their responsibilities related to intergovernmental affairs.

In general, the Prime Minister expects each Minister to be responsible for the federal-provincial-territorial aspects of policies and programs within his or her own portfolio, and to ensure coordination with other intergovernmental initiatives.

The Prime Minister may also designate *Regional Ministers* for each province or major area, who play an important role in coordinating regional or provincial issues with the federal government's activities. However, the administration of departmental programs in every region remains the individual responsibility of departmental Ministers.



IV.4. Appointments

Governor in Council appointments are made to a wide range of positions, from deputy ministers and heads of agencies to chief executive officers and directors of Crown corporations. Many of these positions are very demanding, requiring extensive work and difficult decisions. It is essential for appointees to be well qualified, and senior government appointments must be chosen through a process that ensures broad and open consideration of proposed candidates. The government will establish a Public Appointments Commission to ensure that competitions for posts are widely publicized and fairly conducted.

By legislation or under Standing Orders of the House of Commons, some appointments—including those of Agents of Parliament—are subject to parliamentary review and resolution prior to being made final. Under government policy, appointments to key positions, including chairpersons and heads of Crown corporations and heads of agencies, are also subject to prior parliamentary review. In addition, other Governor in Council appointments (except judicial positions) are tabled in the House of Commons after each appointment is made in order to give the appropriate standing committee the opportunity to call the appointee and examine his or her qualifications.

The appointment process for Supreme Court of Canada judges includes extensive consultation (including Chief Justices, the provinces and the legal community) and assessment of candidates by an advisory committee (including nominees of the recognized parties, the provinces and the legal community).

IV.5. Communications and Public Announcements

Communicating with the public is an important responsibility of the government. Communications must be timely and clear. All government communications must therefore be coordinated to ensure they are consistent with overall government objectives and decisions, including Treasury Board policies.

The communications implications of an announcement are among the issues considered by the Cabinet when it decides on a policy. The content and timing of each public statement of a policy or the announcement of some government action (including appointments, new programs, or financial commitments and agreements) are coordinated by the responsible Minister, acting with the Minister's office and department, the Prime Minister's Office and the Privy Council Office.



The Prime Minister expects Ministers to consult as well with Regional Ministers and affected caucus members on impending announcements and to work with their own deputy ministers.

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V

Standards of Conduct

Full accountability to Canadians is a central objective of our government. The Prime Minister holds Ministers to the highest standards of conduct for all their actions, including those that are not directly related to their official functions. Ministers are therefore expected to adhere to the following standards in all circumstances, whether they are acting as a Minister, a member of the House of Commons, a Senator or a private citizen. This chapter outlines key areas where established government standards of conduct apply to Ministers.

Moreover, as the government has committed to introduce additional mechanisms of accountability, the Prime Minister expects Ministers to conduct themselves not only in strict conformity with the rules as they currently stand, but also with regard to the spirit and intent of the measures that the government has committed to introduce.

V.1. Ministerial Conduct

Ministers must act with honesty and must uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of government are maintained and enhanced. Ministers, in particular, have an obligation to perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law.

V.2. Conflict of Interest

Ministers and persons working on their behalf are subject to the requirements of the *Conflict of Interest and Post-Employment Code for Public Office Holders*.⁷ Ministers are also subject to the *Conflict of Interest Code for Members of the House of Commons* in their capacity as members of the House of

⁷ Available from the Ethics Commissioner, deputy ministers or the Privy Council Office.



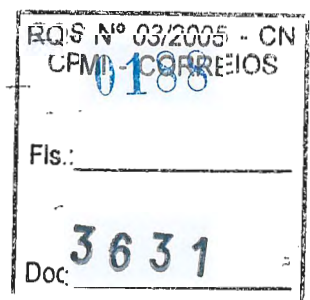
Commons. The Ethics Commissioner is responsible for administering both Codes, investigating allegations against Ministers and other senior officials involving conflicts of interest, applying compliance measures and briefing Ministers on their responsibilities under the Codes. The obligations of the *Conflict of Interest and Post-Employment Code for Public Office Holders* apply to Ministers, their exempt staff and Parliamentary Secretaries as well as Governor in Council appointees, and some provisions apply to their families. The Code does not apply to other Senators or Members of Parliament.

Ministers are held accountable by the Prime Minister for their adherence to the provisions of the *Conflict of Interest and Post-Employment Code for Public Office Holders*. In general, the Code addresses basic principles of conduct. In addition, the Code:

- requires Ministers to provide a *confidential report* to the Ethics Commissioner on their assets and liabilities, their former and current activities and those of their spouse and dependent children;
- outlines *rules* regarding which assets may or may not continue to be directly managed, and gives direction on how to divest of assets;
- sets *limitations* on outside activities, acceptance of gifts, invitations to special events and hospitality, and post-employment activities; and
- sets out a *recusal mechanism* to assist Ministers in avoiding conflicts of interest in the performance of their official duties and functions.

Ministers' adherence to the provisions of the *Conflict of Interest and Post-Employment Code for Public Office Holders* is essential to enhancing confidence in our system of government.

Ministers are also held accountable by the House of Commons (or in the case of Ministers who are Senators, by the Senate) for their adherence to the provisions of the *Conflict of Interest Code for Members of the House of Commons* (or any similar rules established by the Senate) in their capacity as Members of Parliament.



V.3. Relations with the Judiciary and Other Government Agencies

As Members of Parliament, Ministers have responsibilities to their constituents. However, there are limitations on their ability to act on behalf of constituents or others, including themselves, when dealing with certain government agencies.

The Prime Minister expects Ministers and their staff not to intervene, or appear to intervene, on behalf of anyone, including constituents, with the *judiciary* concerning any matter before the courts. The Minister of Justice can provide detailed information on relations with the judiciary.

Ministers and their staff are also expected not to intervene, or appear to intervene, on behalf of anyone, including constituents, with *federal quasi-judicial tribunals* on any matter before them that requires a decision in their quasi-judicial capacity, unless otherwise authorized by law.⁸ Ministers are therefore responsible for ensuring that they and their staff understand and respect the need for non-interference and an arm's-length relationship with these organizations.

While Ministers need to be in contact with the agencies within their own portfolios on a broad range of matters, governing statutes give some bodies such as Crown corporations a degree of independence from ministerial direction. A Minister's degree of control and responsibility for these organizations is defined in the Act that establishes them. Ministers need to know both the details of their responsibilities and the limits of their powers for these organizations. They must also understand and respect their arm's-length relationship with them.⁹

In matters regarding another Minister's portfolio, a Cabinet convention precludes a Minister from speaking about or otherwise becoming involved in a colleague's portfolio without first gaining the colleague's approval. This does not preclude the Minister from speaking directly to the Minister responsible. Nor does it prevent the Minister's staff from raising the concerns of constituents either with the staff of the Minister or through

⁸See Annex E for additional information on dealings with quasi-judicial tribunals.

⁹See Annex F for additional guidance on Crown corporations.



channels in the departments or agencies that are specifically intended for dealing with matters of constituents.

There are situations when the office of a Minister can expect requests for assistance from other members of the Ministry on behalf of their constituents. When such an intervention with an agency is not appropriate because the request concerns a quasi-judicial matter, the office should indicate that an intervention is not possible by any Minister and suggest that the constituent deal directly with the agency.

However, Ministers and their staff may seek information that is available to the public. Guidance can be obtained from the Ethics Commissioner, who provides detailed briefings on this subject to Ministers, their Chiefs of Staff and other members of their staff, including those dealing with constituency issues.

V.4. Invitations

Ministers often receive invitations to participate in or endorse events, community initiatives or publications, to meet with people or to travel to various countries. Ministers must be aware that some invitations may come from individuals or groups who have links to terrorism, crime, or violent or unsavoury foreign regimes.

Ministers are expected to exercise discretion at all times. They are responsible for ensuring the *bona fides* of those with whom they have dealings. When there is any doubt about accepting an invitation, inquiries should be directed to the Director of Security Operations in the Privy Council Office. The Director will make inquiries, offer general advice to the Minister and arrange briefings as necessary.

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VI

Administrative Matters

Ministers have direct administrative responsibilities flowing from their ministerial duties. This chapter provides information on administrative matters concerning Ministers and their offices. Detailed requirements are also set out in Treasury Board Secretariat's *Guidelines for Ministers' Offices*.

VI.1. Ministers' Offices and Exempt Staff

Ministers are personally responsible for the conduct and operation of their office. They hire their own office staff, who are known as "political" or "exempt" staff. The staff are outside the official Public Service and are exempt from Public Service Commission staffing and other controls. They are nevertheless subject to a broad range of terms and conditions set by the Treasury Board for the government as a whole.

The purpose of establishing a Minister's office is to provide Ministers with advisers and assistants who are not departmental public servants, who share their political commitment, and who can complement the professional, expert and non-partisan advice and support of the Public Service. Consequently, they contribute a particular expertise or point of view that the Public Service cannot provide. The exempt staff do not have the authority to give direction to public servants, but they can ask for information or transmit the Minister's instructions, normally through the deputy minister.

Good working relations between the Minister's office and the department, characterized by mutual respect, cooperation, and the sharing of information where it is relevant or needed for their respective work, are essential in assisting the Minister and deputy minister in managing departmental work. Such a relationship requires that exempt staff in the Minister's office respect the non-partisanship of public servants and not seek to engage them in work that is outside their appropriate role.

In meeting their responsibility to respect the non-partisanship of public servants, exempt staff have an obligation to inform themselves about the appropriate parameters of Public

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Service conduct, including Public Service values and ethics, and to actively assess their own conduct and any requests they make to departmental officials in the light of those parameters. Ministers and deputy ministers should be vigilant in ensuring that the appropriate parameters of interaction between officials and exempt staff are observed.

To the extent practicable, relations between officials and exempt staff should be conducted through the deputy minister's office. The deputy minister's office should be informed about contact between exempt staff and public servants in the department.

A Minister's office may also include a limited number of Public Service *departmental assistants*. Departmental staff are public servants in the employ of their departments who are assigned to the Minister's office and who are expected to carry out their duties in a non-partisan manner. Their role is to liaise with the department as well as to provide administrative support and general assistance to the Minister on departmental or other government matters.

As Members of Parliament, Ministers receive other support provided by the House of Commons or the Senate. Such support is provided and used only in accordance with established House of Commons and Senate rules.

VI.2. Security

The Prime Minister holds Ministers personally accountable for the security of their staff and offices, as well as of "Confidences of the Queen's Privy Council for Canada" (commonly referred to as Cabinet confidences) and other sensitive information in their custody. The Privy Council Office briefs Ministers on applicable security requirements.

Confidences of the Queen's Privy Council for Canada are defined in section 69 of the *Access to Information Act* and section 70 of the *Privacy Act*. They include Cabinet documents and other information related to Cabinet decision making.

Deputy ministers are accountable to their Ministers for the security of departmental personnel, information, facilities and other assets. All individuals who work in or for Ministers' offices (e.g., employees, contractors, students and persons on loan, assignment or secondment), irrespective of their work location, require Level 2-Secret security clearances, as a minimum, *prior to*

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appointment. They must also comply with other security requirements for the safeguarding of government information and assets. Clearances and security briefings are arranged by the deputy minister.

The Royal Canadian Mounted Police (RCMP) provide material to Ministers on security precautions they can take to ensure their safety. A 24-hour, 7-day emergency contact number is provided to Ministers by the RCMP. In the case of a specific threat, the RCMP can offer additional assistance (e.g., could include driver, vehicle and bodyguard).

Ministers are required to notify their deputy minister immediately of any potential compromise of Cabinet confidences or other security incident. Deputy ministers or the Clerk of the Privy Council can provide Ministers with further information on security matters.

VI.3. Cabinet, Institutional and Personal Records

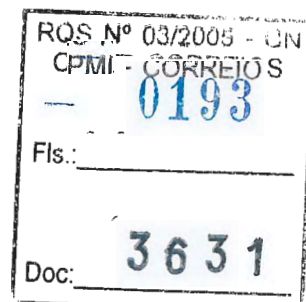
Records kept in the offices of Ministers must be broken down into four categories: Cabinet documents, institutional records, ministerial records, and personal and political records.¹⁰ Records in these categories are filed separately, for reasons of operating efficiency and confidentiality and to facilitate compliance with statutory requirements. Each category of documents may be subject to different provisions and treatment under some of the relevant laws, such as the *Access to Information Act*, the *Privacy Act*, the *Security of Information Act*, the *Canada Evidence Act* and the *National Archives Act*.

Ministers are expected to ensure that the provisions for handling the four categories of records are met. For the most part, however, Ministers delegate this responsibility, relying on their staff to manage and control the documents. Deputy ministers and Library and Archives Canada can provide advice on the procedures.

VI.4. Public Access to Information and Privacy

The *Access to Information Act* provides a right of public access to information in records under the control of government

¹⁰ Annex D provides a detailed description of the four categories of documents.



institutions, subject only to certain necessary exceptions limited and specified in law. Ministers, their deputy ministers and heads of agencies are ultimately responsible for the application of the Act in their respective institutions and within the overall ministerial portfolio. Under the Act, decisions can be reviewed by the Information Commissioner and, ultimately, by the Federal Court.

Ministers are expected to operate entirely in accordance with the letter and the spirit of the law when dealing with requests from the public for information. Ministers are responsible for ensuring that necessary actions are taken with respect to departments meeting deadlines and consulting other departments.

The *Privacy Act* imposes conditions that protect personal information held by government institutions. Under the Act, decisions can be reviewed by the Privacy Commissioner and, ultimately, by the Federal Court. In accordance with the legislation, Ministers may delegate these matters to their deputy minister or other senior officials, but may wish to be advised of particularly important files.

The *Access to Information Act* and the *Privacy Act* do not apply to Confidences of the Queen's Privy Council for Canada. However, a decision of the Federal Court of Appeal has made accessible, subject to exemptions in the Acts, background explanations, analysis of problems or policy options contained in Cabinet documents once a Cabinet decision has been made public, or, if the decision has not been made public, four years after the decision was made. Government policy requires that government institutions consult with the Privy Council Office in all instances where information that may qualify as a Cabinet Confidence has been identified in response to a request under the Act.

When producing *papers in Parliament*, Ministers are expected to ensure that requests for information (for example, in response to a Notice of Motion) are met. Matters related to the production of papers in Parliament are coordinated with the Leader of the Government in the House of Commons.

VI.5. Financial and Resource Management

Ministers' expenditures are subject to statutory and Treasury Board policies governing the use of public moneys. These conditions are set out in Treasury Board Secretariat's



Guidelines for Ministers' Offices, and cover matters such as:

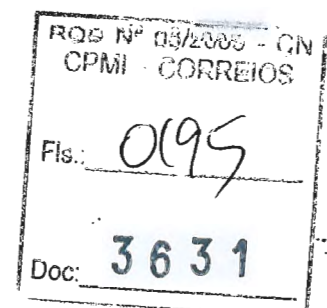
- security clearance requirements;
- exempt staff and hiring by contract;
- salary rates and employee benefits;
- departmental staff assigned to Ministers' offices;
- contracting policies and procedures;
- budgets, expenditure authorization, and accounting for expenditures charged to Ministers' budgets;
- office accommodation and supplies; and
- travel and use of government aircraft and ministerial vehicles.

Ministerial responsibilities include ensuring that all expenditures in Ministers' offices are properly and prudently managed and are related to the conduct of official business. Deputy ministers and the Treasury Board Secretariat can provide further information.

Expenditures by Ministers and Parliamentary Secretaries are subject to scrutiny by Parliament. Ministers, Ministers' exempt staff and Parliamentary Secretaries are required to disclose publicly, by posting on their departmental Web-sites, all hospitality and travel expenses incurred during program-related business. Reports cover the financial quarter, and are posted on departmental Web-sites within 30 calendar days following the last day of the quarter. Ministers should be aware that high standards are expected of them. This policy also applies to Parliamentary Secretaries, and to deputy ministers and other senior government officials.

VI.6. Ministerial Travel Coordination

All proposed ministerial travel is coordinated with the Prime Minister's Office well in advance and before making commitments. Ministers are also expected to consult the Leader of the Government in the House of Commons or the Chief Government Whip and to ensure the availability of acting Ministers. When making use of government aircraft, Ministers



should make every effort to ensure joint travel in the interests of efficient use of government resources. However, for security purposes, no more than eight Ministers of the Crown may travel on the same aircraft at the same time.

Generally speaking, Ministers should limit travel abroad, especially while Parliament is in session. They should inform their deputy minister and the Royal Canadian Mounted Police of their travel plans in order to be advised of any particular security concerns and suggested protection measures. The actual arrangements for official foreign travel are coordinated by the Department of Foreign Affairs and International Trade.

Ministers planning *private travel abroad* also need to inform the Minister of Foreign Affairs well in advance, since security or policy considerations may be involved. All goods acquired by Ministers abroad are subject to normal customs requirements and examination, and must be declared on arrival.

Ministers must not accept travel on non-commercial chartered or private aircraft for any purpose except in exceptional circumstances, and only with the prior approval of the Ethics Commissioner and public disclosure of the use of such aircraft. Any hospitality accepted must strictly adhere to the requirements of the *Conflict of Interest and Post-Employment Code for Public Office Holders*.

VI.7. Foreign Honours

Long-standing government policy requires Ministers not to seek the offer of, nor to accept, a foreign order or decoration, either personally or on behalf of a colleague.



Annex A

Federal Government Institutions: The Executive

Canada is a constitutional monarchy and a democracy with a system of responsible parliamentary government based on the British Westminster model. As such, the structures and conduct of executive authority are governed both by Canada's "written" constitution (the *Constitution Acts, 1867-1982*) and by an "unwritten" constitution composed of conventions and customs that have been established and have evolved over the history of responsible government in Canada.

The unwritten constitution establishes key elements of Canadian democracy regarding executive authority in government as exercised by the Prime Minister and the Cabinet, who are responsible to the House of Commons, which is made up of the elected representatives of the people of Canada. This Annex outlines the basic roles and responsibilities of executive authority in that system.

A.1. The Crown, the Governor General and the Queen's Privy Council for Canada

In formal terms, executive government in Canada is vested by the *Constitution Act, 1867* in the Queen of Canada, who is the head of state. The Governor General is the representative of the Queen, and exercises the power and functions of the Crown on her behalf.

In Canada's democratic system of government, the Governor General is almost always bound to act only on the advice of the elected representatives who belong to the party that has the confidence of the House of Commons. Advice is offered directly by the Prime Minister on some matters, or is provided formally by the Ministry or government as a whole. It is the personal prerogative of the Prime Minister to convey the view of the government to the Governor General. The Governor General's consent must be obtained, when required, *before* decisions can take legal effect or be announced.

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In constitutional terms, the chief advisory body to the sovereign is the Queen's Privy Council for Canada,¹¹ composed of all those sworn in as Privy Councillors. It is exceedingly rare for the full Privy Council to meet as a body and, even then, it does so only for ceremonial purposes.

A.2. The Prime Minister's Functions and Powers

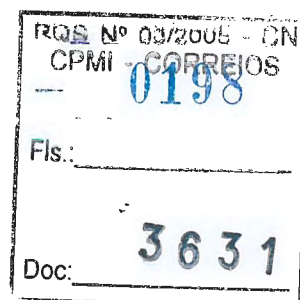
The Prime Minister, as the leader of the political party that has the confidence of the House of Commons (usually by holding a majority of the seats), is commissioned by the Governor General to form a government.

The Prime Minister is, above all, responsible for organizing the Cabinet and for providing the direction necessary to maintain the unity of the Ministry. This unity is essential if the government is to retain the confidence of the House of Commons.

The following principal functions and exclusive powers of the Prime Minister are essential in making Cabinet government work:

- The Prime Minister leads *the process of setting the general direction of government policy*. The Prime Minister is responsible for arranging and managing the processes that determine how decisions in government are made, and for reconciling differences among Ministers. The Prime Minister establishes the government's position before Parliament by recommending to the Governor General the summoning and dissolution of Parliament, by preparing the Speech from the Throne outlining the broad policy agenda for each new parliamentary session and by determining whether proposed government legislation approved by the Cabinet is subsequently put before Parliament. The Prime Minister approves the Budget presented by the Minister of Finance.
- The Prime Minister *chooses the principal holders of public office*. The Prime Minister selects Ministers and may ask for their resignation at any time. The

¹¹ This institution differs from the Privy Council Office, which is a department in the Public Service.



Prime Minister also recommends *senior public sector appointments* to the Governor General. The government will establish a Public Appointments Commission to ensure that competitions for posts are widely publicized and fairly conducted.

- The Prime Minister decides on *the organization, procedures and composition of the Cabinet*. This includes establishing Cabinet committees, selecting their membership and convening the Cabinet itself. In practical terms, the Prime Minister forms a team, decides on the process for collective decision making, and builds and adapts the machinery of government in which the team will operate.
- The Prime Minister determines *the broad organization and structure of the government* in order to meet its objectives. The Prime Minister is responsible for allocating Ministers' portfolios, establishing their mandates, clarifying the relationships among them and identifying the priorities for their portfolios through mandate letters. The Prime Minister's approval is required for the creation of new institutions and the elimination of existing organizations, some of which may also be subject to parliamentary decisions. Any proposals made by Ministers for significant organizational change or for altering their own mandates or those of other Ministers must first be approved by the Prime Minister.
- The Prime Minister has the overall responsibility for the government's relations with Parliament and the Sovereign.
- The Prime Minister establishes *standards of conduct* for Ministers.
- As head of government, the Prime Minister has *special responsibilities* for national security, federal-provincial-territorial relations and the conduct of international affairs. The Prime Minister may also take a special interest in any other area of a portfolio responsibility as circumstances require. Ministers should pay special attention to activities within their own portfolio that touch on



these special responsibilities or otherwise involve the Prime Minister.

A.3. The Ministry, the Cabinet and the Governor in Council

Cabinet is composed of all members of the Ministry. Members of the Ministry are appointed by the Governor General on the Prime Minister's recommendation. Before taking up their responsibilities, they are sworn in as Privy Councillors by the Clerk of the Privy Council at a ceremony presided over by the Governor General. In this ceremony, Privy Councillors swear the oath of allegiance, the Privy Councillor's oath and the oath of office for their respective portfolio. The Privy Councillor's oath includes the undertaking to maintain Cabinet secrecy. Privy Councillors are entitled to be styled "The Honourable" and to use the initials "P.C." after their names for life.

Unlike the Privy Council, the Cabinet has no standing in statute. In practice, the Cabinet is the fundamental and final forum for reaching a politically authoritative consensus on government issues under the Prime Minister's leadership.

The *Governor in Council* is the term for the Cabinet acting in a legal capacity. Formally, it is the Governor General acting on the advice of the Cabinet. Parliament does not assign powers to the Cabinet or to Ministers collectively, but rather to the Governor in Council.

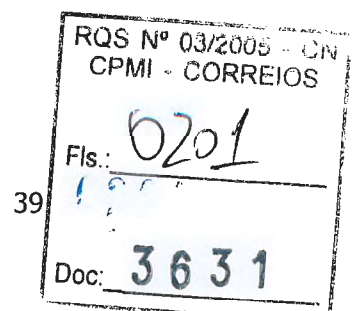
A.4. Ministers and the Law

Legal requirements form part of the framework that establishes daily practices and sets parameters on how decisions are made in government. Whether acting individually or collectively, the Prime Minister and Ministers act pursuant to parliamentary authority and within limits laid down by Parliament. All government activity must take place in accordance with the law. Ministers having any doubts on the legality of a particular action should ask their deputy minister and obtain the view of the Department of Justice. The following key constitutional provisions or statutes impact on decisions and their implementation:

- The *Constitution Act, 1867*, formerly called the *British North America Act, 1867*.



- The *Constitution Act, 1982*, which includes the *Canadian Charter of Rights and Freedoms*.
- *Acts of Parliament* (principally departmental Acts) create the offices and responsibilities of Ministers, establish the departments over which they preside, and provide a basic framework of powers, duties and functions for which Ministers are accountable.
- The *Public Service Employment Act* establishes a continuing, professional and non-partisan Public Service of Canada.
- The *Financial Administration Act* shapes virtually all aspects of government management through the powers it grants to the Treasury Board to oversee departments and other organizations. The Treasury Board is the Cabinet committee responsible for managing the Public Service of Canada and for approving expenditures of departments and agencies. Many of its decisions have the force of law, limiting Ministers' discretion to manage and direct their departments.
- The *Access to Information Act* establishes a public right to access general information contained in government documents. Under its provisions, the government may withhold material only if disclosing the information could adversely affect the public interest. The *Privacy Act* protects personal information held by the government from unauthorized disclosure.
- Other important Acts include the *Official Languages Act*, the *Canadian Human Rights Act* and the federal *Employment Equity Act*.



Annex B

Cabinet Decision Making

The Cabinet is the political forum where Ministers reach a consensus and decide on issues. It is the setting in which they bring political and strategic considerations to bear on proposed ministerial and governmental actions. These considerations must necessarily reflect the views and concerns expressed by Canadians, caucus colleagues, and other Parliamentarians. Once a consensus is reached, Ministers can fulfill their collective responsibility to Parliament. This Annex addresses the main elements of the organization and conduct of decision making in the Cabinet.

B.1. Basic Rules for Cabinet Business

A number of basic ground rules for the conduct of Cabinet business are essential to maintain Cabinet solidarity and enhance its practical effectiveness.

Decision making is *led* by the Prime Minister. Through the Cabinet and its committees, the Prime Minister provides Ministers with the principal forum in which they can resolve different perspectives. The Prime Minister *organizes* Cabinet and Cabinet committee decision making, determines the agenda for Cabinet business and chooses committee chairpersons to act on his or her behalf. The Privy Council Office is the Cabinet's secretariat and administers the Cabinet decision-making process on behalf of the Prime Minister.

Cabinet government works through a process of compromise and consensus building, which culminates in a Cabinet decision. The Cabinet and Cabinet committees do not vote on issues before them. Rather, the Prime Minister (or committee chairperson) "calls" for the consensus after Ministers have expressed their views. As the Cabinet secretariat, the Privy Council Office records and communicates the decision.

Consultation among the Ministers, departments and portfolios involved *must precede* the submission of a proposal to the Cabinet by the responsible Minister or Ministers. Ministerial



discussions in the Cabinet or Cabinet committee focus on the decisions required and provide Ministers with an opportunity to participate in and influence those decisions.

Ministers have the right to seek their colleagues' consideration of proposals for government action in their area of responsibility. This is, of course, subject to the agenda set by the Prime Minister for government priorities. Cabinet committee agendas are set by the committee chairpersons acting on the Prime Minister's behalf.

Confidences of the Queen's Privy Council for Canada, more commonly referred to as "Cabinet confidences," must be appropriately safeguarded from unauthorized disclosure or other compromise. The Cabinet's collective decision-making process has traditionally been protected by the rule of confidentiality, which enhances Cabinet solidarity and collective ministerial responsibility. Confidentiality ensures that Ministers can frankly express their views before a final decision is made. The Prime Minister expects Ministers to announce policies only after Cabinet decisions are taken, in consultation with the Prime Minister's Office and the Privy Council Office.

Cabinet business is extensive, and Cabinet consensus at times is difficult to achieve. Given the limited time available to Ministers and given the importance of clear decisions to government operations, Cabinet business must be conducted efficiently and according to accepted ground rules that are fully understood and respected. Cabinet discussion is not used to air introductory or preliminary discussions of issues. Deputy ministers are expected to ensure that other affected departments are adequately informed in advance and that coordination across portfolios is pursued so that other Ministers are prepared for Cabinet discussion and government decisions are coherent and aligned with overall objectives. When departments directly involved differ on a matter, the dispute should not be referred to the Cabinet until all other means of resolving it have been exhausted.

B.2. Decision-Making Process and Procedures

a) The Policy and Fiscal Frameworks

Cabinet decision making is steered by certain key statements of government policy and priorities as well as by electoral commitments. The Speech from the Throne, delivered



by the Governor General at the beginning of each session of Parliament, outlines the government's program for Parliament. As a reflection of the overall priorities of the government and the Prime Minister, the Speech provides a general *policy framework* for the upcoming parliamentary session.

The Minister of Finance presents the government's annual Budget which reflects the *fiscal framework* agreed to by the Cabinet. The President of the Treasury Board subsequently tables the Main Estimates.

These frameworks provide for the overall direction of the government. They both shape and reflect the ongoing work of Cabinet committees.

b) The Process

The Cabinet process begins when an issue is raised by a Minister in the form of a Cabinet document or through general discussion at a meeting. The supporting documents are normally circulated to all Ministers by the Privy Council Office before the issue is discussed at the appropriate Cabinet committee. As well, Ministers may take the opportunity to update their colleagues on the progress of certain key initiatives being developed or implemented in their departments.

The Cabinet committee's report is subject to confirmation by the Cabinet. Records of final decisions are circulated to all Ministers and their deputy ministers for action under Ministers' individual authority. *Policy announcements are made after a Cabinet decision and after the Treasury Board's approval of any resources required to implement the decision.*

B.3. Legislative Program

The content of the government's legislative program is ultimately the responsibility of the Prime Minister, assisted by the Government House and Senate Leaders. The main thrusts of the program are determined by the Cabinet. The Leader of the Government in the House of Commons coordinates the process of translating the Cabinet's policy decisions into bills to be placed before the House of Commons.

The first stage in this process is Cabinet approval of a Minister's policy proposal. After Cabinet has approved a Minister's policy proposal, a bill is then drafted by the Department of Justice

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to reflect the Cabinet decision. Priorities in drafting are established by the Leader of the Government in the House of Commons, who also undertakes final scrutiny of a bill before it is approved by the Cabinet for introduction in Parliament on his or her recommendation.¹² The Leader of the Government in the House of Commons has flexibility in establishing priorities for consideration of bills by the House, although Cabinet discussions of House business provide the overall direction for the government's legislative program. The Leader of the Government in the House of Commons is supported in this regard by his or her own exempt staff, the Privy Council Office, and the Deputy House Leader and Chief Government Whip.

B.4. The Cabinet and Cabinet Committees

Cabinet committees are an extension of the Cabinet itself. The Prime Minister establishes both standing and temporary (or special purpose) committees, chooses their membership, prescribes their procedures and changes them as he or she sees fit. The Privy Council Office provides Ministers with information on the Prime Minister's decisions regarding the structure and operations of Cabinet committees.

Currently, most collective ministerial deliberations take place in Cabinet committees. Committee chairpersons act for the Prime Minister with his or her authority, including setting the committee agenda. For the most part, decisions are taken by the appropriate committee, subject to confirmation by the Cabinet. This system settles as many questions as possible at the committee stage in order to lessen the workload of the Cabinet and to allow it to concentrate on priority issues and broad political concerns.

The Treasury Board is established by law as a committee of the Queen's Privy Council for Canada, and many of its decisions have force of law. It provides oversight of the government's financial management and spending, as well as oversight on human resources issues. The Treasury Board may act as the Cabinet committee for the Public Service and expenditure management (under the *Financial Administration Act*). The Board is the employer for the Public Service, and establishes policies and

¹² See *Cabinet Directive on Law Making*, available from the Privy Council Office.



common standards for administrative, personnel, financial and organizational practices across government. It also controls the allocation of financial resources to departments and programs. The Treasury Board also fulfills the role of the Special Committee of Council (SCC) in approving regulatory policies and regulations, and all Orders in Council, excluding appointments.

Ministers may be invited by the committee chair to attend any meeting of a Cabinet committee, whether or not they are a member of the committee. The Prime Minister designates certain Ministers as ongoing members of each committee, and they are expected to attend these regularly. If Ministers are not able to attend a meeting, they should inform the chair of their views on agenda items by letter.

Meetings are conducted as informally as possible in both official languages. Most Cabinet committees meet on a regular schedule. This allows for effective planning and ensures that meetings and decisions can proceed without delay. As the Cabinet secretariat, the Privy Council Office provides the Cabinet and its committees with the support required to prepare for and conduct meetings, including arranging meetings, circulating agendas, distributing documents, providing advice to the chairperson of each committee on agenda items and recording Cabinet minutes and decisions.

B.5. Orders in Council

Some actions of the executive require a more formal process. Orders in Council are legal instruments made by the Governor in Council pursuant to statutory authority (or, infrequently, royal prerogative). Recommendations to the Governor in Council are signed by the responsible Minister. They take legal effect only when signed by the Governor General.

B.6. Financial Procedure

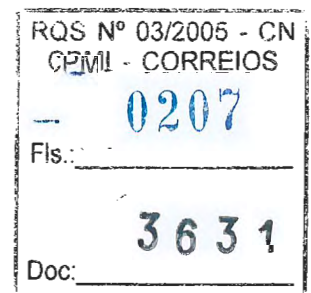
According to the Constitution, revenue can be raised and moneys can be spent or borrowed by the government only with the authority of Parliament. A money bill, for the raising or spending of revenue, must originate in the House of Commons, as the House is the custodian of the public purse. The *Constitution Act, 1867* also requires money bills to be recommended to the House by the Governor General in the form of a Royal Recommendation. This ensures executive control over revenue raising and spending initiatives, and is obtained by the Leader of



the Government in the House of Commons.

Parliament exercises its authority over government financial administration by means of a package of instruments comprising enabling legislation such as the *Appropriations Act*, financial documentation such as the Main Estimates (Parts I, II and III and the Public Accounts), and a review process by the House of Commons, the Senate and the Auditor General.¹³

¹³ For more details, see Robert Marleau and Camille Montpetit, *House of Commons Procedure and Practice*, House of Commons, Ottawa, 2000, chap. 18.



Annex C

Appointments

The government will establish a Public Appointments Commission to ensure that competitions for posts are widely publicized and fairly conducted.

The Prime Minister has the following key responsibilities regarding appointments:

- All appointment recommendations are *subject to the Prime Minister's approval* before they go forward to the Governor in Council.
- *Remuneration* for most Governor in Council appointments, both full-time and part-time, is set or approved by the Governor in Council on the recommendation of the Prime Minister. On this matter, the Prime Minister is supported by the Privy Council Office. Remuneration for some Governor in Council appointments is set by Crown corporations' by-laws or other means.

In addition, the following are important aspects of the appointment process:

- To open the process and identify candidates, vacancies for full-time, fixed-term Governor in Council positions are generally advertised in the *Canada Gazette*.
- Representational criteria, such as regional considerations, are taken into account when recommending appointments. Another relevant factor is employment equity, to better represent women, visible minorities, Aboriginal peoples and people with disabilities.
- Governor in Council appointees must meet the requirements of the *Conflict of Interest and Post-Employment Code for Public Office Holders*.

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The Ethics Commissioner administers the Code and provides advice to office holders and potential appointees. Part-time appointees are subject to the principles of the Code.

- All Governor in Council appointees are subject to rigorous *background checks* prior to appointment.
- *Announcements* of appointments are coordinated by the Prime Minister's Office, after they have been given legal effect when signed by the Governor General.
- By legislation, under Standing Orders of the House of Commons and pursuant to Government policy, key appointments are subject to parliamentary review and resolution prior to being made final.

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Annex D

Cabinet, Institutional and Personal Records

This Annex describes the four categories of ministerial papers and the access to document rules that apply to former Ministers.

Cabinet documents belong to the Prime Minister. Cabinet documents are formal records designated by the Privy Council Office as belonging to the Cabinet Paper System. They include Memoranda to Cabinet (MCs), decks, Cabinet Committee Reports (CRs), records of decisions (RDs), agendas, aides-mémoire and documents prepared for Ad Hoc Cabinet Committees or Reference Groups of Ministers. This category also includes formal Cabinet documents related to the Treasury Board and any sub-committees of Treasury Board, including submissions, précis, agendas, schedules, minutes of meetings and letters of decision.

The efficient operation of the Cabinet and the necessary confidentiality of ministerial discussions depend, in part, on the proper handling of Cabinet documents. Ministers must ensure that Cabinet documents provided to them are always safeguarded in accordance with the security requirements set by the Privy Council Office or, for Cabinet documents related to the Treasury Board, to the Treasury Board Secretariat. Parliamentary Secretaries must also respect this protocol when they are given access to such documents. Ministers must assign members of their staff with specific responsibility for controlling the flow and ensuring the security of these documents. When a Cabinet item has been dealt with, the associated Cabinet documents must be returned to the Privy Council Office or the Treasury Board Secretariat, as appropriate.

Certain Cabinet documents that are clearly marked for Ministers' eyes only cannot be reviewed by exempt staff. Some Cabinet documents must remain in the Cabinet room. Cabinet documents must not be photocopied, electronically scanned or sent by facsimile, and they must be carried in a secure briefcase. A record containing Cabinet confidences that is not a Cabinet document is either an institutional record (if it originated with the



institution), or a ministerial record (if it originated with the office of the Minister, e.g., a briefing note containing political advice to a Minister regarding a Cabinet matter).

Institutional Records relate to the business (policies, programs, activities and services) of the department and associated agencies, and are kept in a separate registry.

Ministerial records include official records pertaining to the office of the Minister, other than records that fall into the categories of personal or political records, institutional records or Cabinet documents.

Personal and political records are personal, as opposed to official, in nature (e.g., a Minister's constituency business, party political matters, private and personal life) and are kept in separate ministerial files. Like ministerial records, personal and political records are normally excluded from the application of the *Access to Information Act*, provided that they are maintained separately from institutional records.

When a Minister leaves office, Cabinet documents must be returned to the Privy Council Office or Treasury Board Secretariat, institutional records must be left with the department, and ministerial records must be transferred directly to Library and Archives Canada. Ministers may remove only their personal and political papers. However, to ensure the security of sensitive documents in personal and political papers, Ministers should use storage facilities and archival services offered by Library and Archives Canada.

Former Prime Ministers have control over the confidences of the government they headed. When a change of government occurs, the outgoing Prime Minister traditionally leaves the Cabinet records of the government in the custody of the Clerk of the Privy Council. The Clerk of the Privy Council plays a central role in administering the convention governing access to Cabinet and ministerial papers.

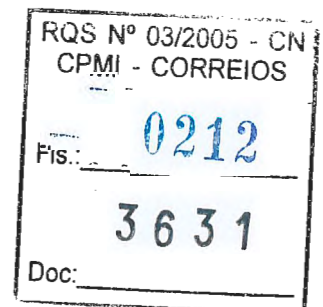
Subject to any arrangements a former Prime Minister may make with his or her successor, former Ministers may have access to Cabinet papers for the period of time when they held office, but only for that period, and only to papers relating to that office or to which they would normally have had access. Requests for access are addressed to the Clerk of the Privy Council and Secretary of the Cabinet or, for requests concerning Treasury

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Board documents, to the Secretary of the Treasury Board. Cabinet papers to which access is provided may be read on the premises of the Privy Council Office or the Treasury Board Secretariat as appropriate.

Former Ministers may have access to ministerial records that are transferred to Library and Archives Canada on the premises of Library and Archives Canada. They may also have access to institutional records that were prepared in their departments during the period of time when they held office. For access to institutional records, they can contact the deputy minister and arrange to review them on departmental premises.

Former Ministers are bound for life to respect their oath as Privy Councillors, including maintaining the secrecy of Confidences of the Queen's Privy Council for Canada, and remain subject to the *Security of Information Act*. They must also honour their commitments to other Ministers and colleagues. When talking or writing about their experience in government, former Ministers must consult their former department's Access to Information Office to ensure that they do not disclose matters that remain confidential. Any questions should be addressed to the Clerk of the Privy Council.



Annex E

Dealings with Quasi-Judicial Tribunals

Basic Principle

Ministers shall not intervene, or appear to intervene, on behalf of any person or entity, with federal quasi-judicial tribunals on any matter before them that requires a decision in their quasi-judicial capacity, unless otherwise authorized by law.

Dealings with Quasi-Judicial Tribunals within the Portfolio

Ministers need to be in contact with agencies in their portfolio on a broad range of administrative, policy and regulatory matters when authorized to do so by legislation. For instance, the Minister may communicate with the chair of a tribunal on its budget.

Ministers and their deputies should work with the agencies in their portfolio to clarify mutually agreed limits on the information that may flow to and from each agency and the appropriate procedures for communication.

The Minister's office can expect requests for assistance from other Ministers on behalf of their constituents. Where such an intervention with an agency is not appropriate because the request concerns a quasi-judicial case, the Minister's office should indicate that an intervention is not possible by any Minister and suggest that the constituent deal directly with that agency.

Dealings with Quasi-Judicial Tribunals on Behalf of Constituents

There are limitations on the ability of a Minister to act on behalf of constituents as far as quasi-judicial bodies are concerned.

Ministers and their staff cannot intervene on behalf of any person or entity with a federal quasi-judicial agency on any matter before it that requires a decision in its quasi-judicial capacity.



By convention, a Minister should not speak about or otherwise become involved in a colleague's portfolio without first consulting the colleague and gaining his or her approval. The practice has evolved whereby Ministers and their offices do not deal directly with public servants, but go through the office of the responsible Minister.

However, Ministers and their staff may seek information on the status of a matter. Further, several departments have set out specific instructions on how Ministers' offices, usually in the constituency, can deal with inquiries regarding such matters as disability benefits, employment insurance, old age security, or citizenship and immigration.

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Annex F

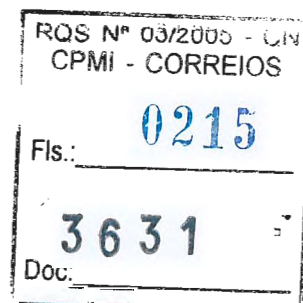
The Ministry and Crown Corporations Guidelines

The Minister who is the appropriate Minister for a Crown corporation must have dealings with the corporation on a variety of matters. While the precise responsibilities of a Minister with respect to a particular Crown corporation may vary with the governing statute, the Minister is in all cases ultimately accountable to Parliament for the overall effectiveness of the Crown corporation. Accordingly, the Minister has direct responsibility for such broad orientations as framework legislation and recommendation of appointments, as applicable; for review and approval of corporate plans; for assessing the ongoing relevance of the corporation's mandate and its effectiveness as a policy instrument; for providing broad policy direction to the corporation; and for dealing with appropriations and recommending these to Cabinet. These guidelines do not affect such dealings.

However, the Minister does not become involved in day-to-day operations of a Crown corporation, nor does his or her staff. Because of the wide range of activities carried out by individual Crown corporations, the appropriate role of the Minister must be determined on a case-by-case basis.

The following guidelines will assist Ministers in fulfilling their representative duties, while preserving the managerial autonomy of Crown corporations within their portfolio.

1. No Minister should personally promote the private interests of any individual, corporation or non-governmental organization, including a constituent, with any Crown corporation.
2. It is always appropriate for a Minister to raise the concerns of a constituent directly with the Minister responsible for a Crown corporation.



3. The staff of a Minister when dealing with constituency matters may, however, make representations to a Crown corporation.
4. The staff of the responsible Minister, because of their special responsibilities in support of their Minister, may not make representations, on behalf of a constituent, to any Crown corporation that falls within their Minister's portfolio of responsibilities.
5. It is recommended that the office of the Minister responsible for a Crown corporation establish a procedure, in cooperation with the corporation, to enable the Minister's office to pass on as a referral, for the corporation's appropriate action, representations or inquiries that the Minister or his or her office receives from parliamentarians, other Ministers or their offices, the Minister's own constituents or, more generally, the public. The Office of the Ethics Commissioner will work with Minister's offices and Crown corporations in establishing these procedures.
6. More broadly, these guidelines do not prevent any Minister or his or her political staff from social contact with the officers and staff of Crown corporations, nor from participating in briefing sessions initiated by the corporation.



Doc. 1513



**Conflict of Interest and
Post-Employment Code for
Public Office Holders**

2006

Canada

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Message from the Prime Minister

We have committed to Canadians that accountability and ethics will be at the centre of our governing agenda. First and foremost, accountable government means leading by example. Our government must uphold the public trust to the highest possible standard, and this responsibility falls uniquely on all public office holders, beginning with Ministers.

The *Conflict of Interest and Post-Employment Code for Public Office Holders* is a critical component of accountable government. The objective of the Code is to provide guidance to all public office holders in the discharge of their official duties and responsibilities and, thereby, to provide assurance to Canadians that their government is acting in an accountable, ethical and transparent manner. This means acting always in accordance with both the principles and specific provisions of the Code.

Numerous revisions have been made to the Code to strengthen it, including more stringent post-employment provisions. All the changes are intended to ensure that the Code reflects our commitments to Canadians and will complement the government's broader ethics and accountability agenda.

The release of this Code fulfills the statutory requirement, under the *Parliament of Canada Act*, that the Prime Minister establish "ethical principles, rules and obligations for public office holders."

This Code should be read in conjunction with *Accountable Government: A Guide for Ministers*, which sets out the core principles concerning the roles and responsibilities of Canada's system of responsible Parliamentary government.

Stephen Harper
Prime Minister of Canada



CONFLICT OF INTEREST AND POST-EMPLOYMENT CODE FOR PUBLIC OFFICE HOLDERS

Short Title

1. This Code may be cited as the Conflict of Interest Code.

Part I

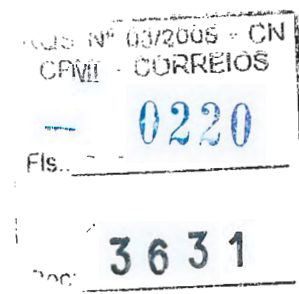
OBJECT AND PRINCIPLES

OBJECT

2. The object of this Code is to enhance public confidence in the integrity of public office holders and the decision-making process in government
 - (a) while encouraging experienced and competent persons to seek and accept public office;
 - (b) while facilitating interchange between the private and public sector;
 - (c) by establishing clear rules of conduct respecting conflict of interest for, and post-employment practices applicable to all public office holders; and
 - (d) by minimizing the possibility of conflicts arising between the private interests and public duties of public office holders and providing for the resolution of such conflicts in the public interest should they arise.

PRINCIPLES

3. Every public office holder shall conform to the following principles:



Ethical Standards

- (1) Public office holders shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced.

Public Scrutiny

- (2) Public office holders have an obligation to perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law.

Decision Making

- (3) Public office holders, in fulfilling their official duties and responsibilities, shall make decisions in the public interest and with regard to the merits of each case.

Private Interests

- (4) Public office holders shall not have private interests, other than those permitted pursuant to this Code, that would be affected particularly or significantly by government actions in which they participate.

Public Interest

- (5) On appointment to office, and thereafter, public office holders shall arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising but if such a conflict does arise between the private interests of a public office holder and the official duties and responsibilities of that public office holder, the conflict shall be resolved in favour of the public interest.

Gifts, Hospitality and Benefits

- (6) Public office holders and their families shall not solicit or accept transfers of economic benefit, other than incidental gifts, customary hospitality, or other benefits of nominal value, unless the transfer is pursuant to an enforceable contract or property right of the public office holder.



Preferential Treatment

- (7) Public office holders shall not use their position of office to assist private entities or persons where this would result in preferential treatment to any person.

Insider Information

- (8) Public office holders shall not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and responsibilities and that is not generally available to the public.

Government Property

- (9) Public office holders shall not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for anything other than officially approved activities.

Post-Employment

- (10) Public office holders shall not act, after they leave public office, in such a manner as to take improper advantage of their previous office.

Fundraising

- (11) Public office holders are not to personally solicit funds from any person, group, organization or corporation where such fundraising could place public office holders in a position of obligation incompatible with their public duties.

Respect for Administration of the Code

- (12) Public office holders shall respect the administration of this Code, and shall exercise appropriate restraint when commenting upon matters under review by the Ethics Commissioner.



Part II

CONFLICT OF INTEREST COMPLIANCE MEASURES

INTERPRETATION

4. (1) The following definitions apply for the purposes of this Part and the Schedule:

“Assets” include any trusts in respect of which a public office holder or a member of his or her family is a beneficiary.

“Common-law partner” means a person who is cohabiting with a public office holder in a conjugal relationship, having so cohabited for a period of at least one year.

“Dependent child” means a child of a public office holder, or a child of the public office holder’s spouse or common-law partner, who has not reached the age of 18 years or who has reached that age but is primarily dependent on the public office holder or the public office holder’s spouse or common-law partner for financial support.

“Ethics Commissioner” means the Ethics Commissioner appointed under section 72.01 of the *Parliament of Canada Act*.

“Family” means spouse or common-law partner and dependent children.

“Private interest” does not include an interest in a matter

- (a) that is of general application;
- (b) that affects a person as one of a broad class of the public; or
- (c) that concerns the remuneration or benefits of a public office holder.

“Public office holder” has the same meaning as defined by the *Parliament of Canada Act* and means

- (a) a minister of the Crown, a minister of state or a parliamentary secretary;



- (b) a person, other than a public servant, who works on behalf of a minister of the Crown or a minister of state;
- (c) a Governor in Council appointee, other than the following persons, namely:
 - (i) a Lieutenant-Governor,
 - (ii) officers and staff of the Senate, House of Commons and Library of Parliament,
 - (iii) a person appointed or employed under the *Public Service Employment Act* who is a head of mission within the meaning of subsection 13(1) of the *Department of Foreign Affairs and International Trade Act*,
 - (iv) a judge who receives a salary under the *Judges Act*,
 - (v) a military judge within the meaning of subsection 2(1) of the *National Defence Act*, and
 - (vi) an officer of the Royal Canadian Mounted Police, not including the Commissioner; and
- (d) a full-time ministerial appointee designated by the appropriate minister of the Crown as a public office holder.

“Public Registry” means the registry where public documents are maintained by the Ethics Commissioner for examination by the public.

“Relatives” include persons related to a public office holder by blood, marriage, adoption or affinity, except where the Ethics Commissioner otherwise determines necessary in the context.

“Spouse” does not include a person from whom the public office holder is separated where all support obligations and family property have been dealt with by a separation agreement or by a court order.

- (2) Ministers and parliamentary secretaries are subject to the provisions of this Code when carrying out the duties and functions of their office as ministers or parliamentary secretaries.
- (3) (a) Staff of federal boards, commissions and tribunals as defined in the *Federal Courts Act*, separate employers as defined under the *Public Service*



Labour Relations Act, the Canadian Armed Forces and the Royal Canadian Mounted Police are subject to the Principles set out in Part I and such other compliance measures as may be determined by the head of the organization in question, for whose application that individual is responsible.

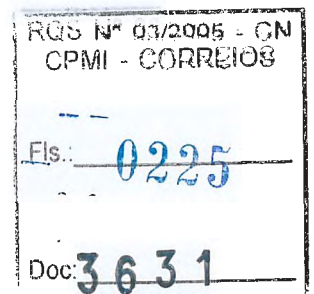
- (b) Public office holders who are:
- (i) persons other than public servants who work on average fewer than fifteen hours a week on behalf of a minister, including persons working on a contractual or voluntary basis;
 - (ii) part-time Governor in Council appointees who are not in receipt of an annual salary or benefits from the appointment; or
 - (iii) part-time ministerial appointees who are designated by the appropriate minister as a public office holder

are subject only to the Principles set out in Part I and such other compliance measures as may be determined by the head of the organization in question, for whose application that individual is responsible.

- (4) Crown corporations as set out in the *Financial Administration Act* shall be subject to compliance measures established by, and in accordance with, the established practices of their own organization.
- (5) Such provisions of this Part as may be relevant shall be brought to the attention of Lieutenant-Governors at the time of their appointment.

DUTIES OF THE ETHICS COMMISSIONER

5. (1) Pursuant to subsection 72.07 of the *Parliament of Canada Act*, the Ethics Commissioner is charged with the administration of this Code and the application of the conflict of interest compliance measures set out in this Part as they apply to public office holders.
- (2) Information concerning the private interests of a public office holder provided to the Ethics Commissioner is confidential until a Public Declaration, if any, is made with



respect to that information, or when the public office holder consents to the release of the information by the Ethics Commissioner.

- (3) It is the responsibility of the Ethics Commissioner to ensure:
 - (a) that information provided under subsection (2) shall be kept in strict confidence and in secure safekeeping; and
 - (b) that any information provided by public office holders for a public purpose is placed in personal unclassified files in the Public Registry.
- (4) In fulfilling the functions under 72.07(a) and (b) of the *Parliament of Canada Act*, and subject to 72.08 of that Act, the Ethics Commissioner shall consider information from the public that is brought to his attention by a member of Parliament suggesting that a public office holder has not complied with this Code, and may take such action as the Ethics Commissioner deems appropriate in the circumstances.

CERTIFICATION

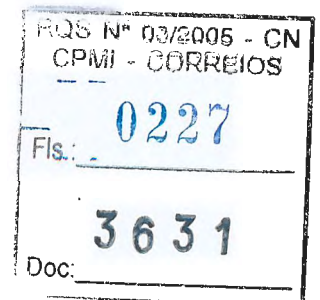
- 6. Before or within 30 days of assuming their official duties and responsibilities, public office holders shall sign a document certifying that, as a condition of their holding office, they will observe this Code.

COMPLIANCE ARRANGEMENTS

- 7. (1) In addition to the specific compliance measures provided for in this Part, the Ethics Commissioner may impose any compliance measure, including divestment or recusal, in respect of any matter or asset which, in the Ethics Commissioner's opinion, creates a conflict of interest or the appearance of same.
- (2) Once the arrangements made by a public office holder to comply with the conflict of interest compliance measures set out in this Code are completed, a Summary Statement described in subsection (3) and any Public Declaration made pursuant to sections 11, 14, 18 and 21, and section 1 of the Schedule, shall be signed by the public office holder and a certified copy of the Summary Statement and any Public Declaration shall be placed in the Public Registry.

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- (3) The Summary Statement shall include:
- (a) a statement by the public office holder of the methods of compliance used to comply with the conflict of interest compliance measures;
 - (b) a list of the assets or matters which the Ethics Commissioner has determined could, as a result of the public office holder's private interests or other reasons the Ethics Commissioner considers relevant, create a conflict of interest and in respect of which the public office holder shall recuse or divest, as the case may be, in accordance with this Code, or for other reasons which the Ethics Commissioner may consider necessary;
 - (c) information regarding the process which must be put in place by the public office holder and others to administer the recusal; and
 - (d) a certification by the public office holder that he or she is fully cognizant of the post-employment compliance measures set out in Part III, where applicable.
- (4) Where there is doubt as to which method is appropriate in order that a public office holder may comply with the Code, the Ethics Commissioner shall determine the appropriate method and, in doing so, shall try to achieve mutual agreement with the public office holder.
- (5) All arrangements made by a public office holder to comply with the conflict of interest compliance measures set out in this Part shall be approved by the Ethics Commissioner.
- (6) The information contained in Confidential Reports and the arrangements made by public office holders and their obligations under the Code will be reviewed annually by the Ethics Commissioner and the public office holder.
- (7) Public office holders who have established:
- (a) a trust, will require the respective trustee to provide the Ethics Commissioner with a written annual report verifying as to accuracy the trust's nature and market value, a reconciliation of the trust property, the net income of the trust for the preceding year, and the fees of the trustee, if any; or



- (b) a management agreement in instances where
 - (i) a public office holder owns an interest in a corporation whose assets are invested, in whole or in part, in publicly traded securities, will require the manager to provide the Ethics Commissioner with a written annual report verifying as to accuracy the nature and market value of the agreement property, a reconciliation of the agreement property, the net income of the agreement property for the preceding year, and the fees of the manager, if any;
 - (ii) a corporation and its holdings in which a public office holder has an interest, contracts with the federal government or its agencies, will require the manager to provide the Ethics Commissioner with an annual report verifying as to accuracy the nature and name(s) of the corporation(s) that contract(s) with the federal government or its agencies, a reconciliation of the agreement property and the net worth value of the public office holder's interest.
- (8) On the recommendation of the Ethics Commissioner, a public office holder may be reimbursed for administrative costs incurred as a result of arrangements made under this Code, as set out in the Schedule.
- (9) A public office holder shall not take any action that has as its purpose the circumvention of the public office holder's obligations under this Code.

TIME LIMITS

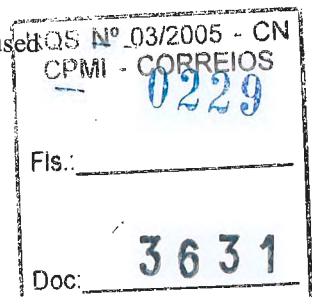
- 8. Unless otherwise authorized by the Ethics Commissioner, every public office holder shall:
 - (1) within 60 days after appointment, make a Confidential Report as required under section 9;
 - (2) within 120 days after appointment

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- (a) where required, make a Public Declaration pursuant to sections 11, 14, 18 and 21, and section 1 of the Schedule;
 - (b) divest controlled assets as required under subsection 12(2); and
 - (c) sign a Summary Statement for placing in the Public Registry pursuant to section 7;
- (3) within 30 days after receipt of a gift, hospitality or other benefit, notify the Ethics Commissioner as required under section 21, and within 60 days make a Public Declaration as required under that section;
 - (4) within 30 days, inform the Ethics Commissioner of any material changes in his or her assets, liabilities and outside activities; and
 - (5) in the case of ministers and parliamentary secretaries, within 30 days, inform the Ethics Commissioner of any material changes in their assets, liabilities and outside activities and those of their families except for exempt assets.

CONFIDENTIAL REPORT

- 9. (1) Public office holders shall make a Confidential Report to the Ethics Commissioner of all their assets, direct and contingent liabilities and income received during the twelve-month period before assuming public office as well as the income they are entitled to receive during the following twelve months. The Confidential Report shall include the value of these assets, liabilities and income. The Confidential Report shall also include a description of those outside activities in which public office holders were engaged during the two-year period before they assumed public office. Outside activities shall include all involvements in activities of a philanthropic, charitable or non-commercial nature and designations as trustee, executor or holder of a power of attorney.
- (2) (a) In the case of ministers and parliamentary secretaries, information, including value, regarding the assets, liabilities, income and outside activities of members of their families shall also be included in the Confidential Report. Ministers and parliamentary secretaries shall make reasonable efforts to include this information in the Confidential Report. This information is to be used



by the Ethics Commissioner for the sole purpose of advising the ministers and parliamentary secretaries on their own compliance measures.

- (b) In the case of ministers and parliamentary secretaries, the Confidential Report shall also include all benefits that the ministers and parliamentary secretaries and their families, and any partnership or private corporation in which they or their families have an interest, are entitled to receive during the following twelve months as a result of a contract with the Government of Canada, and a description of the subject matter and nature of each such contract.
- (3) In addition to the information required under this section, a public office holder shall include in his or her Confidential Report any other information that the Ethics Commissioner may require to ensure compliance with this Code.

ASSETS AND LIABILITIES

Exempt Assets

- 10. (1) Assets and interests for the private use of public office holders and their families and assets that are not of a commercial character are not subject to public declaration or divestment. Such assets, hereinafter referred to as “exempt assets,” include:
 - (a) residences, recreational property and farms used or intended for use by public office holders or their families;
 - (b) household goods and personal effects;
 - (c) works of art, antiques and collectibles;
 - (d) automobiles and other personal means of transportation;
 - (e) cash and deposits;
 - (f) Canada Savings Bonds and other similar investments issued or guaranteed by any level of government in Canada or agencies of those governments;
 - (g) Registered Retirement Savings Plans and Registered Education Savings Plans that are not self-administered or self-directed;



- (h) investments in open-ended mutual funds;
- (i) guaranteed investment certificates and similar financial instruments;
- (j) public sector debt financing not guaranteed by a level of government, such as university and hospital debt financing;
- (k) annuities and life insurance policies;
- (l) pension rights;
- (m) money owed by a previous employer, client or partnership;
- (n) personal loans receivable from the public office holder's relatives, and personal loans of less than \$10,000 receivable from other persons where the public office holder has loaned the moneys receivable;
- (o) money owed under a mortgage of less than \$10,000;
- (p) self-administered or self-directed Registered Retirement Savings Plans, Registered Education Savings Plans and Registered Retirement Income Funds composed exclusively of assets that would be considered exempt if held outside the Plan or Fund; and
- (q) investments in limited partnerships that are not traded publicly and whose assets are not or will not become declarable or controlled assets.

- (2) Assets that are not exempt assets are either "declarable assets" or "controlled assets."

Declarable Assets

- 11. (1) A public office holder shall make a Public Declaration of assets that are not controlled assets, as defined under section 12, in order to allow the public office holder to deal with those assets, subject to exercising vigilance to ensure that such dealings cannot give rise to a conflict of interest.

- (2) Declarable assets include:
 - (a) interests in businesses that do not contract with the government, and do not own or control publicly traded securities, other than incidentally, and whose stocks and shares are not traded publicly;
 - (b) farms under commercial operations;
 - (c) real property that is not an exempt asset as described in section 10;



- (d) assets that are beneficially owned, that are not exempt assets as described in section 10, and that are administered at arm's length;
 - (e) rental property;
 - (f) personal loans, greater than or equal to \$10,000 receivable from persons other than the public office holder's relatives;
 - (g) money owed under a mortgage greater than or equal to \$10,000;
 - (h) investments in limited partnerships that are not publicly traded and whose assets include any of the foregoing assets; and
 - (i) self-administered or self-directed Registered Retirement Savings Plans, Registered Education Savings Plans and Registered Retirement Income Funds composed of at least one asset that would be considered declarable, but no assets that would be considered controlled if held outside the Plan or Fund.
- (3) Declarable assets that are not publicly declared pursuant to subsection (1) shall, for the purposes of section 13, be considered to be controlled assets and must be divested.

Controlled Assets

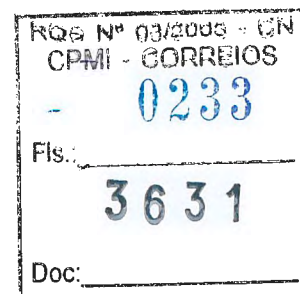
12. (1) For the purposes of this section and section 13, "controlled assets" means assets that could be directly or indirectly affected as to value by government decisions or policy.
- (2) Controlled assets, other than assets that may be retained under subsection 13(5), shall be divested, pursuant to subsection 13(1).
- (3) Controlled assets include:
- (a) publicly traded securities of corporations and foreign governments, whether held individually or in an investment portfolio account such as, but not limited to, stocks, bonds, stock market indices, trust units, closed end mutual funds, commercial papers and medium-term notes;
 - (b) self-administered Registered Retirement Savings Plans, self-administered Registered Education Savings Plans and Registered Retirement Income Funds composed of at least one asset that would be



- considered controlled if held outside the Plan or Fund;
- (c) commodities, futures and foreign currencies held or traded for speculative purposes; and
- (d) stock options, warrants, rights and similar instruments.

Divestment of Controlled Assets

13. (1) Subject to subsection (5), controlled assets are usually divested by one of the following:
 - (a) selling them in an arm's-length transaction; or
 - (b) making them subject to a trust or management agreement, the most common of which are set out in the Schedule.
- (2) The Ethics Commissioner has the sole responsibility for determining that a trust, management agreement or recusal, or a combination of any of the foregoing, meets the requirement of this Code. Before an arrangement is executed or when a change is contemplated, a determination that the arrangement meets the requirements of this Code shall be obtained from the Ethics Commissioner.
- (3) Confirmation of sale or a copy of any executed instrument shall be filed with the Ethics Commissioner. With the exception of a statement that a sale has taken place or that a trust or management agreement exists, all information relating to the sale and the arrangement is confidential.
- (4) For the purposes of this Code, trust or management arrangements shall be such that they do not leave in the hands of the public office holder any power of management or decision over the assets.
- (5) (a) Subject to the approval of the Ethics Commissioner, a public office holder is not required to divest controlled assets:
 - (i) that are pledged to a lending institution as collateral; or
 - (ii) where, in the opinion of the Ethics Commissioner, the assets are of such minimal value that they do not constitute any risk of conflict of interest in relation to the public office holder's official duties and responsibilities.



- (b) Notwithstanding subparagraph 5(a)(ii), in the case of ministers and parliamentary secretaries, controlled assets, save those described in subparagraph 5(a)(i) above, must be divested even where they are of such minimal value that they do not constitute any risk of conflict of interest in relation to the public office holder's official duties and responsibilities.

Liabilities

14. The Ethics Commissioner may require, with respect to liabilities, that particular arrangements be made to prevent any conflict of interest situation from arising. Ministers and parliamentary secretaries are required to publicly declare liabilities greater than or equal to \$10,000, identifying their source and nature, but not their value.

OUTSIDE ACTIVITIES

General

15. Public office holders' participation in activities outside their official duties and responsibilities is often in the public interest. Subject to sections 16 to 18, such participation is acceptable where it is not inconsistent with their official duties and responsibilities and does not call into question their capacity to perform their official duties and responsibilities objectively.

Prohibited Activities

16. Subject to section 17, public office holders shall not, outside their official duties and responsibilities:
- (a) engage in employment or the practice of a profession;
 - (b) actively manage or operate a business or commercial activity;
 - (c) retain or accept directorships or offices in a corporation;
 - (d) hold office in a union or professional association;
 - (e) serve as a paid consultant;
 - (f) be an active partner in a partnership; and
 - (g) personally solicit funds except for participation in fundraising campaigns sponsored by the federal government and participation in discussions of a strategic nature for other charitable campaigns.

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Permissible Activities

17. (1) When the activities described in section 16 relate to the official duties and responsibilities of a public office holder, the public office holder may, in exceptional circumstances and with the approval required by subsection 7(5) and subject to the conditions specified by the Ethics Commissioner, become or remain involved in them, but may not accept remuneration for any activity, except as provided in subsections (3) and (4).
- (2) A public office holder may, with the approval of and subject to the conditions specified by the Ethics Commissioner, retain or accept directorships in organizations of a philanthropic, charitable or non-commercial character, but the office holder shall take great care to prevent conflicts of interest from arising.
- (3) Where the Ethics Commissioner is of the opinion that it is in the public interest, full-time Governor in Council appointees to Crown Corporations, as defined in the *Financial Administration Act*, may retain or accept directorships or offices in a financial or commercial corporation, and accept remuneration therefore, in accordance with compensation policies for Governor in Council appointees as determined from time to time.
- (4) Public office holders may, in exceptional circumstances and with the approval required by subsection 7(5), become or remain involved in activities that do not place on them demands inconsistent with their official duties and responsibilities or call into question their capacity to perform their official duties and responsibilities objectively.

Public Declaration of Outside Activities

18. (1) A public office holder shall make a Public Declaration of the activities referred to in section 17 and of past and current directorships and other positions listed in a Confidential Report under section 9.
- (2) In cooperation with a public office holder, the Ethics Commissioner shall prepare the Public Declaration of outside activities to be made by that office holder.



GIFTS, HOSPITALITY AND OTHER BENEFITS

General

19. (1) Gifts, hospitality or other benefits, including those described in section 20, that could influence public office holders in their judgment and in the performance of official duties and responsibilities, shall be declined.
- (2) Gifts, hospitality or other benefits include gifts, hospitality or other benefits from trusts.
- (3) Where there is doubt as to the appropriateness of accepting an offer of a gift, hospitality or other benefit, irrespective of its value, public office holders must consult the Ethics Commissioner and obtain his or her approval to accept the offer.

Where Acceptable

20. (1) (a) Acceptance by public office holders or members of their families of offers of gifts, hospitality or other benefits arising out of activities associated with the performance of the public office holder's official duties and responsibilities is not prohibited if such gifts, hospitality or other benefits:
- (i) are within the normal bounds of propriety, a normal expression of courtesy or protocol or within the normal standards of hospitality;
 - (ii) are not such as to bring suspicion on the public office holder's objectivity and impartiality; and
 - (iii) would not compromise the integrity of the Government.
- (b) Invitations to attend special events (such as, but not limited to, sporting events and performing arts) are not prohibited provided that the criteria in paragraph (1)(a) are met and provided that:
- (i) attendance serves a legitimate business purpose;
 - (ii) the person or a representative of the organization extending the invitation is in attendance; and
 - (iii) the value is reasonable and the invitations are not frequent.



- (2) In the case of ministers and parliamentary secretaries and their family members, and in the case of ministerial staff, travel on non-commercial chartered or private aircraft for any purpose shall be prohibited except in exceptional circumstances and may only be accepted with the prior approval of the Ethics Commissioner.
- (3) In keeping with existing practice, gifts, hospitality and other benefits are permitted if:
 - (a) received from relatives and close personal friends; or
 - (b) of reasonable value and received from a government or in connection with an official or public event.
- (4) Where the Ethics Commissioner determines appropriate, where a gift accepted under subsection 20(1), other than gifts from relatives or close personal friends, has a value of \$1,000 or more, the public office holder shall make arrangements for the gift to be placed into the government inventory.

Disclosure and Public Declaration

- 21. (1) Where the total value of all gifts, hospitality or other benefits received, directly or indirectly, by a public office holder or his/her family, exceeds \$200, from any one source other than relatives and close personal friends in a twelve-month period, such gifts, hospitality and benefits shall be disclosed to the Ethics Commissioner.
- (2) Where a public office holder or a member of his or her family directly or indirectly accepts any gift, hospitality or other benefit in accordance with section 20 that has a value of \$200 or more, other than a gift, hospitality or other benefit from a relative or close personal friend, the public office holder shall notify the Ethics Commissioner and make a Public Declaration that provides sufficient detail to identify the gift, hospitality or other benefit received, the donor and the circumstances.
- (3) Where travel has been accepted in accordance with subsection 20(2), from any source, the public office holder shall make a Public Declaration that provides sufficient detail to identify the source and the circumstances.



- (4) Where there is doubt as to the need for a Public Declaration the public office holder must consult the Ethics Commissioner.

AVOIDANCE OF PREFERENTIAL TREATMENT

22. (1) A public office holder shall take care to avoid being placed or the appearance of being placed under an obligation to any person or organization that might profit from special consideration on the part of the public office holder.
- (2) In the formulation of government policy or the making of decisions, a public office holder shall ensure that no persons or groups are given preferential treatment based on the individuals hired to represent them.
- (3) Public office holders shall not accord preferential treatment in relation to any official matter to relatives or friends or to organizations in which they, relatives or friends have an interest.
- (4) A public office holder shall not use his or her position as a public office holder to influence or attempt to influence a decision of another person so as to further the public office holder's private interests or those of his or her relatives or friends or to improperly further another person's private interests.
- (5) A public office holder shall not use information obtained in his or her position as a public office holder that is not generally available to the public to further his or her private interests or those of his or her relatives or friends, or to improperly further another person's private interests.
- (6) Ministers shall not hire or contract with their families, non-dependent children, siblings or parents. As well, they shall not permit departments or agencies for which they are responsible, or to which they are assigned, to hire or contract with their families, non-dependent children, siblings or parents.
- (7) Ministers and the departments or agencies for which they are responsible shall not hire or contract with the families, non-dependent children, siblings or parents of another minister or party colleague in Parliament except by means of an impartial administrative process in which the minister



plays no part. Appointments of ministerial exempt staff are not subject to this restriction.

- (8) A public office holder shall not attempt to engage in any of the activities prohibited under subsections (1) to (7).

FAILURE TO COMPLY

23. (1) Where the Ethics Commissioner advises that a public office holder is not in compliance with the Code, the public office holder is subject to such appropriate measures as may be determined by the Prime Minister, including, where applicable, discharge or termination of appointment.
- (2) Where the Ethics Commissioner finds that a public office holder is not in compliance with this Code, or issues a report pursuant to the *Parliament of Canada Act*, such a finding or report is final, and may not be altered.



Part III

POST-EMPLOYMENT COMPLIANCE MEASURES

INTERPRETATION

24. The following definitions apply for purposes of this Part:

“Public office holder” refers to the same positions subject to Part II, as set out in section 4, with the exception that ministerial staff and other public office holders as defined at paragraph (b) of the definition of “public office holder” under subsection 4(1) must be designated by their minister for this Part to apply.

“Senior public servant” means public office holders occupying a position of deputy head as that term is defined in the *Financial Administration Act*, as well as public office holders with the rank of deputy minister, deputy head, associate deputy minister, deputy secretary, associate secretary or equivalent.

OBJECT

25. Public office holders shall not act, after they leave public office, in such a manner as to take improper advantage of their previous public office. Observance of this Part will minimize the possibilities of:
- (a) allowing prospects of outside employment to create a real, potential or apparent conflict of interest for public office holders while in public office;
 - (b) obtaining preferential treatment or privileged access to government after leaving public office;
 - (c) taking personal advantage of information obtained in the course of official duties and responsibilities until it has become generally available to the public; and
 - (d) using public office to unfair advantage in obtaining opportunities for outside employment.

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COMPLIANCE MEASURES

Before Leaving Office

26. (1) Public office holders should not allow themselves to be influenced in the pursuit of their official duties and responsibilities by plans for or offers of outside employment.
- (2) A public office holder shall disclose in writing to the Ethics Commissioner all firm offers of outside employment that could place the public office holder in a position of conflict of interest.
- (3) A public office holder who accepts an offer of outside employment shall immediately disclose in writing to the Ethics Commissioner as well as to his or her superior, the acceptance of the offer. In such an event, where it is determined by the Ethics Commissioner that the public office holder is engaged in significant official dealings with the future employer, the public office holder shall be assigned to other duties and responsibilities as soon as possible. The period of time spent in public office following such an assignment shall be counted toward the limitation under section 28.
- (4) The public office holder shall also disclose the acceptance of the offer:
- (a) in the case of ministers, to the Prime Minister;
 - (b) in the case of deputy heads, to the Clerk of the Privy Council;
 - (c) in the case of ministerial staff and other public office holders as defined at paragraph (b) of the definition of “public office holder” under subsection 4(1), full-time ministerial appointees and full-time Governor in Council appointees other than those referred to in paragraph (b), to the appropriate minister; and
 - (d) in the case of parliamentary secretaries, to the minister whom the parliamentary secretary assists.



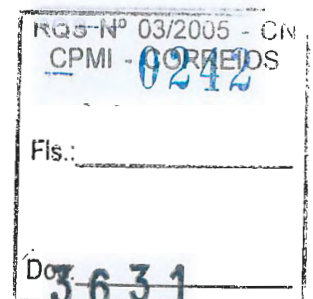
After Leaving Office - Prohibited Activities

27. (1) At no time shall a former public office holder switch sides by acting for or on behalf of any person, commercial entity, association or union in connection with any specific ongoing proceeding, transaction, negotiation or case to which the Government is a party and where the former public office holder acted for or advised the Government.
- (2) Nor shall former public office holders give advice to their clients using information that is not available to the public concerning the programs or policies of the departments with which they were employed, or with which they had a direct and substantial relationship.

Limitation

28. Subject to section 29, and to the object of this Code, former public office holders, except for ministers for whom the prescribed period is two years, shall not, within a period of one year after leaving office:
- (1) accept services contracts, appointment to a board of directors of, or employment with, an entity with which they had direct and significant official dealings during the period of one year immediately prior to the termination of their service in public office; or
- (2) (a) make representations whether for remuneration or not, for or on behalf of any other person or entity to any department, organization, board, commission or tribunal with which they had direct and significant official dealings during the period of one year immediately prior to the termination of their service in public office; and
- (b) in the case of former ministers, make representations to a minister in the Cabinet who had been a Cabinet colleague of the former minister;

provided that nothing in this section will act so as to prevent a former minister or parliamentary secretary from engaging in activities which, as a member of Parliament, he or she is normally asked to carry out on behalf of constituents.



29. (1) In addition to the limitations set out in section 28, former ministers, senior public servants and ministerial staff designated under section 24 may not act as consultant lobbyists, or accept employment as in-house lobbyists, for a period of five years after leaving public office.
- (2) For the purposes of this section, acting as a “consultant lobbyist” means engaging in any activity for which subsection 5(1) of the *Lobbyists Registration Act* requires a return to be filed, and accepting employment as an “in-house lobbyist” means accepting any employment for which subsection 7(1) of that Act requires a return to be filed.

Reduction and Waiver of Limitation

30. (1) On application from a public office holder or former public office holder the Ethics Commissioner, may waive or reduce the limitation imposed under section 28.
- (2) No waiver or reduction may be granted with respect to the limitation imposed under section 29.
- (3) In deciding whether to waive or reduce the limitation imposed under section 28, the Ethics Commissioner will consider whether the public interest in granting the waiver or reduction outweighs the public interest in maintaining the prohibition. Factors to consider include:
- (a) the circumstances under which the termination of the public office holder’s service in public office occurred;
 - (b) the general employment prospects of the public office holder or former public office holder making the application;
 - (c) the significance to the Government of information possessed by the public office holder or former public office holder by virtue of that office holder’s public office;
 - (d) the desirability of a rapid transfer from the Government to private or other governmental sectors of the public office holder’s or former public office holder’s knowledge and skills;
 - (e) the degree to which the new employer might gain unfair commercial advantage by hiring the public office holder or former public office holder;



- (f) the authority and influence possessed by the public office holder or former public office holder while in public office; and
 - (g) the disposition of other cases.
- (4) The decision made by the Ethics Commissioner shall be communicated in writing to the applicant referred to in subsection (1).
 - (5) Where the Ethics Commissioner has granted a waiver or reduction in accordance with this section, the Ethics Commissioner shall publish the decision, and the reasons therefor.
 - (6) A decision made by the Ethics Commissioner under this section is final and may not be altered.

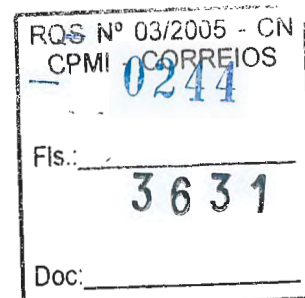
EXIT ARRANGEMENTS

- 31. Prior to a public office holder's official separation from public office, the Ethics Commissioner shall, in order to facilitate the observance of the compliance measures set out in this Part, communicate with the public office holder to advise about post-employment requirements.

DEALINGS WITH FORMER PUBLIC OFFICE HOLDERS

Obligation to Report

- 32. (1) Public office holders who have official dealings, other than dealings that consist of routine provision of a service to an individual, with former public office holders who are or may be governed by the measures set out in this Part, shall report those dealings to the Ethics Commissioner.
- (2) On receipt of a report under subsection (1), the Ethics Commissioner shall immediately determine whether the former public office holder is complying with the compliance measures set out in this Part.
- (3) Public office holders shall not, in respect of a transaction, have official dealings with former public office holders, who are determined pursuant to subsection (2) to be acting, in respect of that transaction, contrary to the compliance measures set out in this Part.



SCHEDULE

AGREEMENTS AND RECUSAL

1. The following are examples of the most common agreements that may be established by public office holders for the purpose of complying with the Code.

- (a) Blind Trust

A blind trust is one in which the trustee makes all investment decisions concerning the management of the controlled assets, with no direction from or control by the public office holder who has placed the assets in trust. Assets are placed in a blind trust for the purpose of allowing investment in publicly traded securities of corporations or foreign governments.

A blind trust is not acceptable for a single or minimal block of shares with a relatively small value, unless there is a written undertaking by the public office holder to provide the trustee with additional funds to be invested at the trustee's discretion. In such a case, the Ethics Commissioner shall require confirmation from the trustee to that effect.

The trustee shall provide the Ethics Commissioner with an annual report setting out the nature and value of the trust property, the trust's net income for the preceding year and the trustee's fees, if any.

- (b) Blind Management Agreement

A blind management agreement places the assets of the public office holder in the hands of a manager who is at arm's length from the public office holder. The manager is empowered to exercise all of the rights and privileges associated with those assets. The agreement prevents the manager from seeking or obtaining the advice of the public office holder. The public office holder cannot offer or provide advice, nor can the public office holder participate in any discussion or decision-making processes, wherever they may arise, that may particularly or significantly affect the assets that are subject to the agreement. At all times, the manager is prohibited from contacting the public office holder, and the public office holder is prohibited from contacting the manager.



Where the manager is of the view that an extraordinary corporate event is likely to materially affect the value of the assets, the manager may advise the Ethics Commissioner of the circumstances. Should the Ethics Commissioner conclude that the circumstances are of such a nature that they may cause significant undue loss or hardship to the public office holder, financial information as approved by the Ethics Commissioner can be provided to the public office holder.

It is only in exceptional circumstances where an extraordinary corporate event is likely to materially affect the assets, that the public office holder may personally intervene, but only after the Ethics Commissioner has determined that the intervention would not give rise to a conflict of interest, and that failure to intervene would cause the public office holder undue loss or hardship. Any intervention must occur in the presence of the Ethics Commissioner.

A Public Declaration which has been verified as to accuracy by the manager, to be signed by the public office holder, must also be made, identifying the interest of a public office holder in a corporation and its holdings that contract with the federal government or its agencies. The public office holder is entitled throughout the duration of the agreement to be kept informed of the basic value of the assets.

Where the Ethics Commissioner permits financial information, other than value, to be disclosed to the public office holder, or permits an intervention in the circumstances allowed above, the Ethics Commissioner shall publish the fact of such information being provided, or of such intervention occurring, along with such details thereof as deemed appropriate by the Ethics Commissioner in all the circumstances.

(c) Recusal

Recusal is based on a determination by the Ethics Commissioner of matters that could create a conflict of interest for a public office holder. This could include a public office holder's assets, which must be divested under subsection 13(1) of the Code, or other information which the Ethics Commissioner considers relevant. As provided at paragraph 7(3)(c) of the Code, matters determined to be subject for recusal must be set out in the Public Registry, as



well as information regarding the process for administering recusals. On the basis of a determination, the public office holder must refrain from exercising any official power or performing any official duty or function with respect to the matter, and from attempting to influence the matter in any way.

For greater certainty, where there has been a determination by the Ethics Commissioner that a minister or parliamentary secretary is recused in respect of a matter, that minister or parliamentary secretary may not participate in debate on or vote on a question related to that matter in the Parliament of Canada.

The public office holder, with the advice of the Ethics Commissioner, will put in place appropriate procedures to prevent a conflict of interest on such matters, and to ensure the appropriate exercise of powers and performance of duties or functions. This could include:

- (i) in the case of the Prime Minister, replacement on the matter by the acting Prime Minister;
- (ii) in the case of a minister, replacement on the matter by an acting minister; and
- (iii) in the case of a parliamentary secretary, the minister whom he or she assists seeing to the appropriate exercise of power or the performance of duty or function.

The Ethics Commissioner will maintain a confidential record of all recusals which the Ethics Commissioner may use in determining whether or not the public office holder has breached the requirements of the Code. The Ethics Commissioner will also report annually on recusal practices implemented under the Code.

Where a minister has recused him or herself in respect of a matter before the Queen's Privy Council for Canada, the Ethics Commissioner may publish the fact that such a recusal has occurred. However, no such publication shall be made where the very fact of such a recusal could reveal, directly or indirectly, a confidence of the Queen's Privy Council for Canada; nor shall any publication include any detail that could reveal, directly or indirectly, a confidence of the Queen's Privy Council for Canada. To ensure that confidences are protected as required, the



Ethics Commissioner shall not publish under this provision without the prior authorization of the Clerk of the Privy Council or his or her delegate.

PROVISIONS COMMON TO BLIND TRUSTS

2. Provisions common to blind trusts are:

- (a) Custody of the Assets: The assets to be placed in trust must be registered to the trustee unless these are in an RRSP account.
- (b) Power of Management or Control: The public office holder (settler) may not have any power of management or control over trust assets. The trustee, likewise, may not seek or accept any instruction or advice from the public office holder concerning the management or the administration of the assets.
- (c) Schedule of Assets: The assets placed in trust shall be listed on a schedule attached to the trust agreement.
- (d) Duration of Trust: The term of any trust is to be for as long as the public office holder who establishes the trust continues to hold an office that makes that method of divestment appropriate. A trust may be dismantled once the trust assets have been depleted.
- (e) Return of Trust Assets: Whenever a trust agreement is dismantled, the trustee shall deliver the trust assets to the public office holder.
- (f) Information: No information is provided to the public office holder (settler) except information that is required by law to be filed and periodic reports on the overall value of the trust, but never its composition.
- (g) Income: A public office holder who establishes a blind trust may receive any income earned by the trust, add or withdraw capital funds, and be informed of the aggregate value of the entrusted assets.



- (h) Trustee: Any trustee who is appointed shall clearly be at arm's length from the public office holder and the Ethics Commissioner is to be satisfied that an arm's length relationship exists in each case. As other criteria, any trustee must be:
- (i) a public trustee;
 - (ii) a company, such as a trust company or investment company, that is public and known to be qualified in performing the duties of a trustee; or
 - (iii) an individual who may perform trustee duties in the normal course of his or her work.
- (i) Annual Reporting: Trustees are required to provide the Ethics Commissioner, on every anniversary of the trust, with a written annual report verifying as to accuracy the nature, market value and reconciliation of the trust property, the net income of the trust for the preceding year, and the fees of the trustee, if any.

AGREEMENT FORMS

3. (1) Acceptable blind trust and blind management agreements are available from the Ethics Commissioner. Any amendments to these agreements shall be submitted to the Ethics Commissioner for approval, before they are executed.
- (2) Written investment instructions can be provided by the public office holder to the trustee, and be included in a blind trust agreement provided they are general in nature and pre-approved by the Ethics Commissioner. The instructions may provide for proportions to be invested in various categories or risk, but may not be industry-specific, except where there are legislative restrictions on the type of assets that a public office holder may own. No oral directives are permitted.

FILING OF AGREEMENTS

4. Public office holders are required to file with the Ethics Commissioner a copy of any blind trust or blind management agreement. Such agreements will be kept in the public office holder's confidential file and the Ethics Commissioner will not make them available to anyone for any purpose.



REIMBURSEMENT FOR COSTS INCURRED

5. On the recommendation of the Ethics Commissioner, the following reimbursements for costs to comply with the Conflict of Interest Compliance Measures set out in this Code may be permitted.
 - (a) Divestment of Assets:
 - (i) reasonable legal, accounting and transfer costs to establish and dismantle a trust or management arrangement determined to be necessary by the Ethics Commissioner;
 - (ii) annual, actual and reasonable costs to maintain and administer the trust or management arrangement, following rates set from time to time by the Ethics Commissioner;
 - (iii) commissions for transferring, converting or selling assets where determined necessary by the Ethics Commissioner;
 - (iv) costs of other financial, legal or accounting services required because of the complexity of arrangements for such assets; and
 - (v) commissions for transferring, converting or selling assets where no provisions for a tax deduction are provided for under the *Income Tax Act*.
 - (b) Withdrawal from Activities:
 - (i) costs of removing a public office holder's name from federal or provincial registries of corporations.
6. Reimbursement is not permitted for:
 - (a) charges for day-to-day operations of a business or commercial entity;
 - (b) charges associated with winding down a business; and
 - (c) costs for acquiring permitted assets using proceeds from the required sale of other assets.
7. The public officer holder is responsible for any income tax adjustment that may result from the reimbursement of trust costs.



SENADO FEDERAL
SECRETARIA GERAL DA MESA
SECRETARIA DE COMISSÕES
**SUBSECRETARIA DE APOIO ÀS COMISSÕES ESPECIAIS E
PARLAMENTARES DE INQUÉRITO**

OFÍCIO Nº 0394/06– CPMI – “CORREIOS”

Brasília, 07 de fevereiro de 2006.

**Ao Excelentíssimo Senhor
GUILHERMO RISHCHYNSKI
EMBAIXADOR DO CANADÁ NO BRASIL**

Senhor Embaixador

O Congresso Nacional vive um momento de profunda reflexão quanto as melhores formas para fazer o enfrentamento à corrupção.

Assim, a Comissão Parlamentar Mista de Inquérito dos Correios foi criada para investigar e apurar todos os fatos que ocorreram recentemente em nosso País. Portanto, recebeu a incumbência de apontar caminhos e soluções no enfrentamento dos problemas advindos da existência da corrupção.

A Mesa Diretiva da CPMI designou-me como responsável pela Sub-Relatoria de Normas de Combate à Corrupção e, nesta condição, dirijo-me a Vossa Excelência no sentido de solicitar apoio e a contribuição do Canadá em nosso trabalho. A solicitação que aqui fazemos é a de que Vossa Excelência, em contato com as autoridades de seu País, indique uma pessoa capacitada para comparecer no Congresso Nacional e, por intermédio de conferência, apresente os instrumentos legais e as estruturas que seu País desenvolveu com vistas ao combate aos crimes de corrupção, sonegação fiscal, evasão de divisas e lavagem de dinheiro.

Nossa iniciativa se deve ao reconhecimento por parte de organismos internacionais de que o Canadá tem eficientes instrumentos de combate à corrupção.

Por fim, sugerimos o próximo mês de março para realização da audiência em nossa Comissão Parlamentar.

Na certeza de contar com a prestimosa contribuição de Vossa Excelência, agradeço antecipadamente renovando protestos de respeito e consideração.

**Deputado Onyx Lorenzoni,
Sub-relator de Normas de Combate à Corrupção da
CPMI dos Correios.**

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