

Welcome to the Legislative Assembly of British Columbia! What now?

Individuals elected to the provincial legislature are subject to the [Members' Conflict of Interest Act](#) (the Act). The following information summarizes your obligations under the Act and the role of the Commissioner's Office.

What is a conflict of interest and how do I deal with it?

A conflict of interest arises when you have the opportunity to advance your private interest through the performance of your public duties. If such an opportunity arises, you must take steps to resolve the conflict in favour of the public interest. This can be accomplished by either removing the possibility of personal gain (e.g. by divesting yourself of a particular asset) or by following the procedure set out in section 10 of the Act to disclose the conflict and withdraw from participating in official duties related to the matter.

The Act also prohibits you from carrying out official duties where there is an *apparent* conflict of interest. That will arise if there is a reasonable perception that your ability to perform your official duties must be affected by your private interest. Again, you must take steps to avoid this perception.

If you are concerned that you might have a real or apparent conflict of interest, you can request the Commissioner's confidential opinion on the matter.

What are the disclosure requirements?

The disclosure form you were required to complete in order to run as a candidate for provincial office is different from the one you are required to complete once elected. Within **60 days** of being sworn in, and every year thereafter, you are required to file a confidential financial disclosure statement with the Commissioner's Office. Our Office will send you a fillable form, which can simply be updated from year to year.

You must disclose the nature (but not the value) of your assets, liabilities and financial interests, including:

- Sources of income
- Employment, professional or business activities
- Assets, including registered and non-registered investments and real property interests
- Interests and directorships in private businesses
- Liabilities (e.g. loans, mortgages)
- Guarantees given or received
- Trusts (either as beneficiary or trustee)
- Contracts with the government (see further information below)
- Other miscellaneous items (pension interests, unpaid taxes, ongoing lawsuits, bankruptcy standing, support obligations)

Note that similar disclosure requirements apply to your **spouse and minor children**, and to any **private corporation** controlled by any of you. Blank disclosure forms are available on our [website](#).

After you have submitted your confidential disclosure forms to our Office, you will meet with the Commissioner to review your statements. This meeting is obligatory. Your spouse may attend if available.

The purpose of the meeting is to clarify any issues arising from your statement, to identify any potential conflicts of interest, and to discuss how to arrange your private affairs to prevent a conflict of interest from arising. For example, if you have investments in companies whose interests may be affected by Government decisions or regulation, it may be prudent to divest yourself of those investments or place them in a hold mail account.

What information is made public?

Once the Commissioner has met with all the Members and all their confidential statements have been finalized, our Office prepares a Public Disclosure Statement (PDS) for each Member. The PDS contains most, but not all, of the information contained in your confidential statement. For example, the PDS will not reveal your residential address. The PDSs are delivered to the Clerk of the Legislative Assembly, **where they are available for public inspection** and are also posted on the Legislative Assembly website.

What if there is a change in my finances?

Throughout the year, if there are any material changes to your financial interests, you must inform the Commissioner within **30 days** by submitting a [Notice of Material Change \(Form 4\)](#). This is a legislative requirement, and promotes transparency by ensuring that your public financial statements are always up to date. Guidance on when you need to disclose a change can be found in the [Material Change bulletin](#).

What if I have existing contracts with the Government?

Members should be aware of the inclusion of [section 25 of the Constitution Act](#) in the Act, which essentially prohibits Members from doing business with the Government of British Columbia. This includes provincial ministries and any other entity that is an “agent of the Government”. You must inform the Commissioner if you have an existing contract with the Government at the time of your election. You (and any corporations you control) must not enter into any new contracts with the Government once you are elected. You must also inform the Commissioner if your spouse, minor children or a corporation controlled by any of them has or intends to enter into a contract with the Government, as this could place you in a conflict of interest position.

What is a hold mail account?

A hold mail account is one where you give your broker or investment advisor complete discretion to buy and sell equities on your behalf. You may give general direction but must not have any knowledge of the holdings in your portfolio. The purpose of such accounts is to allow Members to invest in securities while avoiding actual or perceived conflicts of interest that may arise by holding certain investments. For more information about this option, please contact our Office at (250) 356-0750 or conflictofinterest@coibc.ca.

Can I accept gifts?

The general rule is that you are **prohibited** from accepting a fee, gift or personal benefit if it is offered in connection with the performance of your official duties, whether directly or indirectly. However, there is an **exception** for gifts or personal benefits received “as an incident of the protocol or social obligations that normally accompany the responsibilities of office” (see section 7). Generally, this means some kind of token gift or hospitality offered in conjunction with an official function, such as giving a speech.

If you do accept a gift, it must be disclosed to the Commissioner within **30 days** of receipt if its value exceeds \$250, or if the total value of all gifts received from one source within a 12 month period exceeds \$250. Use the [Gifts Declaration Form \(Form 5\)](#) available on our website to disclose gifts.

IMPORTANT: JUST BECAUSE A GIFT IS VALUED AT UNDER \$250, DOES NOT MEAN IT IS OK TO ACCEPT IT.

You must still determine whether it is appropriate to accept it in the circumstances (i.e. the “incident of protocol” exception applies). More guidance on the gifts rule can be found in the [Guide to Gifts and Personal Benefits](#) or by contacting our Office.

Can I accept an offer of sponsored travel?

Sponsored travel (travel paid for in whole or in part by a third party) is only acceptable under certain circumstances; for example, if no commercial option is available or if required in order to participate in a genuine fact-finding tour. Sponsored travel is considered a gift and the same rules for acceptability and disclosure apply. For more information on this topic, please refer to the [Sponsored Travel bulletin](#).

What are my other obligations under the Act?

You **must not**

- Use insider information (i.e. information that is gained in the execution of your office and is not available to the general public) to further or seek to further your private interest (section 4); or
- Use your office to seek to influence a decision, to be made by another person, to further your private interest (section 5).

Constituency Matters

Nothing in the Act prohibits the activities in which Members normally engage on behalf of constituents, such as writing a **letter of reference or support** for a constituent or local group. The Commissioner has issued [Guidelines](#) on when it is appropriate to do so.

Constituency offices and websites are **non-partisan spaces**. Members’ personal, political and constituency Social Media activities should not overlap.

Members are responsible for giving direction to their constituency staff on these matters.

What if I am appointed to a ministerial post?

Due to the extra responsibilities of ministerial office, there are restrictions on Ministers' business, professional and employment activities. These restrictions are set out in section 9 of the Act. If you are carrying on a business at the time of your appointment, you may be required to entrust your business to a trustee. The trustee must be at arm's length and must be approved by the Commissioner.

What if I believe another Member has contravened the Act?

If you have reasonable and probable grounds to believe that another Member has contravened the Act (or section 25 of the *Constitution Act*), you can request the Commissioner's opinion under section 19. Your request must be in writing and set out the grounds for the belief and the nature of the contravention alleged.

It is a serious matter to allege that another Member has contravened the Act; mere suspicion is insufficient. You should carefully consider the grounds for the request and prepare a thorough and complete submission clearly setting out the basis for the allegations, with as much supporting evidence as possible. As a matter of courtesy and fairness, you are expected to refrain from commenting publicly on the matter until the Commissioner has informed the Member involved about the allegations.

What if I am the subject of allegations?

You will be informed as soon as possible and provided with a copy of the allegations. You will have an opportunity to respond and submit evidence. You may be represented by legal counsel if you wish. Depending on the nature of the allegations, the Commissioner may interview you and other witnesses under oath, and may request documents. The Commissioner has the authority to subpoena witnesses and compel the production of documents if any party is uncooperative.

After reviewing all the relevant information, the Commissioner will issue a written Opinion, and will report that Opinion to the Speaker of the Legislative Assembly. The Commissioner's Opinion is final. There is no appeal procedure if the complainant or the subject disagree with the Commissioner's conclusions. If the Commissioner finds that you have contravened the Act, she can recommend a penalty to be imposed by the Legislative Assembly.

What should I do if I am unsure about my obligations?

We hope that this guide and the information on our website (www.coibc.ca) is a helpful starting point for you and your staff. If you remain unsure about your obligations in a specific situation, you are encouraged to contact our Office. It is preferable to submit your request in writing and ask for the Commissioner's written opinion to avoid miscommunication and to have a formal record of the advice provided. The Commissioner's advice remains confidential, unless you decide to waive confidentiality. The Commissioner's advice is binding, as long as the facts you presented to the Commissioner were accurate and complete.