

What are my obligations after I leave office?

Once you leave public office, you are entitled to use your general knowledge about how government works and apply your broad experience in your future endeavours. However, you must not use any insider information you have gained in your official role to further your private interest. This obligation applies to all former Members (see #1 below). Former members of Executive Council must also be mindful of their oath of confidentiality (see #2 below).

If you are a former member of Executive Council or former Parliamentary Secretary, there are certain activities that you are prohibited from engaging in once you cease to hold that position (see #3 and #4 below). Some of these restrictions cease after 24 months, while others continue indefinitely.

Can I ask the Commissioner for advice?

It has been the practice of this office to provide advice and opinions to former Members about whether taking certain steps would likely be in compliance with the *Members' Conflict of Interest Act* ("Act"), on the basis that it is helpful to former Members and consistent with encouraging compliance with the Act. However, please note that the Commissioner's comments to former Members are gratuitous and non-binding, because the Act only applies to "Members". A complaint against a former Cabinet Minister or Parliamentary Secretary who has ceased to be a Member of the Legislative Assembly would proceed in Provincial Court. While likely to be persuasive, the Commissioner's opinion would not be binding on a Provincial Court Judge.

*Former Members must not use information that is gained in the execution of their office and is **not available to the general public** to further or seek to further their private interest*

1 Insider Information

Members' Conflict of Interest Act, s. 4

➔ **obligation is indefinite**

Confidentiality 2

Oath of Confidentiality
for Cabinet Ministers

➔ **obligation is indefinite**

*Former members of Executive Council must **keep confidential** all matters dealt with in the Executive Council, and not disclose to any person other than a member of the Executive Council except as authorized by or as required in the lawful discharge of their duties as a member of the Executive Council*

Accepting Contracts & Benefits **3**

Members' Conflict of Interest Act, s. 8(4)(a)

➔ **24 month "cooling off" period**

*Until **24 months** have expired after the date when they ceased to hold office, former members of Executive Council and former Parliamentary Secretaries **must not accept a contract** awarded, approved or granted by the Executive Council as a whole, any member of the Executive Council, or an employee of a ministry (other than an employee of an agency, board, or commission)*

*Until **24 months** have expired after the date when they ceased to hold office, former members of Executive Council and former Parliamentary Secretaries **must not make representations** in relation to such contracts or benefits as mentioned above, on their own behalf or on another person's behalf*

4.1 Making Representations: **CONTRACTS**

Members' Conflict of Interest Act, s. 8(4)(b) & (c)

➔ **24 month "cooling off" period**

Exceptions to 3 and 4.1:

- a.** If the contract or benefit is awarded in respect of "**further duties of the government**"*
i.e. the contract or benefit if the service is of a nature in which your former ministerial or parliamentary secretary experience would be likely to be of further benefit to the Province
*exception does not apply to representations made on another person's behalf
- b.** If the contract or benefit is the same for all persons "**similarly entitled**"
i.e. the contract is awarded on the basis of an open competitive process, or the benefit is available to anyone in the province meeting defined eligibility criteria

Penalties

The Act contains no reporting obligations on former Members, and the Commissioner does not have jurisdiction to monitor former Members' compliance with their obligations once they leave office.

However, please note that contravention of sub-sections 8(4) (described above) and 8(7) (described below) is an offence which, upon conviction in Provincial Court, could result in a fine of not more than **\$5,000**.

Former members of Executive Council and former Parliamentary Secretaries must not make representations to the government in relation to:

- any specific **ongoing transaction or negotiation** to which the government is a party; and
- in which they were **directly involved**; if
- the representation would **confer a benefit** not for general application

4.2 Making Representations: ONGOING TRANSACTIONS

Members' Conflict of Interest Act, s. 8(7)

➔ no specified period

"directly involved" means:

- you had **personal dealings** with an agency, person or entity, or you directed staff to take certain actions with respect to that entity;
- you or your staff members had regular **input into policy** in a specific area in which the entity operates; or
- you or your staff members **prepared and presented related material** for approval by the Lieutenant Governor in Council

Former members of the Executive Council and former Parliamentary Secretaries are "**former public office holders**" under the LTA

Until **24 months** have expired after the date when you ceased to hold office, former public office holders **must not lobby** in relation to any matter

4.3 Making Representations: LOBBYING

Lobbyist Transparency Act "LTA", s. 2.2

➔ 24 month "cooling off" period

For more information about your obligations under the LTA, please contact the Office of the Registrar of Lobbyists. See lobbyistsregistrar.bc.ca

Questions? Contact our office at (250) 356-0750 or conflictinterest@coibc.ca