

Disclosures

Part of being an elected MLA is balancing the responsibilities of public office with those of personal interest. As an MLA, that balancing includes listing all assets and liabilities - as well as those of immediate family members - in a private disclosure statement that must be filed with the Commissioner within 60 days of being elected. The Commissioner meets with every MLA to assist in completing the private disclosure and to answer questions.

The private disclosure is a comprehensive list of:

- personal, spousal, and dependents' income
- personal, spousal, and dependents' assets and liabilities
- personal, spousal, and dependents' private company interests (if any), including company income, assets, and liabilities, as well as shareholders' and directors' names.

After the private disclosure statement is completed the Commissioner prepares a public disclosure statement and files it with the Clerk of the Legislative Assembly, who posts it on the internet. Certain information disclosed privately is not disclosed publicly.

An MLA's private disclosure must be kept current and is updated by appointment with the Commissioner every year. Changes are filed with the Commissioner as they occur.

Questions?

All MLAs and prospective MLAs are encouraged to read the Act and become familiar with its provisions.

The Commissioner is available to answer your questions!

Judy Burke, K.C.
Conflict of Interest Commissioner

Tel: 902-213-9857
Fax: 902-368-5175
Email: judyburke@assembly.pe.ca

Mailing address:
PO Box 2000
Charlottetown, PE C1A 7N8

For more information, as well as current public disclosures, visit our office online at:
assembly.pe.ca/coi

Disclaimer

This brochure is for information only. Where there is a conflict between this material and the Act, the Act prevails.

Your guide to PEI's CONFLICT OF INTEREST ACT



What is a conflict of interest?

The purpose of the *Conflict of Interest Act* (the “Act”) is to provide guidance to Members of the Legislative Assembly (MLA) as they manage their private interests and their public responsibilities.

A conflict of interest arises when MLAs use their public office, or information they’re privy to through their public office, to promote the private interests of themselves or others. An MLA shall not:

- participate in a decision that would further their own private interest, or someone else’s.
- use or share information obtained in their capacity as an elected member to further their own private interests, or someone else’s.
- use their public office to influence another person’s decision to further their own private interests, or someone else’s.

However, nothing in the Act prohibits an MLA from participating in activities normally undertaken on behalf of constituents.

If an MLA or a Minister has reasonable grounds to believe they have a conflict of interest, they should disclose the nature of the conflict and withdraw from the meeting without attempting to influence the matter.

Complaints of a Conflict

Under Section 28 of the *Conflict of Interest Act*, either an MLA or a member of the public can file a complaint about the actions of an MLA.

Gifts

Gifts includes the traditional definition of items or goods, but is also expanded in the Act to include fees or personal benefits.

According to the Act, gifts given to an MLA or a member for their family as a result of the MLA’s duties as a public officer are only allowed under two specific circumstances:

- the gift is part of the protocol, customs, or social obligations of office, or;
- the nature of the gift is unlikely to influence the MLA in their duties as a public servant.

A gift an MLA receives as a matter of protocol, custom, or social obligation must be reported to the Commissioner and disclosed to the public if:

- the value of a single gift is more than \$200, or
- if the total value of gifts received within a 12 month period exceeds \$200.

If such a gift is presented and the MLA would like to accept it, the Commissioner is available to provide guidance and advice.

Cabinet Ministers

For an MLA, a Cabinet appointment brings with it additional changes and restrictions. As a Minister, an MLA cannot:

- continue their regular employment
- manage a business
- hold directorships not related to their duties as a Minister (unless in a social club, religious organization, or political party)
- hold or trade in stocks and securities (including those held in a self-administered RRSP or RESP).

If a Minister wishes to keep their business interest(s), stocks, and securities, they must be put into a trust managed by a trustee at arm’s length from the Minister. A trust agreement establishes the trust which, along with the trustee, must be approved by the Commissioner.

After Cabinet

For one year after leaving a Cabinet appointment there are restrictions placed on an MLA to prevent a conflict of interest. Unless they are accepting a contract or benefit that relates to further service of the Crown, no former Minister can:

- accept a contract or benefit approved by Cabinet or a government department
- represent themselves or another person to Government in regards to any contract or benefit
- accept a contract or benefit from anyone who received same from the former Minister’s department.