

**Office of the Ontario Integrity Commissioner of Ontario**  
***Members' Integrity Act, 1994***

CI – 010M  
C.P. – P.L. 48  
Code d'éthique et  
de déontologie  
VERSION RÉVISÉE

<b>Preamble</b>	Sets out certain principles defining the purposes and objectives of the legislation: as summarized in the first Annual Report after passage of the <i>Act</i> , “to encourage citizens from a wide spectrum of society to seek public office in the Legislature and through their knowledge and experience contribute to the maintenance of public confidence in the Assembly and its members by performing their duties of office and arranging their private affairs in a manner demonstrating the integrity and impartiality which will bear the closest scrutiny.”
<b>Definitions</b>	Definition of private interest does not include an interest in a decision that is of general application, that affects an MPP as one of a broad class of persons or that concerns remuneration or benefits of MPPs.
<b>Conflict of Interest (ss. 3-5)</b>	<ul style="list-style-type: none"> <li>- Conflict of Interest</li> <li>- Insider Information</li> <li>- Influence</li> </ul> <p>First Annual Report summarizes, “the questions to be resolved are: ‘Am I taking advantage of my position as a legislator to participate in the making of a decision, or to improperly influence another to make a decision, which will benefit my private interest or improperly benefit the interest of another? Am I using insider information not available to the general public for a similar purpose?’ If the answer is ‘yes’, you are in violation of either s. 2, 3, or 4, unless the ‘private interest’ falls within the exception [in the definition of private interest].”</p>
<b>Gifts and Benefits (s. 6)</b>	<p>First Annual Report summarizes, “A member shall not accept a fee, gift or personal benefit for performing his/her duty as a member except when the gift or benefit is received as an incident of protocol, custom or normal social obligations.”</p> <p>Gifts so received and over \$200 in value must be publicly disclosed.</p>
<b>Contracts by Members with the Government (s. 7)</b>	“A member shall not benefit from a contract with the provincial government as an individual, a partner, or a shareholder in a private company unless his or her interest falls within the exemptions...”
<b>Procedures on Conflict of Interest (s. 8)</b>	“A member who has reasonable grounds to believe that he/she has a conflict in a matter being considered by the Assembly or the Executive Council or a committee of either, shall disclose the nature of the conflict and withdraw from the meeting without voting or participating in the discussion.”

<b>Private Member's Right to Outside Employment (s. 9)</b>	Non-minister MPPs are entitled to practice a profession, engage in employment, carry on business, hold stocks, carrying on a business.
<b>Executive Council Outside Activities (ss. 10-16)</b>	<p>Cabinet ministers shall not</p> <ul style="list-style-type: none"> <li>- engage in employment or the practice of a profession, engage in the management of a business, be a director of a corporation (unless it is a social club, religious organization or political party),</li> <li>- hold securities (can place in a management trust)</li> <li>- carry on business in a partnership or sole proprietorship</li> </ul> <p>The Integrity Commissioner has discretion to waive some of the above requirements (ss. 10-12) if there is no actual conflict.</p> <p>Cabinet ministers cannot acquire land other than for residential or recreational use, subject to certain exceptions.</p> <p>Cabinet ministers must declare potential conflicts of interest and the Premier can ask another cabinet minister to perform the conflicted cabinet members' duties.</p>
<b>Former Members of the Executive Council (ss. 17 and 18)</b>	<p>Section 18 sets out the post-employment rules. For the 12 months after which they ceased being a cabinet minister, former cabinet ministers are not permitted to:</p> <ul style="list-style-type: none"> <li>- accept a contract or benefit awarded, approved or granted by the Government (not including agencies, boards or commissions)</li> <li>- make representations to the Government on his or her own behalf or on behalf of another with respect to such a contract or benefit,</li> <li>- accept a contract or benefit from any person who received a contract from a ministry of which the former member was the minister.</li> </ul> <p>Contravention of section 18 is an offence, liable on conviction to a fine of not more than \$50,000.</p> <p>Section 17 sets out the reciprocal rules for the Cabinet.</p> <ul style="list-style-type: none"> <li>- For the 12 months following a cabinet member ceasing to be a cabinet member, the Cabinet (and its members) is not permitted to award a contract with, or grant a benefit to, the former cabinet minister.</li> <li>- If a former cabinet minister did make representations during the cooling off period, the Cabinet cannot award the contract at issue to the former cabinet minister or to another person</li> </ul>

<b>Parliamentary Assistants (s. 19)</b>	Parliamentary Assistants are not caught by ss. 10-18)
<b>Private and Public Disclosure Statements (ss. 20-22)</b>	Each MPP and their spouse are required to make complete financial disclosure to the Commissioner on an annual basis. A portion of the private disclosure is made public in accordance with section 21.
<b>Integrity Commissioner</b>	Creates the Office of the Integrity Commissioner. <ul style="list-style-type: none"> <li>- Commissioner appointed on the address of the Assembly, accountable to the Assembly</li> <li>- Staff are employees of the Assembly</li> </ul>
<b>Opinions (ss. 28-29)</b>	MPPs can request the Commissioner to give an opinion and advice on any matter respecting the member's obligations under the Act and under <b>Ontario Parliamentary Convention</b> . The opinion is confidential between the MPP and the Commissioner.
<b>Enforcement (ss. 30-34)</b>	An MPP "who has reasonable and probable grounds", the Assembly or the Cabinet can request the Commissioner to give an opinion as to whether a member has contravened this Act or Ontario parliamentary convention. The Act outlines the type of penalties that the Commissioner can recommend, which can be approved or rejected by the Assembly. (The Assembly cannot impose another penalty.)