



## Invitations and Receptions

Over the past few months I have received from a variety of sources, including Members, many questions on the subject of Members' obligations under the [Conflict of Interest Code for Members of the House of Commons](#) (Code) in relation to event invitations. This advisory opinion, issued under subsection 26(4) of the Code, reflects a number of questions that have been asked frequently in this regard.

I am in the process of drafting a general guideline on gifts and other benefits under the Code. As required under section 30 of the Code, the guideline will be submitted to the House of Commons Standing Committee on Procedure and House Affairs for approval. I must have the approval of that Committee and that of the House of Commons before I can publish the guideline.

As Members of the House of Commons, you may be offered gifts, including invitations or tickets to receptions and other events, by stakeholders, including lobbyists. I remind you that the Code contains the following prohibition:

*14.(1) Neither a Member nor any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.*

*(1.1) For greater certainty, subsection (1) applies to gifts or other benefits:*

- (a) related to attendance at a charitable or political event; and*
- (b) received from an all-party caucus established in relation to a particular subject or interest.*

Gifts are included in the concept of benefit under the Code and one set of rules applies to all benefits. The Code defines a benefit as follows:

*3.(1) "benefit" means*

- (a) an amount of money if there is no obligation to repay it; and*
  - (b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value, other than a service provided by a volunteer working on behalf of a Member;*
- but does not include a benefit received from a riding association of a political party.*

I have interpreted gifts and other benefits to include:

- Money, including cash or cheques, other than a *bona fide* loan;
- Consumer goods, such as books, flowers, artwork, furniture or wine;
- Property such as furniture, computers or television monitors;
- The use of property or facilities, such as vehicles, offices, houses, cottages or sports facilities, at a reduced rate or no cost;
- Membership in a club or other organization, such as a golf or tennis club, at a reduced rate or no cost;
- Services, such as dry cleaning or a haircut, at a reduced rate or no cost;
- Meals paid for by another individual or organization; or
- Invitations or tickets to attend an event, such as a dinner, reception, sports match, gala, concert, play or fundraiser, at a reduced rate or no cost.

Invitations or tickets to attend an event at which your attendance is considered to fulfil an official duty or function would automatically be deemed acceptable as they would be received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany a Member's position. This would also extend to a ticket offered to your guest.

In other circumstances, however, events to which you may be invited do fall within the definition of benefit and are therefore subject to the acceptability test set out in subsection 14(1) of the Code, namely whether the invitation might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office. The aims of the donor and the worthiness of the cause that it represents are not factors in deciding whether or not a gift is acceptable under the Code. Most relevant is whether the donor is seeking or may in future seek your support in the exercise of a duty or function of your office.

When you are offered event invitations and other gifts, it is your responsibility as a Member to ensure that you meet your obligations under the Code and caution should be taken when such offers are extended by stakeholders who may appear before a Standing Committee on which you are a member. Those Members who are also ministers or parliamentary secretaries must also meet their obligations under the *Conflict of Interest Act*.

I encourage you to contact your advisor in my Office for guidance on specific gifts or other benefits that you are offered.

The following is a series of questions and answers based on the issues that have been raised with me.

### **Can I accept reception invitations from stakeholders?**

*Invitations to receptions offered by stakeholders, including lobbyists, are subject to the acceptability test set out in subsection 14(1) of the Code for gifts and other benefits. If such an invitation might reasonably be seen to have been given to influence you, then you may not accept it.*

*For example, an invitation to an event organized by a person or organization that has an interest in legislation that is before a committee on which you sit could reasonably be seen to be an attempt to influence you and must be refused. An invitation to an event at which you could expect to be lobbied in relation to a current issue that is before you, as opposed to an information session offered to all Members to provide general information on a matter, must also be declined.*

*Invitations to events intended to raise awareness of issues that are widely attended and where you have not been targeted are less likely to be problematic.*

*The location of an event—whether it is held on or off Parliament Hill, for example—is not necessarily a factor in determining whether an invitation to attend it is acceptable.*

### **Can I accept invitations to events where I will perform an official role?**

*If your attendance at an event fulfils an official duty or function, then the invitation is expressly acceptable under the exception for courtesy and hospitality. It must also be publicly declared if the value of the ticket to the event is \$200 or more.*

*For example, you would be considered to be fulfilling a duty or function if you give a speech or presentation at an event, or if you perform a representational role by attending an event in your riding.*

### **Can I accept invitations to charity events?**

*The purpose of inviting Members to attend charity events free of charge is to get them to lend their names to charitable undertakings in order to promote charitable goals. As a general rule, such invitations directly from the charitable organization could not reasonably be seen to have been given to influence you in the exercise of a duty or function of your office and are therefore acceptable.*

*When the invitation to such an event comes from a stakeholder or a charity that has a live interest in a matter that may come before you in your official capacity as a Member, rather than from a charitable entity that has no interest at stake with you, the invitation should not be accepted.*

### **Are there any cases in which the acceptability test does not apply?**

*You and members of your family may accept “gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany a Member’s position.” (subsection 14(2)). Gifts that fall within this exception are not subject to the acceptability test.*

*I consider a normal expression of courtesy or protocol to be a token expression of appreciation received in the context of some official interaction. This exception could apply, for example, to an invitation to attend an event, which could include a meal, at which you are expected to perform an organizational, ceremonial or representational role in your capacity as a Member.*

*What is considered to be within the “customary standards of hospitality” accompanying your position depends on the circumstances. For example, a gift given by a visiting official from a foreign or international organization would normally be covered by this exception. Similarly, a token thank-you gift following an appearance, speech or presentation is acceptable.*

*You may accept gifts that are not related to your position from family and friends. For example, a colleague or friend may buy you a meal in a restaurant.*

*The acceptability test does not apply to sponsored travel because it is expressly excepted under section 15 of the Code.*

**What should I do if I have attended a reception that I shouldn't have?**

*If you have accepted an event invitation or ticket that you should not have accepted and have already attended the event, you must reimburse the donor for its market value, that is, the cost that someone else, such as a member of the public, would have had to pay to attend the event.*

Mary Dawson  
Conflict of Interest and Ethics Commissioner

*Ce document est également disponible en français.*

<http://ciec-ccie.parl.gc.ca/>