



Office of the Ethics Commissioner

A Short Guide to Gifts- November 2023

Introduction

The basic rule regarding gifts is that Members are prohibited from accepting a fee, gift, or other benefit connected directly or indirectly with the performance of their duties as an elected official.

Gifts from family are not subject to the *Conflicts of Interest Act*. Gifts from friends are also not included unless the friend wants a political favour.

There are a number of exemptions and exceptions to this rule.

Exemption for gifts from charities, other Canadian governments and political parties

Regardless of value, a Member may accept gifts from their constituency association, their political party, any charitable organization (as defined by the Canadian Revenue Agency) and any level of Canadian government. In these cases, it is not necessary to check with the Ethics Commissioner.

(Gifts from indigenous communities are treated similar to these statutory exemptions but the Member must get approval from the Ethics Commissioner).

Caution is advised because a Member may receive tickets to an event put on by a charity but the tickets may come from, or the seats may be paid for by, a corporation or an individual. In these cases, the tickets are not coming from a charity and are not exempt. Likewise, there are organizations affiliated with municipalities that are not covered by this exemption.

Other exceptions to gift prohibition

Gifts that are offered, aside from gifts from family and friends, or are otherwise exempted, may only be accepted if they are an incident of **protocol** or **social obligation** and not above a certain value. If they are above the values set out below, the Member breaches the *Act* if the Member accepts the gift without having the Ethics Commissioner exercise the Ethics Commissioner's discretion as set out in the *Act*.

1. **Tangible gifts** (for example, non-monetary gifts or benefits) may be accepted without breaching the *Conflicts of Interest Act* if the value is **\$200 or less**. No approval is needed. Any gift above \$200 (or if the accumulation of gifts in one calendar year from one source is above \$200) must receive approval from the Ethics Commissioner.

In some cases, such as after a speech is given, a Member may be put in a position where the Member is not able to or does not want to refuse the gift or does not know its value when accepting it. The Member should discuss with the Office of the Ethics Commissioner as soon as possible thereafter how to deal with the gift.

2. Members may accept **tickets and invitations** to events if the total value of the tickets from the same source in a year is less than **\$400** without breaching the *Act*. The Member needs to obtain the prior approval of the Ethics Commissioner if the tickets are valued at \$400 or more.

When determining the value of the gift, the Member should ascertain the fair market value or what any other person would pay for a similar ticket. Sometimes the price printed on the ticket to a sporting event, eg. a ticket to a suite at a hockey or football game, is not the fair market value of the ticket. Check with the Ethics Commissioner if you are in doubt about the value.

If a gift is offered to a spouse, adult interdependent partner or minor child, the same considerations apply as if the gift were given to the Member directly. Also, if a gift includes more than one ticket to an event, the total cost of all tickets received by the Member and his or her family are to be included in valuing the gift.

Permission is routinely granted for events connected to a Minister's portfolio or to an event in a Member's constituency but it must be sought to avoid breaching the *Act*. Permission is also granted for major Alberta sports, cultural and economic events.

3. Members may accept invitations to **conferences or other training events and sessions**. Such invitations, unbeknownst to some Members, may come with an automatic waiver of registration fees and the organizers may list the Member's name in their list of attendees. In some cases, a hotel room and transportation are also provided. As long as the total offered (registration, lodging and transportation) does not exceed **\$400**, the offer may be accepted without approval. If the offer is above \$400, then permission must be received from the Ethics Commissioner.

Permission is almost routinely granted if the conference relates to a Minister's portfolio or a member has an expertise or sufficient interest in the conference matter. It is also granted if the event is of substantial importance or interest to the Province.

If the Member is only attending one session and partaking in a reception, breakfast or lunch, and has not been given a waiver of the registration fee, prior approval is not needed.

Lobbyists

The **maximum** limit on gifts from lobbyists is **\$200** for tangible gifts and **\$400** for tickets or conferences in any year. Any offer above that amount means that the lobbyist is in breach of the *Lobbyists Act*. The Commissioner does not make exceptions for invitations from lobbyists that are above the limit.

Prizes

A Member may purchase a raffle ticket from their own personal funds and win a prize at an event. The Member may keep the prize as it is not connected to their official duties. No disclosure is required. If the Member wins a door prize or similar draw where the Member has not bought a ticket to the event the Member should decline it.

Donating gifts

Members may wish to donate a gift that has been received to a local community association or charity. If a Member donates a gift, an income tax receipt should be declined.

Gift tracking sheet

Members must submit a gift tracking sheet each year with the Members' annual financial disclosure. All gifts received greater than \$100, except from family and friends, must be listed on the form.

Even if a gift is donated or re-gifted by the Member, the rules relating to reporting still apply as the Member is the first person receiving the gift.

Gifts and invitations to events to Political Staff

Staff serving in the Premier's and Ministers' Offices are subject to a Code of Conduct as set out in [Order in Council 341/2020](#) which outlines what gifts and invitations they may accept.

They may not accept any gifts or invitations to events, without breaching their Code of Conduct, that exceed a fair market value of **\$200**. Unfortunately, this limit applies even if the political staff member is needed at an event to assist the Minister or is included in the Minister's invitation. Unlike the situation with Members, the Commissioner has no discretion to make exceptions to the limit.