



Federal Accountability Act and Action Plan



Reforming the financing of political parties






On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

The *Canada Elections Act* governs campaign donations and the financing of political parties and candidates in Canada. The law ensures transparency and regulates the financial relations and operations of political parties and candidates. However, more needs to be done to rebuild public confidence in the integrity of the democratic process, and to ensure that influence cannot be bought through political donations. Donations from corporations, unions, and organizations are of particular concern, since they currently allow for a contribution of funds from unknown original sources.

The Action Plan

The Government of Canada will toughen the laws around the financing of political parties and candidates to reduce the opportunity to exert influence through large donations. Specifically, the *Federal Accountability Act* will:

-  impose a complete ban on contributions by corporations, unions, and organizations;
-  lower from \$5,000 to \$1,000 the annual limit on contributions an individual can make to a particular registered party;
-  lower from \$5,000 to \$1,000 the annual limit on contributions an individual can make to the local entities of a particular registered party (candidates, nomination contestants, and district associations);
-  lower to \$1,000 the contribution that a candidate, a nomination contestant, or a party leadership contestant can make to his or her own campaign; and
-  make it an offence to give or willfully receive a cash donation of more than \$20.

What this means for Canadians

These changes will increase transparency, reduce opportunities to influence politicians with contributions, and help Canadians feel more confident about the integrity of the democratic process. They will level the playing field among individual contributors and encourage political parties to engage the electorate more directly.

In addition, other legislative changes are being made to ban secret donations and gifts to political candidates (see related fact sheet called “Banning secret donations to political candidates” for details).

For more information

For more information on the measures proposed in the *Federal Accountability Act* and Action Plan, please visit www.accountability.gc.ca, or contact General Enquiries at Treasury Board of Canada Secretariat:

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Federal Accountability Act and Action Plan



Banning secret donations to political candidates






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The context

The *Canada Elections Act* governs campaign donations and the financing of political parties and candidates in Canada. While campaign donations are regulated, riding associations can still give large amounts of campaign money to candidates through trust funds. The Government of Canada will close loopholes in the current election laws by applying new restrictions on the use of trust funds and the receipt of gifts by candidates for federal political office.

The Action Plan

The *Federal Accountability Act* will:

-  prohibit candidates from accepting gifts that might reasonably be seen to risk influencing them in the performance of their elected duties;
-  require candidates to report any gifts they receive worth more than \$500;
-  prohibit Members of Parliament from using trust funds for political purposes;
-  prohibit electoral district associations from transferring money to a candidate when that money is held in trust; and
-  empower the Conflict of Interest and Ethics Commissioner to order Members of Parliament to wind up trust funds or handle them in any other manner that the Commissioner considers acceptable.

What this means for Canadians

These changes will bring greater transparency and fairness to political financing. The Government will heighten disclosure requirements regarding the personal finances of Members of Parliament, and hence reduce the risk of their holding problematic financial interests. These measures will allow Members of Parliament to hold legitimate financial instruments that do not influence their elected positions.

In addition, the Government will make other legislative changes to reform how political parties are financed (see related fact sheet called “Reforming the financing of political parties” for details).

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Federal Accountability Act and Action Plan



Strengthening the role of the Ethics Commissioner






On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

Canadians expect elected representatives and public-office holders to make decisions in the public interest, without any consideration of personal gain. Public-office holders must perform their official duties and arrange their private affairs in a manner that will avoid real or perceived conflicts of interest.


The Action Plan

The Government of Canada will introduce a series of measures to strengthen the role of the Ethics Commissioner. Specifically, the *Federal Accountability Act* will:

-  combine the functions of the Ethics Commissioner and the Senate Ethics Officer and create a new position, the Conflict of Interest and Ethics Commissioner;
-  enshrine the provisions of the current *Conflict of Interest and Post-Employment Code for Public Office Holders* into a new *Conflict of Interest Act*;
-  give the new Conflict of Interest and Ethics Commissioner, an individual who must have a judicial or quasi-judicial background, has been a former Senate Ethics Officer or former Ethics Commissioner, the power to administer the proposed *Conflict of Interest Act*, initiate formal investigations, and levy monetary penalties for administrative breaches under this Act;
-  prevent the Prime Minister from overruling the Commissioner on whether the Prime Minister, a minister, or other public-office holder has violated this Act;
-  prohibit the use of blind management agreements (“venetian blind trusts”), meaning that public-office holders will either have to sell assets in an arm’s-length transaction or place them in a fully blind trust; and

What this means for Canadians

These measures will create a strong conflict of interest and ethics regime to help build public confidence in our system of government and parliamentary institutions. By enshrining the Conflict of Interest and Post-Employment Code for Public Office Holders into law, the Government will ensure that the current and future Prime Ministers abide by a consistent set of rules.

 give the public the ability to bring forward, through a Member of Parliament, information to the Commissioner for consideration and action, as appropriate.

For more information

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Federal Accountability Act and Action Plan



Toughening the *Lobbyists Registration Act*







On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

Lobbying is a legitimate part of our democratic system, but weaknesses with the current *Lobbyists Registration Act* have been identified. For example, compliance with registration requirements has been low, the information disclosed has been insufficient, and the Registrar of Lobbyists has lacked the necessary independence, powers, and resources to conduct effective investigations of possible infractions under the *Lobbyists Registration Act*.

The Action Plan

The Government of Canada will take steps to assure Canadians that lobbying is done in an ethical and transparent way. Specifically, the *Federal Accountability Act* will:

-  establish a new Commissioner of Lobbying as an independent Agent of Parliament;
-  provide the Commissioner with enhanced investigative powers and mandate to enforce compliance with the proposed *Lobbying Act*;
-  prohibit ministers, ministerial staffers, transition team members and senior public servants from registering and lobbying the Government of Canada for five years after leaving office;
-  ban any payment or other benefit contingent on the outcome of a consultant lobbyist's activity, and require all government contracts and agreements to state that contingency fees will not be paid;
-  require that contacts with senior public-office holders be recorded; and
-  double the criminal monetary penalties for lobbyists who fail to comply with the requirements of the *Lobbying Act*.

What this means for Canadians

These changes will give the Commissioner of Lobbying the independence and necessary powers to ensure that lobbying is done in a transparent and ethical way. Canadians will be reassured that former senior public-office holders do not use their personal connections to obtain special favours from government once they leave office, and that conflict-of-interest situations do not arise while they hold office.

For more information

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Federal Accountability Act and Action Plan



Ensuring truth in budgeting with a Parliamentary Budget Authority




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The context

Improving the transparency and credibility of the Government’s fiscal forecasting and budget planning process is fundamental to making it more accountable to Parliament and Canadians. To that end, parliamentary committees should have access to independent, objective analysis and advice concerning economic and fiscal issues, supported by timely, accurate information from federal departments and agencies.

The Action Plan

The *Federal Accountability Act* will:

-  expand the mandate and resources of the non-partisan Library of Parliament by establishing within it the position of Parliamentary Budget Officer;
-  give this Officer the mandate to:
 - provide objective analysis to the Senate and House of Commons concerning the state of the nation’s finances, the estimates of the government and trends in the national economy;
 - undertake economic and fiscal research for the Standing Committee on Finance, the Standing Committee on Public Accounts, or the Senate Standing Committee on National Finance, on the request of these committees; and
 - estimate the cost of proposals currently or prospectively under consideration in either House when asked to do so by a Member, a committee of the Senate or the House of Commons, or a committee of both Houses;
-  require departments and agencies to provide the Officer with any existing data necessary to fulfill his or her mandate.

What this means for Canadians

Together these measures will increase transparency in the Government’s fiscal planning framework and enable Parliament to better hold government to account.

In addition, the Government will provide quarterly updates to government fiscal forecasts, and will continue to provide monthly financial statements in the *Fiscal Monitor*.

For more information

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Federal Accountability Act and Action Plan



Making qualified government appointments





On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

Legislative provisions that govern the appointment of Agents and Officers of Parliament are inconsistent and do not fully respect Parliament in the process. In addition, the appointment process for agencies, commissions, and boards is not as transparent or merit-based as it could be. Furthermore, favoured treatment to ministerial staffers in filling public-service positions undermines both the non-partisan nature of the public service and its adherence to the merit principle.

The Action Plan

The *Federal Accountability Act* will:

-  institute a uniform approach to appointing Officers and Agents of Parliament, and ensure a meaningful role for Parliament in the process;
-  create a Public Appointments Commission in the Prime Minister's portfolio to oversee, monitor, and report on the selection process for appointments and reappointments to government boards, commissions, agencies, and Crown corporations;
-  allow the Chief Electoral Officer to appoint returning officers, following an external appointment process, with provisions that ensure the merit principle is applied; and
-  remove the entitlements of all ministers' staff to priority appointments and instead allow them to apply for internal competitions for public-service positions for up to one year.

What this means for Canadians

These reforms will assure Canadians that the appointments process for Agents and Officers of Parliament are approved by Parliament; that government appointments reward merit while respecting the values of fairness and openness; and that the potential for politicizing the public service is reduced.

For more information

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Federal Accountability Act and Action Plan



Cleaning up the procurement of government contracts




On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

In carrying out its programs and providing services to Canadians, the Government of Canada is one of the largest purchasers of goods and services in the country. It is important that the bidding process for government contracts, including those for polling and advertising, be fair, open, and transparent.

The Action Plan


To reinforce Canadians' confidence in the procurement process, the *Federal Accountability Act* will:

-  include an overarching statement of principles on procurement that commits the Government to promoting fairness, openness, and transparency in the bidding process;
-  require that contracts include integrity provisions; and
-  create the position of a Procurement Auditor to:
 - review procurement practices across government;
 - handle complaints from potential suppliers;
 - review complaints regarding contract administration;
 - manage an alternative dispute resolution process for contracts; and
 - submit an annual report to be tabled in Parliament.

What this means for Canadians

Through these measures, the Government will ensure that the procurement process is free of political interference, and that a clear process is in place to address complaints from potential suppliers. It will also provide greater opportunities for small vendors and vendors in all regions of Canada to compete for government contracts.

In addition, the Government will:

-  engage an independent procurement expert to review the draft policy on managing procurement to ensure that its requirements reinforce a fair, open, and transparent procurement process;

- ✻ introduce a *Code of Conduct for Procurement* to consolidate the existing suite of conflict-of-interest and anti-corruption policies, which would apply to both suppliers and public-service employees; and
- ✻ provide more resources and greater regional presence to the Office of Small and Medium Enterprises within Public Works and Government Services Canada, to help businesses maintain access to government opportunities and ensure they are treated fairly.

In addition, the Government is also introducing reforms to government public opinion research and advertising (see related fact sheet called “Cleaning up government polling and advertising” for details).

For more information

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Federal Accountability Act and Action Plan



Cleaning up government polling and advertising



On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

Recent political scandals have raised legitimate questions about the transparency, fairness, and value for money of the procurement process for public opinion research and advertising. In her November 2003 report, the Auditor General raised concerns about lack of compliance with contracting rules; the manner in which public opinion research and advertising contracts were awarded; poor documentation; and the failure of oversight mechanisms to detect, prevent, and report violations.

The Action Plan

To reinforce Canadians' confidence in the procurement process for public opinion research and advertising, the *Federal Accountability Act* will:



-  prohibit verbal-only reports; and
-  require departments and agencies to send a final written report on research findings obtained under contract to Library and Archives Canada within six months of completing data collection.

The Government will also amend its communications policy and related procedures by June 2006 to reflect the new statutory requirement for written reports, to include a requirement that contracting be open, fair, and transparent, and to add a new definition of advertising to distinguish it from collateral services such as public relations or events management.

What this means for Canadians

Together these measures will help ensure fairness and value for money in contracting for public opinion research and advertising, and will preclude those contracts from being awarded or used for partisan reasons or political benefit.

In addition, the Government will:

-  appoint an Independent Advisor for a period of six months to conduct a full review of public opinion research practices discussed in Chapter 5 of the Auditor General's November 2003 report and determine whether further action, such as a judicial inquiry, is required; and
-  require departments and agencies to post contract information on public opinion research and executive summaries of completed projects on the Internet for ease of public access.

For more information

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Federal Accountability Act and Action Plan



Providing real protection for whistleblowers







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The context

The Public Service of Canada is a multifaceted institution staffed by professional, dedicated, and highly skilled people. Its employees play a crucial role in supporting the Government’s agenda and helping it deliver programs and services to citizens. Canadians have every right to expect that public-office holders and public-sector employees behave ethically and in accordance with their legal obligations. The public sector must, therefore, foster an environment in which employees may honestly and openly raise concerns without fear or threat of reprisal.

The Action Plan

The Government of Canada will provide real protection for public-sector employees who disclose government wrongdoing. The *Federal Accountability Act* will:

-  make the Public Sector Integrity Commissioner an Agent of Parliament with an expanded mandate;
-  give public-sector employees direct access to the Commissioner to report wrongdoing in the workplace;
-  give the Commissioner the authority to deal with complaints, conduct investigations, and attempt to conciliate a settlement between the parties;
-  create an independent Public Servants Disclosure Protection Tribunal, with the power to decide whether reprisal occurred and to order action to remedy the situation and ensure that those who took reprisal are disciplined;
-  introduce specific penalties for offences under the *Public Servants Disclosure Protection Act*, including tougher penalties for those who willfully impede investigations of wrongdoing;
-  give the Commissioner the power to authorize free access to legal advice for both public-sector and non-public-sector employees;

What this means for Canadians

These changes will help create an environment in which employees and all Canadians can honestly and openly report wrongdoing in the federal government without fear of reprisal.

- 🍁 remove the ability of the Government to exclude Crown corporations from coverage under the *Public Servants Disclosure Protection Act*; and
- 🍁 provide more open access to information about disclosures of wrongdoing.

For more information

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Federal Accountability Act and Action Plan



Strengthening access to information legislation

On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

Access to government information allows Canadians and organizations to participate more fully in public policy development and better assess the Government of Canada’s performance. The current *Access to Information Act* sets out the right of Canadians to access information that the Government of Canada holds, with limited exceptions.

Many groups and individuals, including the Information Commissioner, have been calling for changes to the access law to make government more open.

The Action Plan

To promote a culture of openness and accessibility, the Government will strengthen access to information legislation. Specifically, the *Federal Accountability Act* will:

- expand the coverage of the *Access to Information Act* to include all Agents of Parliament, all Crown corporations and their wholly owned subsidiaries, and five foundations created under federal statute:

Agents of Parliament

- Office of the Information Commissioner
- Office of the Privacy Commissioner
- Office of the Commissioner of Official Languages
- Office of the Chief Electoral Officer
- Office of the Auditor General
- Office of the Public Sector Integrity Commissioner
- Office of the Commissioner of Lobbying

Crown corporations


- All Crown corporations and their wholly owned subsidiaries as listed in the Annual Report to Parliament on Crown Corporations and Other Interests of Canada, available online at www.tbs-sct.gc.ca/report/crown/05/cc-se_e.asp

What this means for Canadians

By expanding the coverage of the Access to Information Act, the Government will become more transparent and more open. It will provide Canadians with access to more information from Crown corporations, Agents of Parliament, and some government-funded foundations. At the same time, the Government will explore ways to further strengthen access to information legislation in consultation with parliamentarians and Canadians to ensure that their concerns receive careful attention.

Foundations

- Canada Foundation for Innovation
- Canada Foundation for Sustainable Development Technology
- Canada Millennium Scholarship Foundation
- Asia-Pacific Foundation of Canada
- The Pierre Elliot Trudeau Foundation

 provide a duty for institutions to assist requesters without regard for their identity, and clarify the time limit for making a complaint under the ATIA.

In addition, the Government tabled a separate draft bill that reflects the Information Commissioner's recommendations, along with a discussion paper to highlight a variety of issues and options for discussion.

For more information

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Federal Accountability Act and Action Plan



Strengthening the power of the Auditor General

On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.




The context

One of the most important roles of Parliament is to hold the government to account for its use of taxpayers' dollars. To do this effectively, parliamentarians need objective and fact-based information about how well the government raises and spends public funds. The Auditor General is an independent and reliable source of such information.

In addition, the Government spends about \$26 billion each year in transfer payments for grants and contributions to individuals, corporations, and non-government organizations. It is imperative that the Government ensure these programs are well managed.

The Action Plan

The *Federal Accountability Act* will:

-  give the Auditor General the authority to "follow the money" by inquiring into the use of funds that individuals, institutions, and companies receive under a funding agreement with any federal department, agency, or Crown corporation;
-  require the Government to include provisions in all funding agreements that recipients keep records and co-operate with the Auditor General on request; and
-  require every department to review, at least once every five years, the relevance and effectiveness of its grants and contributions programs.

In addition, the Government will ensure that the Office of the Auditor General has adequate resources to fulfill its mandate. The Government will continue to respond publicly to the Auditor General's recommendations, and will make sure that independent departmental audit committees monitor the implementation of corrective action plans.

What this means for Canadians

These changes will reassure Canadians that their Government is using their tax dollars wisely. They will strengthen the role of the Auditor General as an independent and reliable source of information about government spending. To maximize the use of taxpayer money, the Government will ensure that it roots out non-performing or irrelevant programs. Finally, these measures will enhance the ability of Canadians and organizations to access government programs and services, and ensure that third parties that receive federal funding are not faced with an unnecessary administrative burden.

The Government established an independent blue-ribbon panel to review the draft policy on transfer payments, identify barriers to accessing grants and contributions programs and consider eliminating legislative barriers, and report to the President of the Treasury Board by December 2006.

For more information

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Federal Accountability Act and Action Plan



Strengthening auditing and accountability within departments






On April 11, 2006, the Government of Canada introduced the Federal Accountability Act and Action Plan, delivering on its commitment to make government more accountable. This is one of a series of fact sheets describing proposed actions to respond to this commitment.

The context

It is vital to government accountability that, within the framework of the minister’s overall responsibilities and his or her accountability to Parliament, the roles and responsibilities of deputy ministers are clear. In addition, independent, objective, and timely internal audit services within departments provide assurance to deputy ministers and reinforce good stewardship practices and sound decision making.

The Action Plan

To clarify roles and responsibilities and strengthen internal audit, the *Federal Accountability Act* will:

-  designate deputy ministers and deputy heads as accounting officers who are accountable before the appropriate committee of Parliament to answer questions related to their responsibilities;
-  require that a clear process be followed in the event that a minister and deputy minister are unable to agree on the interpretation or application of a Treasury Board policy, directive, or standard;
-  require that deputy heads ensure an appropriate internal audit capacity and establish departmental audit committees;
-  ensure that audit committees in Crown corporations are independent of corporation management; and
-  make fraud involving public funds committed by officials an offence, carrying a maximum term of five years in prison for fraud of \$5,000 or less, a maximum term of 14 years in prison for fraud over \$5,000, and automatic dismissal for any official convicted of this offence.

What this means for Canadians

These measures will clarify the roles and responsibilities of deputy ministers and, together with a stronger internal audit capacity, help ensure that departments are well managed to meet the needs of Canadians.

In addition, the Government will implement the new *Treasury Board Internal Audit Policy* and develop a compliance framework that includes training and tools for employees, disciplinary codes to provide clarity on misconduct and related consequences, and consistent application of disciplinary measures.

For more information

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Federal Accountability Act and Action Plan



Creating a Director of Public Prosecutions





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The context

It is important for transparency and for the integrity of the federal justice system that prosecutions under federal law operate independently of the Attorney General of Canada and of the political process. Crown counsel within the Federal Prosecution Service of the Department of Justice and legal agents currently prosecute federal offences throughout Canada, and provide legal advice to investigative agencies and government departments in matters of criminal law.

The Action Plan

The *Federal Accountability Act* will:

-  create the Office of the Director of Public Prosecutions to reside outside the Department of Justice;
-  give the Director of Public Prosecutions jurisdiction to conduct prosecutions for offences under federal jurisdiction, including new fraud provisions proposed under amendments to the *Financial Administration Act*;
-  give the Director the power to make binding and final decisions on whether to prosecute, unless the Attorney General instructs the Director to do otherwise by means of public written notice; and
-  require that the Director submit an annual report to the Attorney General for tabling in Parliament.

What this means for Canadians

The new federal Office of the Director of Public Prosecutions model reflects the best features of similar offices that currently exist in three Canadian provinces (British Columbia, Nova Scotia, and Quebec) and in several countries around the world, including the United Kingdom, Australia, and Ireland. The Office of the Director of Public Prosecutions will have independence to pursue prosecutions under federal law and will report to Canadians on its performance.

In addition, through the Office of the Director of Public Prosecutions, the Government will review lessons learned and best practices for prosecuting cases of fraud involving governments, in collaboration with other jurisdictions in Canada and international partners.

For more information

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