No acting or advising

19.2 Where a minister or senior public servant acts for or advises the government or a Crown agency with respect to a matter in which the government or Crown agency has an interest, the minister or senior public servant shall not, for a period of one year following the date on which the minister or senior public servant leaves office, act for or on behalf of a person, partnership or unincorporated association or organization in relation to the matter.

S.M. 1988-89, c. 26, s. 5.

No participation in employer's dealings

19.3(1) Where a minister or senior public servant, after leaving office, accepts employment with a person, partnership or unincorporated association or organization with which the minister or senior public servant has official dealings during the year preceding the date on which the minister or senior public servant leaves office, the minister or senior public servant, for a period of one year following the date on which the minister or senior public servant leaves office, shall not, directly or indirectly, attempt to influence or assist or in any way participate in

(a) deliberations of the employer with respect to a matter in which the employer has a pecuniary interest and in which the government or a Crown agency is involved;

(b) negotiations or consultations between the employer and the government or a Crown agency;

(c) the performance of obligations of the employer under a contract between the employer and the government or a Crown agency.

"Employment" in subsection (1)

19.3(2) For purposes of subsection (1), "**employment**" includes

(a) appointment to the governing board of a corporation or unincorporated association or organization; and

(b) membership in a partnership.

S.M. 1988-89, c. 26, s. 5.

General exemption

19.4 Notwithstanding the provisions of this Act, a minister or senior public servant may, upon leaving office,

(a) accept employment with;

(b) enter into a contract with;

(c) accept a benefit from; or

(d) accept appointment to a governing board of an agency or corporation that is established by and is accountable to;

a government of another province or a territory or the government of Canada.

S.M. 1988-89, c. 26, s. 5.

Appointment of commissioner

19.5(1) On the recommendation of the Standing Committee of the Assembly on Legislative Affairs, the Lieutenant Governor in Council shall appoint a Conflict of Interest Commissioner for the purpose of this Act. The commissioner is to be appointed on a part-time basis.

Appointment process

19.5(1.1) If at any time the position of commissioner

(a) will become vacant within six months because the term of office is scheduled to expire or the commissioner has resigned; or

(b) has become vacant for any other reason;

the President of the Executive Council must, within one month after that time, convene a meeting of the Standing Committee on Legislative Affairs and the Standing Committee must, within six months after that time, consider candidates for the position and make recommendations to the President of the Executive Council.

Annual report

19.5(2) The commissioner shall make an annual report to the Speaker of the Assembly about the exercise of the commissioner's responsibilities under this Act. The Speaker must lay the report before the Assembly.

S.M. 2002, c. 49, s. 4; S.M. 2004, c. 42, s. 106; S.M. 2015, c. 14, s. 5; S.M. 2017, c. 26, s. 37.

Request for commissioner's advice

19.6(1) Any member may request the commissioner to give a formal or an informal opinion and recommendations about a matter concerning the member's obligations under this Act.

Commissioner may make inquiries

19.6(2) On receiving a request, the commissioner may make any inquiries that he or she considers appropriate, and shall give the member an opinion and recommendations. If the member has requested a formal opinion, the opinion must be given in writing.

Reliance on commissioner's written opinion

19.6(3) A member may rely on a written opinion given by the commissioner in response to a request for a formal opinion, if

(a) the member acts in accordance with the commissioner's recommendations; and

(b) before receiving the commissioner's opinion and recommendations, the member disclosed all the relevant facts that were known to the member.

Opinion available to public

19.6(4) A member who receives a written opinion under this section shall file a copy of it with the Clerk of the Legislative Assembly within 30 days after receiving it. The Clerk shall make the opinion available to the public in the same manner as the statement disclosing assets and interests under section 11 is made available.

S.M. 2002, c. 49, s. 4.

Disposition after hearing on merits

21(1) Subject to sections 21.1 and 22, where a judge determines, after a hearing authorized under section 20, that the member or minister has violated this Act, the judge shall impose one or more of the following penalties on the member or minister:

(a) In the case of a violation committed by a member, disqualification of the member from office.

(b) In the case of a violation committed by a member, suspension of the member for a period not exceeding 90 sitting days of the Legislative Assembly.

(c) A fine not exceeding $5,000.

(d) An order requiring the member or minister to make restitution to the Government of Manitoba or a Crown agency for any pecuniary gain which the member or minister has realized in any transaction to which the violation relates.