



**GIFT GUIDE
FOR MHAs**



**Office of the
Commissioner for
Legislative Standards**

As a Member of the House of Assembly, it is your responsibility to know and understand the rules concerning accepting gifts, including sponsored travel. This guide is designed to aid in your understanding. If you have any questions about accepting gifts, please contact the office of the Commissioner for Legislative Standards.



COMMON MISCONCEPTIONS ABOUT THE GIFT RULE

Each MHA can decide whether it's okay to accept a gift.

False

MHAs are prohibited from accepting any gift, fee or benefit. While there are limited exceptions to this prohibition, it is important to fully understand these exemptions and to seek advice from the Commissioner for Legislative Standards to ensure a specific gift is allowed.

Accepting a free ticket to an event is okay because attending events is part of a MHA's job.

Not always

A ticket to an event, such as a St. John's Edge or Growlers game, could be considered a gift under the House of Assembly Act. In deciding whether an exemption applies, the Commissioner would consider the MHA's role in the event and other factors.

It's okay to accept any gift as long as it's worth less than \$500.

False

The \$500 amount is simply the threshold that triggers the requirement for a gift to be publicly reported. A gift valued under \$500 may still be inappropriate to accept.

A MHA believes a gift is being shared as part of protocol or social obligations. How is that determination made?

Contact the Commissioner

If a MHA is unsure about whether a gift is related to protocol or social obligation, they should contact the Commissioner.

DISCLOSING GIFTS

When must the Commissioner be notified of a gift?

If the Commissioner has provided an exemption for a MHA to accept a gift, AND it has a value of \$500 or more, then the Commissioner must be notified.

If the total value of gifts and benefits from one source exceeds \$500 in any 12-month period, these gifts must also be disclosed.

The Commissioner must be notified immediately upon receiving the gifts.

I've received a gift that meets the criteria. How do I notify the Commissioner?

Notification can be provided by calling the Commissioner at 729-0714 or by emailing brucechaulk@gov.nl.ca with details.

How is the information reported to the public?

Information regarding the receipt of gifts is reported in the annual disclosure statements for Members of the House of Assembly, which are available for public review.

MHA GIFT GUIDANCE

These scenarios will help MHAs determine whether a gift can be accepted. Contact the Commissioner for Legislative Standards when the circumstances of the offered gift vary.

Item or benefit offered	Is it offered as part of protocol or social obligation?	Can it be accepted?
MHA gives a speech and receives a mug, pen or an item of nominal value as thanks.		
MHA is offered a sculpture by a government official from another country.		
MHA has been invited to be the keynote speaker at an event and is provided with a meal as part of the evening's schedule.		
MHA has been invited to be the keynote speaker at an event in another city, with airfare and accommodation offered by the organizers.	Possibly.	Seek advice from the Commissioner for Legislative Standards.
MHA is offered a meal at a restaurant paid for by a government stakeholder, during which official matters are discussed.		Generally not allowable. Decline offer or seek advice from the Commissioner for Legislative Standards.
MHA is offered a clock by a company on a trade mission to another country.		Generally not allowable. Decline offer or seek advice from the Commissioner for Legislative Standards.
MHA is offered a ticket to a cultural, sporting or charity event by a government stakeholder where the MHA does not speak or have an official role.		Generally not allowable. Decline offer or seek advice from the Commissioner for Legislative Standards.

MHA GIFT GUIDANCE

These scenarios will help MHAs determine whether a gift can be accepted. Contact the Commissioner for Legislative Standards when the circumstances of the offered gift vary.

Item or benefit offered	Is it offered as part of protocol or social obligation?	Can it be accepted?
MHA is offered a donation of food or supplies from a government stakeholder for a community event in their electoral district.		Generally not allowable. Decline offer or seek advice from the Commissioner for Legislative Standards.
MHA takes a tour of a company's facility in their electoral district and is presented with a large gift basket of products.		Generally not allowable. Decline offer or seek advice from the Commissioner for Legislative Standards.
MHA is offered a ticket to attend a cultural event hosted by a community organization.	Possibly.	Seek advice from the Commissioner for Legislative Standards.
MHA wins a raffle at an event while attending in an official capacity.		Generally not allowable. Decline offer or seek advice from the Commissioner for Legislative Standards.
MHA is invited to attend, but not participate in, a reception commemorating an event that is connected to their riding or responsibilities at the House of Assembly.	Possibly.	Seek advice from the Commissioner for Legislative Standards.
MHA is offered a trip to another country or part of the province as a "fact-finding" tour.		Seek advice from the Commissioner for Legislative Standards.

THE GIFT & SPONSORED TRAVEL RULE

The Gift & Sponsored Travel Rule is found in s.26 of the House of Assembly Act.

Accepting extra benefits

26. (1) A member shall not, directly or indirectly, accept a fee, gift or personal benefit, except compensation authorized by law, that is connected, directly or indirectly, with the performance of his or her duties of office.

(2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the duties or responsibilities of office.

(3) Where a gift or personal benefit referred to in subsection (2) exceeds \$500 in value, or where the total value received directly or indirectly from 1 source in a 12 month period exceeds \$500, the member shall immediately file with the commissioner a disclosure statement, in the form prescribed by the regulations, indicating the nature of the gift or benefit, its source and the circumstances under which it was given and accepted.

(4) A statement filed under subsection (3) shall be filed with the member's public disclosure statement and may be inspected by the public.

(5) Nothing in this section prohibits the acceptance of reimbursement of reasonable travel and associated expenses incurred in performing services that are in the public interest, provided that the amount and source of the reimbursement, as well as a description of the services performed, are immediately set out by the member in a disclosure statement filed with the commissioner.

(6) A disclosure statement filed under subsection (5) shall be filed with the member's public disclosure statement and made available for inspection by the public.



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