

Overview of Key Elements of Ethics and Conflict of Interest Regimes in six countries – Canada, Ghana, Malaysia, Singapore, Trinidad/Tobago and USA

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	Ghana	Canada	Malaysia	Singapore	Trinidad/ Tobago	USA
Overview of Jurisdiction	Constitutional democracy Central Government+10 regions Unicameral Parliament	Constitutional monarchy Federal with central Government, 10 provinces, 3 territories Bicameral Parliament	Constitutional monarchy Federal with central Government, 13 states, 3 territories Bicameral Legislature	Parliamentary democracy City-state jurisdiction Unicameral Parliament	Parliamentary democracy Bicameral legislature	Constitutional democracy Federal with central Government, 50 states Bicameral Congress
Relevant Legislation	No specific legislation Code for public officials in Constitution of 1992 Guidelines	<i>Conflict of Interest Act</i> (2007) for Ministers & public office holders. Separate COI codes for MPs (2004) &	Malaysian Anti-Corruption Act (2009). Public Officers' Conduct & Discipline Regulations	Prevention of Corruption Act. Corruption Drug Trafficking and Other Serious Crimes Act	Integrity in Public Life Act (2000)	Each level of Government has own laws So do three branches executive, legislative & judiciary ²

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Gifts - Restrictions	Yes, plus criminal prohibition	Yes, - Public disclosure -- \$200 +public office holder \$500+ for MPs. Gifts over \$1,000 to public office holder forfeited to the Crown	Yes, plus on entertainment	Yes, plus on entertainment	Must be lawful and declared if >\$2000	Yes, focus on disclosure
Travel	Not specifically mentioned	Specific restrictions set by either Act/Code eg Under Act commercial air travel subject to gift rules Code allows	Not listed, but likely covered by gift/reward	No overseas trips from contractors	Covered under gifts	Specific restrictions

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Anti-nepotism	Not in Code Guidelines say officials not to be involved if interests of family involved & impartiality would be questioned	Explicit anti-nepotism provisions	Covered under gratification-wide definition of word "relative"	Public officials not to influence Civil Service hiring	Must not use position to further own, family's or anyone's private interests	Explicit anti-nepotism provisions

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Outside Interests	No prohibition on other employment except chair of public corporation	Explicit restrictions for all public officials & Ministers – political activities excepted from OK for MP’s as long if they fulfill obligations under Code	Officer or staff of Prime Minister’s Office must get written permission	No paid part-time employment or commercial enterprise without prior approval	May not engage in anything inconsistent with their office	Must disclose outside employment and permission required for some
Holding of Certain Assets	Not prohibited- must be declared	Act prohibits all controlled assets-i.e. publicly traded securities. To be divested	Certain staff must get permission to complete transactions	Annual declaration – Public officials requested to divest shares in a	No commercial or other interest (assets) that could create	Certain office holders must divest Specific if conflict created

Affirmative Requirements	Ghana	Canada	Malaysia	Singapore	Trinidad/Tobago	USA
Duty of Recusal		<p>Specific provisions under Act - +recusal to be publicly declared within 60 days. Under Code, MP's must not participate in debate or vote where they have a private interest; MP 's must disclose private interests.</p>		<p>If interest in a business declared, cannot supervise projects with that company</p>	<p>Specific Provisions for “real, or potential “ conflicts and report to Commission</p>	<p>Specific Provisions to inform supervisor Ethics Office can force recusal</p>

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Divestment		Act - 120 days to divest controlled assets by sale in arm's length transaction or blind trust – as per preset conditions. Code has no comparable			Commission may order assets to be placed in a blind trust – conditions set	Certain assets must be divested- can be placed in a qualified blind trust
Some other Requirements	Code only addresses holding a decision-making po-	Disclosure of expenses does not apply to most	Wide coverage – “public body” includes	Annual declaration “free from pecuniary embarrass	Confidential info obtained in office shall not be	Duty to Disclose waste Duty when seeking

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Enforce- ment	Commit- tees of Parliament can launch investigatio ns Commis- sion of Human Rights and Administra tive Justice has Anti- Corruption Agency to investigate complaints Report to Attorney G Auditor G.	Independe nt Conflict of Interest and Ethics Commissio ner. Gives confidential advice to MP's, public office holders & determines compliance measures; advises PM on ethical matters. Under Act can issue a compliance	New Malaysian Anti- Corruption Commis- sion (2009) applies to all civil servants and public officials. Is advised by special Advisory Board.	Corrupt Practices Investigat- ion Bureau Investigates and arrests corrupt public officials. Focus is on "Gratifica- tion" pre- vention. Separate Code for Ministers to prevent conflicts of interest.	Integrity in Public Life Act (2000) established Integrity Commis- sion is independ- ent and has very wide powers "to do all things as it considers necessary/ expedient" to carry out its functions.	Office of Govern- ment Ethics develops rules, gives advice, can order specific resolution of conflicts but cannot enforce its own orders. Director can appeal to President and Congress.

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Sanctions	<p>Commissioner of Human Rights and Administrative Justice has no power to sanction public officials.</p> <p>Recommendations can lead to prosecution or resignation.</p>	<p>Criminal Code for offences. Commissioner can levy “monetary penalties” up to \$500 for administrative issues (failure to report, to meet deadlines etc.). Strongest sanctions are public embarrass</p>	<p>Prison term up to 10 years and fine of at least 5X sum of “gratification” if convicted of corruption. Making a false statement or intending to mislead brings fine and/prison term up to 10 years.</p>	<p>Conviction for corruption brings fine up to \$100K and prison up to 5 years. Specific penalties for bribery of 5X amount. Public officers lose job/rank even if not prosecuted.</p>	<p>Commission can get court order compelling compliance. Fine \$150K for failure to comply. Commission can refer case to Director of Public Prosecutions. Fine \$250K if no declaration + jail, forfeiture if deliberate.</p>	<p>Criminal and civil prosecution Offences carry term of up to 1yr or 5 years plus fine of up to \$100K or \$250K (felony) if willfully. Attorney-General may go to court for an order prohibiting certain conduct.</p>