

Bill #99
Conflict of Interest Act

CHANGE RECOMMENDED TO THE
LAW AMENDMENTS COMMITTEE BY THE
MINISTER OF THE PUBLIC SERVICE COMMISSION

PAGE 15, Clause 40 - delete and substitute:

40 (1) Section 2, Parts I, III and IV, Section 27B, Part VII and Schedules A and B of the former Act are repealed.

(2) Part V of the former Act does not apply to a member or public employee as defined by the former Act, or to a former member or former public employee.

PAGE 4, subclause 10(2), line 2 - delete "spouse or dependent children" and substitute:

- (a) residential address;
 - (b) residential telephone number;
 - (c) spouse; or
 - (d) dependent children,
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PAGE 1, Clause 3 -

- (a) **paragraph (a), line 1** - add "Ethics and" immediately after "the";
- (b) add after paragraph (b) the following:
 - (c) "Code of Ethics" means the Code of Ethics for members set out in the Schedule to this Act;
- (c) **paragraphs (c) to (o)** - reletter as (d) to (p).

PAGE 3 - add the following after Clause 5:

6 The Commissioner shall review best practices, implement and periodically review and update an appropriate orientation program which is to be given to all elected member respecting training in public service ethics laws and principles.

PAGE 3, Clauses 6 to 10 - renumber as 7 to 18.

PAGES 3 and 4, Clause 10 -

- (a) renumber as 11;
- (b) **subclause (2), line 2** - delete "or dependent children" and substitute ", dependent children, home address or home telephone number".

PAGES 4 to 6, Clauses 11 to 15 - renumber as 12 to 16.

PAGE 6, Clause 16 -

- (a) renumber as 17;
- (b) **subclause (1), line 1** - delete ", gift";
- (c) **subclause (2), line 1** - delete "gift or";
- (d) **subclause (3), line 1** - delete "gift or";
- (e) **subclause (3), line 2** - delete "gift or".

PAGE 6, Clause 17 - renumber as 18.

PAGE 7 - add immediately before Clause 18 the following:

19 (1) Within thirty days of a member's election for the first time to the House of Assembly, the Chief Clerk shall ensure that an appropriate orientation program is given to the member respecting training in public service ethics laws and principles.

(2) Within thirty days of a general election, the Chief Clerk shall ensure that an appropriate reorientation program is given to all members who have been previously elected to the House of Assembly respecting training in public service ethics laws and principles.

20 (1) A member may, by application in writing, request that the Commissioner give an opinion and recommendations on any matter respecting the Code of Ethics.

(2) The Commissioner may make such inquiries as the Commissioner considers appropriate and provide the member with a written opinion and recommendations.

(3) The opinion and recommendations of the Commissioner to a member are confidential.

PAGES 7 to 11, Clauses 18 to 27 - renumber as 21 to 30.

PAGE 11, Clause 28 -

(a) renumber as 31;

(b) **subclause (2), line 1** - add “, case law, precedents and specific Sections of the Act relied upon in rendering the opinion” immediately after “facts”.

PAGES 11 and 12, Clauses 29 to 31 - renumber as 32 to 34.

PAGES 12 and 13, Clause 32 -

(a) renumber as 35;

(b) **subclause (5)** - delete paragraphs (d), (e) and (f) and reletter paragraph (g) as (d);

(c) **suclause (6)** - delete.

PAGE 13, Clause 33 - renumber as 36.

PAGE 14, Clause 34 - delete.

PAGES 14 and 15, Clauses 35 to 47 - renumber as 37 to 49.

PAGE 15, Clause 48 - delete and substitute:

50 This Act has effect on and after April 1, 2011.

PAGE 15 - add the following after Section 48:

SCHEDULE

Code of Ethics

Introduction

The citizens and businesses of Nova Scotia are entitled to responsible, fair and honest government that has earned the public's full confidence for integrity. The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to those they serve. The purpose of this Code of Ethics is to set a standard of conduct for all elected officials.

Guidelines

- 1 We honour the public trust as stewards of the Province of Nova Scotia:
 - (a) I am a steward of the public trust.
 - (b) I do not use my office or the resources of the Province for personal gain.
 - (c) I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the province and its residents.
 - (d) I am prepared to make decisions in the public's best interest based on the merits and substance of the matter at hand, and to take responsibility for my actions, whether those decisions are popular or not.
 - (e) I will not act in any manner, whether within the business of the House of Assembly, or external to its operations, that would cause the House of Assembly to fall into disrepute.
- 2 We maintain open and honest communication:
 - (a) I am honest and forthright with my fellow officials, the public and others, even when it is uncomfortable to do so.
 - (b) I encourage diverse public engagement in our decision-making processes and support the public's right to know.
- 3 We will hold ourselves as individuals and the House of Assembly as a whole accountable for acting consistently with this Code of Ethics.

Complaints

- 4 The Ethics and Conflict of Interest Commissioner, upon receipt of a complaint or question forwarded to the Commissioner by resolution of the House of Assembly, may investigate report and make recommendations or responses in writing to the Assembly.
- 5 The Ethics and Conflict of Interest Commissioner may recommend
 - (a) that a member has acted within the Code of Ethics;
 - (b) that a member be publicly reprimanded;
 - (c) that a member suspend the performance of his or her duties as a member for a specified time;
 - (d) such other remedy as the Commissioner considers reasonable and appropriate.
- 6 Where the Ethics and Conflict of Interest Commissioner determines that an allegation of a contravention of the Code of Ethics is frivolous or vexatious, the Commissioner shall dismiss the matter and grant relief as the Commissioner may determine.
- 7 The Ethics and Conflict of Interest Commissioner's report must be made public and must include the reasons for the decision and the reasons for the particular recommendation.
- 8 The decision and recommendation of the Ethics and Conflict of Interest Commissioner must be provided to the House of Assembly by delivery of a copy of the report to the Chief Clerk of the Assembly and made public within thirty days of the referral of the complaint by the Assembly.
- 9 The House of Assembly shall determine whether the recommendation of the Ethics and Conflict of Interest Commissioner be accepted, rejected, modified or amended and the decision of the Assembly is binding.

CHANGE CROSS-REFERENCES ACCORDINGLY

CARRIED

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