

1991 BILL 40

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

CONFLICTS OF INTEREST ACT

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 40

1991

CONFLICTS OF INTEREST ACT

(Assented to , 1991)

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

PART 1
INTERPRETATION

Interpretation **1(1)** In this Act,

- (a) “Crown” means the Crown in right of Alberta and includes a Provincial agency;
- (b) “former Minister” means a person who has ceased to be a member of the Executive Council;
- (c) “Member” means a Member of the Legislative Assembly and includes a Minister whether or not the Minister is a Member of the Legislative Assembly;
- (d) “Minister” means a member of the Executive Council;
- (e) “minor child” includes a minor to whom a Member has demonstrated a settled intention to treat as a child of his family;
- (f) “private corporation” means a corporation none of whose shares are publicly-traded securities;
- (g) “private interest” does not include the following:
 - (i) an interest in a matter
 - (A) that is of general application,
 - (B) that affects a person as one of a broad class of the public, or
 - (C) that concerns the remuneration and benefits of a Member;
 - (ii) an interest that is trivial;
 - (iii) an interest of a Member relating to publicly-traded securities in the Member’s blind trust;
- (h) “Provincial agency” means a Provincial agency as defined in the *Financial Administration Act* but does not include a corporation enumerated in section 2(5) of that Act;
- (i) “publicly-traded securities” means

- (i) securities of a corporation that are listed or posted for trading on a recognized stock exchange, or
 - (ii) securities of a corporation that has more than 15 shareholders and any of whose issued securities were part of a distribution to the public;
 - (j) “securities” means
 - (i) shares of any class or series of shares of a corporation, or
 - (ii) bonds, debentures, notes or other evidence of indebtedness or guarantees of a corporation, whether secured or unsecured,

but does not include shares or units in a mutual fund;
 - (k) “senior officer” means, with reference to a corporation,
 - (i) the president, vice-president, secretary, comptroller, treasurer or general manager of the corporation, or
 - (ii) any other person who performs functions for the corporation similar to those normally performed by persons holding the offices referred to in subclause (i);
 - (l) “spouse” includes a party to a relationship between a man and a woman who are living together on a bona fide domestic basis but does not include a spouse who is living apart from the Member if the Member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;
 - (m) “Standing Committee” means the Standing Committee on Legislative Offices.
- (2) For the purposes of this Act, securities of a corporation
- (a) issued on a conversion of other securities, or
 - (b) issued in exchange for other securities

are deemed to be securities that are part of a distribution to the public if those other securities were part of a distribution to the public.

(3) Subject to subsection (4), for the purposes of this Act, securities of a corporation

- (a) are part of a distribution to the public if, in respect of the securities, there has been a filing of a prospectus, statement of material facts, registration statement, securities exchange take-over bid circular or similar document under the laws of Canada or a province or of a jurisdiction outside Canada, or
- (b) are deemed to be part of a distribution to the public if the securities have been issued and a filing referred to in clause (a) would be required if the securities were being issued currently.

(4) On the application of a Member who owns or is a beneficial owner of securities of a corporation, the Ethics Commissioner may determine, for the purposes of this Act, whether or not the securities of the corporation are or were part of a distribution to the public.

(5) For the purposes of this Act, a person is directly associated with a Member if that person is

- (a) the Member's spouse,
- (b) a corporation having share capital and carrying on business or activities for profit or gain and the Member is a director or senior officer of the corporation,
- (c) a private corporation carrying on business or activities for profit or gain and the Member owns or is the beneficial owner of shares of the corporation,
- (d) a partnership having not more than 20 partners
 - (i) of which the Member is a partner, or
 - (ii) of which one of the partners is a corporation directly associated with the Member by reason of clause (b) or (c),

or

- (e) a person or group of persons acting as the agent of the Member and having actual authority in that capacity from the Member.
- (6) Subsection (5)(c) does not apply where the corporation is
- (a) an association as defined in the *Co-operative Associations Act*,
 - (b) a credit union continued or incorporated under the *Credit Union Act*,
 - (c) a co-operative credit society incorporated by or under an Act of the Parliament of Canada, or
 - (d) The United Farmers of Alberta Co-Operative Limited.
- (7) For the purposes of this Act, a trust is a "blind trust" if it meets the following criteria:
- (a) a Member is the settlor of the trust;
 - (b) the trustee is approved as trustee by the Ethics Commissioner after the Ethics Commissioner is satisfied that there is no relationship between the Member and the trustee that would affect or would appear to affect the discharge of the trustee's duties;
 - (c) the terms of the trust, in the opinion of the Ethics Commissioner,
 - (i) give the trustee sole power over investment decisions,
 - (ii) preclude the Member from having any knowledge of the specific securities in the trust at any time after a deposit in the trust,
 - (iii) require that the Member may deposit in the trust only securities verified by the Ethics Commissioner as being publicly-traded securities, and
 - (iv) require the trustee to invest only in publicly-traded securities or in certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank, trust company, credit union or treasury branch in consideration of a deposit made with the bank, trust company, credit union or treasury branch.

PART 2
OBLIGATIONS OF MEMBERS

Decisions
furthering
private
interests

2(1) A Member breaches this Act if the Member takes part in a decision in the course of carrying out the Member's office or powers knowing that the decision might further a private interest of the Member, a person directly associated with the Member or the Member's minor child.

(2) Where a matter for decision in which a Member has reasonable grounds to believe that the Member, the Member's minor child or a person directly associated with the Member has a private interest is before a meeting of the Executive Council or a committee of the Executive Council or the Legislative Assembly or a committee appointed by resolution of the Legislative Assembly, the Member must declare that interest and must withdraw from the meeting without voting on or participating in the consideration of the matter.

(3) A Member who fails to comply with subsection (2) breaches this Act.

(4) If a matter referred to in subsection (1) requires a decision of a Minister, the Minister may request another Minister to act in the Minister's stead in connection with the decision and the Minister to whom it is referred may act in the matter for the period of time necessary.

Influence

3 A Member breaches this Act if the Member uses the Member's office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the Member, a person directly associated with the Member or the Member's minor child.

Insider
information

4 A Member breaches this Act if the Member uses or communicates information not available to the general public that was gained by the Member in the course of carrying out the Member's office or powers to further or seek to further a private interest of the Member, a person directly associated with the Member or the Member's minor child.

Constituency
matters

5 A Member does not breach this Act if the activity is one in which a Member of the Legislative Assembly normally engages on behalf of constituents.

**Offices and
employment**

6(1) A Member breaches this Act if the Member

- (a) is at the time of being sworn in as a Member, or becomes at any time after being sworn in as a Member,
 - (i) an employee of the Crown in right of Canada, whether the employment is permanent or temporary or on a full-time or part-time basis, or
 - (ii) the holder of an office by reason of an appointment by or at the nomination of the Governor in Council or a Minister of the Crown in right of Canada, and to which a salary is attached,

or

- (b) becomes at any time while a Member
 - (i) an employee of the Crown, whether the employment is permanent or temporary or on a full-time or part-time basis, or
 - (ii) the holder of any of the offices set out in the Schedule.

(2) If a person is, immediately before becoming a Member,

- (a) an employee of the Crown, whether the employment is permanent or temporary or on a full-time or part-time basis, or
- (b) the holder of any of the offices set out in the Schedule,

that person, on becoming a Member, ceases to be an employee of the Crown or the holder of the office, as the case may be, notwithstanding any other Act or law in force in Alberta.

(3) A Member does not breach this section by reason of being appointed to an office set out in the Schedule in the Member's capacity as a Minister if the Member receives no remuneration as the holder of that office other than reasonable travelling and living expenses incurred in the course of serving in that office.

(4) Employment with the Crown held pursuant to a contract of employment shall be governed by this section and not by section 8.

Gifts, benefits
from persons
other than
Crown

7(1) A Member breaches this Act if the Member or, to the knowledge of the Member, the Member's spouse or minor child accepts from a person other than the Crown a fee, gift or other benefit that is connected directly or indirectly with the performance of the Member's office.

(2) Subsection (1) does not apply to a fee, gift or other benefit that is accepted by the Member or the Member's spouse or minor child as an incident of protocol or of the social obligations that normally accompany the responsibilities of the Member's office if

- (a) the total value of the fees, gifts and benefits given from the same source to the Member and the Member's spouse and minor children in any calendar year is \$200 or less, or
- (b) the Member applies to the Ethics Commissioner
 - (i) as soon as practicable after the fee, gift or benefit is received by the Member, or
 - (ii) as soon as practicable after the Member has knowledge that the fee, gift or benefit has been accepted by the Member's spouse or minor child,

and either obtains the Ethics Commissioner's approval for its retention, on any conditions the Ethics Commissioner prescribes, or, if the approval is refused, takes such steps as the Ethics Commissioner directs with respect to the disposition of the fee, gift or benefit.

(3) The Ethics Commissioner may give an approval under subsection (2)(b) only where the Ethics Commissioner is satisfied that there is no reasonable possibility that retention of the fee, gift or other benefit will create a conflict between a private interest and the public duty of the Member.

Contracts
with the
Crown

8(1) A Member breaches this Act if, while being a Member, the Member or a person directly associated with the Member becomes a party to a contract within any of the following classes:

- (a) a contract under which the Member or the person directly associated with the Member borrows money from a treasury branch;
- (b) a contract under which the Member or the person directly associated with the Member conveys or agrees

to convey to the Crown any interest in land otherwise than

- (i) by consenting to the acquisition by the Crown of the interest under section 30 of the *Expropriation Act* and executing a conveyance under that section, or
 - (ii) with the approval of the Ethics Commissioner on certification that the consideration for the conveyance is fair and reasonable;
- (c) a contract to which the Crown is also a party and that is for the construction, demolition, alteration or repair of a public work;
 - (d) a contract under which the Alberta Agricultural Development Corporation lends money to, or guarantees a debt of, the Member or the person directly associated with the Member;
 - (e) a contract under which the Alberta Opportunity Company lends money to, or guarantees a debt of, the Member or the person directly associated with the Member;
 - (f) a contract to which the Crown is also a party, other than a contract referred to in clauses (a) to (e), if the Member or the person directly associated with the Member receives a preference from the Crown on entering into the contract or receives a benefit under the contract not available to other members of the public under contracts of the same class.

(2) Subsection (1)(f) does not prevent a Member or a person directly associated with the Member from becoming a party to a contract with the Crown if the contract provides for a payment or benefit permitted under section 9(2)(a), (b) or (c).

(3) A Member does not breach subsection (1) in respect of a renewal or renegotiation of a contract to which that subsection would otherwise apply if

- (a) at the time of becoming a Member, the Member or the person directly associated with the Member was a party to the contract,
- (b) the contract is to be renewed according to the provisions of the contract or is to be renegotiated,

- (c) the contract is not within any of the classes mentioned in subsection (1)(a) to (e), and
- (d) the Ethics Commissioner, before the renewal is made or the replacement contract is executed by the Member or the person directly associated with the Member, gives an opinion that
 - (i) the provisions of the renewal or the replacement contract are fair and reasonable in the circumstances, having regard to the provisions of the existing contract or previous contract,
 - (ii) in the case of a renewal, the renewal will be effected in accordance with the provisions of the contract pertaining to its renewal, and
 - (iii) the Member or the person directly associated with the Member has not received any preference from the Crown in relation to the renewal or in negotiating the replacement contract and will not receive a benefit under the renewal or replacement contract not available to other members of the public under a contract of the same class.

Payments
from the
Crown

9(1) A Member breaches this Act if, while being a Member, the Member or a person directly associated with the Member accepts a payment of public money from the Crown or a person acting on behalf of the Crown otherwise than as permitted by subsection (2).

(2) A Member or a person directly associated with the Member may accept a payment of public money from the Crown or a person acting on behalf of the Crown if

- (a) the payment is made to the Member pursuant to Part 3 or 4 of the *Legislative Assembly Act* or otherwise in the Member's capacity as a Member of the Legislative Assembly, as a member of the Executive Council or as the holder of an office to which the Member is elected by the Legislative Assembly or appointed by or at the nomination of the Lieutenant Governor in Council or a Minister of the Crown in right of Alberta, and the payment is authorized by or pursuant to
 - (i) the *Legislative Assembly Act* or any other enactment,

- (ii) a resolution or order of the Legislative Assembly, or
 - (iii) a supply vote or Heritage Fund vote as defined in the *Financial Administration Act*,
 - (b) the recipient is, according to the enactment authorizing the payment, entitled to the payment as a matter of right or subject only to compliance with the requirements of that enactment that are conditions precedent to the payment,
 - (c) the recipient of the payment
 - (i) is, according to the enactment under which the payment is authorized, eligible to apply for the payment and complies with the requirements of that enactment that are conditions precedent to the payment,
 - (ii) in respect of the recipient's application is given no preference not available to others, and
 - (iii) receives no special benefit in relation to the recipient's application or the payment,
- or
- (d) the payment is made under a contract that may be entered into without the Member being in breach of section 8.

Deemed
Member

10 If a person ceases to be a Member of the Legislative Assembly by reason of dissolution of the Legislature or otherwise and again becomes a Member of the Legislative Assembly by reason of being elected in the succeeding general election or by-election, as the case may be, then, for the purposes of sections 8 and 9, the person is deemed to be a Member of the Legislative Assembly during the intervening period.

PART 3

DISCLOSURE

Disclosure
statements

11(1) Every Member shall file with the Ethics Commissioner a disclosure statement in the form provided by the Ethics Commissioner

- (a) within 60 days after becoming a Member of the Legislative Assembly,
- (b) within 60 days after being appointed to the Executive Council if the Member has not filed a current disclosure statement as a Member of the Legislative Assembly, and
- (c) in each subsequent year at the time specified by the Ethics Commissioner.

(2) Every person who is a Member on the coming into force of this section shall file a disclosure statement within 60 days of the coming into force of this section.

(3) A Member shall, within 30 days after the occurrence of any material changes to the information contained in a current disclosure statement, file with the Ethics Commissioner an amending disclosure statement in the form provided by the Ethics Commissioner setting out the changes.

Contents of
disclosure
statement

12 A disclosure statement

- (a) shall include a statement, as of a date determined by the Ethics Commissioner, of the assets, liabilities and financial interests of the Member and, so far as known to the Member, of
 - (i) the Member's spouse and minor children, and
 - (ii) any private corporation controlled by the Member and the Member's spouse and minor children, or any one or more of them,
 but not including publicly-traded securities in a blind trust,
- (b) need not include obligations being incurred for ordinary living expenses that will be discharged in the ordinary course of the Member's affairs,
- (c) shall include a statement of the income that the Member and, so far as known to the Member, any other person mentioned in clause (a), has received in the preceding 12 months or expects to receive in the next 12 months and, to the extent required by the Ethics Commissioner, the sources of the income, and
- (d) shall include a list of all fees, gifts and benefits approved for retention under section 7(2)(b).

Meeting with
Members

13 The Ethics Commissioner shall, as soon as practicable after a Member has filed a disclosure statement, meet with the Member and the Member's spouse, if available, to ensure that the Member has made adequate disclosure and to advise about the Member's obligations under this Act.

Public
disclosure
statements

14(1) After meeting with the Member, and with the Member's spouse if the spouse is available, the Ethics Commissioner shall prepare a public disclosure statement.

(2) Where a Member files an amending disclosure statement, the Ethics Commissioner, after consulting the Member and the Member's spouse, if available, shall, if the Ethics Commissioner considers it necessary, prepare either a new public disclosure statement or a supplementary public disclosure statement, which shall form part of the Member's public disclosure statement.

(3) Except as provided in this section, a public disclosure statement shall identify

- (a) the assets, liabilities, financial interests and sources of income, and
- (b) the fees, gifts or benefits approved for retention under section 7(2)(b),

as disclosed in the Member's disclosure statement, but shall not state the amount or value of them.

(4) The following shall be excluded from a public disclosure statement unless the Ethics Commissioner is of the opinion that disclosure of the asset, liability, financial interest, source of income or information is likely to be material to the determination of whether or not a Member is or is likely to be in breach of this Act:

- (a) assets, liabilities or interests having a value of less than \$1000;
- (b) a source of income of less than \$1000 per year;
- (c) information identifying a home or recreational property occupied by the Member or one of the Member's family;
- (d) things used personally by a Member or one of the Member's family;
- (e) unpaid taxes;
- (f) support obligations.

(5) The Ethics Commissioner may from time to time establish other categories of matters to be excluded from public disclosure statements on the grounds that they are of little or no importance and are not likely to be material to the determination of whether or not a Member is or is likely to be in breach of this Act.

(6) If in the opinion of the Ethics Commissioner disclosure of the amount or value of an asset, liability, financial interest or source of income is likely to be material to the determination of whether or not a Member is or is likely to be in breach of this Act, the amount or value shall be included in the public disclosure statement.

(7) The Ethics Commissioner may exclude from the public disclosure statement a source of income received by a Member's spouse or minor child or a private corporation if

- (a) the income is or will be received in respect of services or things that are customarily provided on a confidential basis, or
- (b) the possibility of serious harm to a business of the spouse, minor child or private corporation justifies a departure from the general principle of public disclosure.

(8) Information included in a disclosure statement or amending disclosure statement of a Member to the Ethics Commissioner and not included in the Member's public disclosure statement is confidential unless it is relevant to a proceeding under Part 5.

(9) On completion of a public disclosure statement or a supplementary disclosure statement, the Ethics Commissioner shall file it with the Clerk of the Legislative Assembly.

Returns
relating to
persons
directly
associated

15(1) Every person who is a Member at the date of the coming into force of this section shall, not later than 60 days after this section comes into force, furnish to the Ethics Commissioner a return showing

- (a) the name and address of each person with whom the Member was directly associated on the date this Act came into force and of the persons with whom the Member became associated after that date and before the date of the return, and
- (b) if the Member's direct association with any person referred to in clause (a) terminated before the date of the return, the date of the termination.

(2) Every person who becomes a Member after the coming into force of this section shall, within 60 days after becoming a Member, furnish to the Ethics Commissioner a return showing

- (a) the name and address of each person with whom the Member was directly associated on the day of becoming a Member and with whom the Member became directly associated after that date and before the date of the return, and
- (b) if the Member's direct association with any person referred to in clause (a) terminated before the date of the return, the date of the termination.

(3) Every Member shall furnish to the Ethics Commissioner

- (a) a return showing
 - (i) the name and address of each person with whom the Member became directly associated on or after the date of the Member's initial return under subsection (1) or (2), and
 - (ii) the date on which the direct association began, within 30 days after the direct association began, and
- (b) a return showing the date on which the Member's direct association with any person terminated, within 30 days after that date.

(4) Where a person ceases to be a Member by reason of dissolution of the Legislature or otherwise,

- (a) that person shall, within 30 days after ceasing to be a Member, furnish a return to the Ethics Commissioner showing
 - (i) the name and address of each person with whom the person became directly associated or with whom that person ceased to be directly associated on or after the date of that person's last return under this section, and
 - (ii) the date on which the direct association began or terminated, as the case may be,

and

- (b) if that person again becomes a Member in the succeeding general election or by-election, as the case may be, that person shall, within 60 days after again becoming a Member, furnish a return to the Ethics Commissioner showing
 - (i) the name and address of each person with whom the Member became directly associated or with whom the Member ceased to be directly associated in the intervening period, and
 - (ii) the date on which the direct association began or terminated, as the case may be.

(5) In a return under this section, a Member is not required to show the name and address of any person who is or was directly associated with the Member by reason of section 1(5)(e) unless that person, during the period of the direct association and as the agent of the Member with actual authority from the Member,

- (a) became a party to a contract to which the Crown was also a party, or
- (b) received a payment of public money from the Crown or from a person acting on behalf of the Crown, otherwise than pursuant to a contract.

(6) A return under this section may be in the form prescribed by the Ethics Commissioner.

(7) On receipt of a return under this section, the Ethics Commissioner shall file a copy of the return to the Clerk of the Legislative Assembly and provide a copy to the Provincial Treasurer.

Provincial
Treasurer's
report

16(1) The Provincial Treasurer shall, after the end of each Government fiscal year, prepare a report showing in respect of each person who was a Member during that fiscal year

- (a) the names of the persons directly associated with the Member in that fiscal year and the period of the direct association, as indicated by the returns furnished under section 15,
- (b) information relating to payments made by the Crown to the Member in that fiscal year, and

- (c) information relating to payments made by the Crown in that fiscal year to the respective persons directly associated with the Member in that fiscal year, as indicated by the returns furnished under section 15.
- (2) Each Provincial agency shall, in accordance with the directions of the Provincial Treasurer, furnish to the Provincial Treasurer after the end of each Government fiscal year such information as the Provincial Treasurer requires for the purposes of a report under subsection (1) for that fiscal year insofar as it relates to payments made by that Provincial agency in that fiscal year to Members and to the persons directly associated with Members according to the returns furnished under section 15.
- (3) The Provincial Treasurer, in providing the information referred to in subsection (1)(b) and (c) in a report under that subsection,
 - (a) may classify payments in any manner the Provincial Treasurer considers appropriate,
 - (b) shall show in respect of each class of payments the aggregate amount of the payments of that class made to each Member and to each person directly associated with the Member in the fiscal year, and
 - (c) shall show in respect of each person who was a Member in the fiscal year to which the report relates the aggregate amount of all payments of all classes made to that Member and the aggregate amount of all payments of all classes made to each person directly associated with the Member in the fiscal year.
- (4) A report prepared under subsection (1) shall not include
 - (a) payments made to or on behalf of the Member pursuant to Part 3 or 4 of the *Legislative Assembly Act*,
 - (b) payments required to be included in a report under section 43 of the *Legislative Assembly Act*,
 - (c) payments of benefits under the *Alberta Health Care Insurance Act*,
 - (d) payments of social allowances or handicap benefits under the *Social Development Act*,
 - (e) payments of handicap benefits under the *Assured Income for the Severely Handicapped Act*,
 - (f) payments under the *Senior Citizens Benefits Act*,

- (g) pensions under the *Widows' Pension Act*,
- (h) compensation paid under the *Workers' Compensation Act* or *Blind Workers' Compensation Act*,
- (i) payments made by way of student financial assistance under the *Students Finance Act*,
- (j) senior citizen renter assistance grants under the *Property Tax Reduction Act* and homeowner refunds under that Act to homeowners who are 65 years of age or older,
- (k) payments made by way of refunds, or
- (l) any other class of payments by the Crown if the disclosure in the report of the identity of the recipients would contravene any law in force in Alberta that contains confidentiality requirements in respect of that class of payments.

(5) When a report is prepared under subsection (1), the Provincial Treasurer shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

Filing of
public
disclosure
statement

17 The Clerk of the Legislative Assembly

- (a) shall retain each Member's public disclosure statements, supplementary public disclosure statements and returns,
- (b) shall make the public disclosure statements, any supplementary public disclosure statements and returns available for examination by any person who wishes to examine them, and
- (c) may, to the extent that the Clerk considers reasonable in view of the facilities available to the Clerk and on payment of reasonable reproduction costs, provide on request to any person copies of any public disclosure statements, supplementary public disclosure statements or returns.

Failure to file

18 A Member breaches this Act if the Member does not file a disclosure statement, an amending disclosure statement or a return within the time provided by section 11 or section 15, as the case may be, or if the Member knowingly gives false or misleading information in a statement or return.

PART 4

MEMBERS OF THE EXECUTIVE COUNCIL

Restriction on
holdings

19(1) A Minister breaches this Act if the Minister, after the expiration of the relevant period referred to in section 21, owns or has a beneficial interest in publicly-traded securities.

(2) Subsection (1) does not apply to publicly-traded securities held in the Minister's blind trust in accordance with this Act.

(3) A Minister does not breach subsection (1) if

- (a)** the Minister acquires ownership of or a beneficial interest in publicly-traded securities with the prior approval of the Ethics Commissioner, or
- (b)** the Minister
 - (i)** applies, prior to the expiration of the relevant period referred to in section 21, to the Ethics Commissioner for approval to retain ownership of or a beneficial interest in publicly-traded securities, and
 - (ii)** either obtains the Ethics Commissioner's approval or, if the approval is refused, takes such steps as the Ethics Commissioner directs with respect to the disposition of the ownership or beneficial interest.

(4) The Ethics Commissioner may

- (a)** give an approval in respect of any publicly-traded securities under subsection (3)(a) or (b) if the Ethics Commissioner is of the opinion that they are securities of a corporation the interests of which are not likely to be affected by decisions of the Government, or
- (b)** give an approval in respect of any publicly-traded securities under subsection (3)(b) if the Ethics Commissioner is of the opinion that disposition of the securities will cause financial loss to the Minister and the public interest does not require disposition by the Minister.

(5) An approval or direction given by the Ethics Commissioner under subsection (3) may be subject to any conditions prescribed by the Ethics Commissioner.

Employment
restrictions

20(1) A Minister breaches this Act if the Minister, after the expiration of the period referred to in section 21,

- (a) engages in employment or in the practice of a profession,
- (b) carries on a business, or
- (c) holds an office or directorship other than in a social club, religious organization or political party,

that creates or appears to create a conflict between a private interest of the Minister and the Minister's public duty.

(2) A Minister may carry on an activity referred to in subsection (1) in a way approved by the Ethics Commissioner if

- (a) the Minister has disclosed the material facts to the Ethics Commissioner, and
- (b) the Ethics Commissioner is satisfied that the activity, if carried on in a way approved by the Ethics Commissioner, will not create or appear to create a conflict between a private interest of the Minister and the Minister's public duty.

(3) For the purposes of this section, the management of routine personal financial interests does not constitute carrying on a business.

Time for
compliance

21(1) For the purposes of sections 19(1) and 20(1),

- (a) with respect to a person who becomes a Minister after this Part comes into force, the period is 60 days after being appointed to the Executive Council, and
- (b) with respect to a person who is a Minister on the coming into force of this Part, the period is 60 days after the coming into force of this Part,

or such longer period as may be prescribed by the Ethics Commissioner.

(2) For the purposes of section 19(1), with respect to a Minister who acquires ownership of or a beneficial interest in publicly-traded securities by gift or inheritance, the period is 60 days after receiving the gift or inheritance or such longer period as may be prescribed by the Ethics Commissioner.

PART 5

INVESTIGATIONS INTO BREACHES

Requests for investigation

22(1) Any person may request in writing that the Ethics Commissioner investigate any matter respecting an alleged breach of this Act by a Member.

(2) A request under subsection (1) must be signed by the person making it and must identify the person to the satisfaction of the Ethics Commissioner.

(3) A Member may request, in writing, that the Ethics Commissioner investigate any matter respecting an alleged breach of this Act by the Member.

(4) The Legislative Assembly may, by resolution, request that the Ethics Commissioner investigate any matter respecting an alleged breach of this Act by a Member.

(5) The Executive Council may request that the Ethics Commissioner investigate any matter respecting an alleged breach of this Act by a Minister.

(6) Where a matter has been referred to the Ethics Commissioner under subsection (1), (3) or (4), neither the Legislative Assembly nor a committee of the Assembly shall inquire into the matter.

Investigation and inquiry

23(1) On receiving a request under section 22 or where the Ethics Commissioner has reason to believe that a Member has acted or is acting in contravention of advice, recommendations or directions or any conditions of any approval or exemption given by the Ethics Commissioner to the Member under this Act, and on giving the Member concerned reasonable notice, the Ethics Commissioner may conduct an investigation with or without conducting an inquiry.

(2) When conducting an inquiry under this section, the Ethics Commissioner has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.

(3) If an inquiry is held, it shall be held in public unless the Ethics Commissioner, in the interests of justice, decides that it is to be held in private.

(4) The Ethics Commissioner may refuse to investigate or may cease to investigate an alleged breach under this Act if the Ethics Commissioner is of the opinion that

- (a) the request is frivolous or vexatious or was not made in good faith, or
 - (b) there are no or insufficient grounds to warrant an investigation or the continuation of an investigation.
- (5) If the Ethics Commissioner refuses to investigate or ceases to investigate an alleged breach, the Ethics Commissioner shall so inform
- (a) the Member against whom the allegation was made, and
 - (b) the Speaker of the Legislative Assembly, the President of the Executive Council or the person who made the request under section 22, as the case may be.
- (6) Where the request is made under section 22(1), (3) or (4), the Ethics Commissioner shall report his findings to the Speaker of the Legislative Assembly.
- (7) Where the request is made under section 22(5), the Ethics Commissioner shall report his findings to the President of the Executive Council.
- (8) If the Ethics Commissioner is of the opinion
- (a) that a Member making a request under section 22(1) had no reasonable and probable grounds for making the request, or
 - (b) that a request under section 22(1) was made by a person at the request of a Member and that there were no reasonable and probable grounds for making the request under section 22(1),
- the Ethics Commissioner may state that in a report to the Speaker of the Legislative Assembly.
- (9) The Speaker of the Legislative Assembly shall lay the report before the Assembly and, after considering the report, may
- (a) hold the Member in contempt of the Legislative Assembly, or
 - (b) require the Member to pay to the Member against whom the allegation has been made the costs of the proceeding incurred by the Member,
- or both.

Confidentiality **24(1)** Except as provided in this section, the Ethics Commissioner or any former Ethics Commissioner or a person who is or was employed or engaged by the Office of the Ethics Commissioner shall maintain the confidentiality of all information and allegations that come to their knowledge in the course of the administration of this Act.

(2) Allegations and information to which subsection (1) applies may be

- (a) disclosed to the Member whose conduct is the subject of proceedings under this Part;
- (b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person;
- (c) adduced in evidence at an inquiry under this Part;
- (d) disclosed in a report made by the Ethics Commissioner under this Part.

**Ethics
Commis-
sioner's
report**

25(1) A report by the Ethics Commissioner to the Speaker of the Legislative Assembly under section 23(6) shall set out

- (a) the facts found by the Ethics Commissioner, and
- (b) the Ethics Commissioner's findings as to whether or not the Member has breached this Act and, if so,
 - (i) the nature of the breach, and
 - (ii) the Ethics Commissioner's recommendation for the sanction, if any, that the Legislative Assembly impose on the Member for the breach.

(2) The Ethics Commissioner may recommend any one of the following sanctions:

- (a) that the Member be reprimanded;
- (b) that a penalty be imposed on the Member in an amount recommended by the Ethics Commissioner;
- (c) that the Member's right to sit and vote in the Legislative Assembly be suspended for a stated period or until the fulfilment of a condition;

- (d) that the Member be expelled from membership of the Legislative Assembly;

and may also recommend the alternative of a lesser sanction or no sanction if the Member carries out recommendations in the report for the rectification of the breach.

(3) If the Ethics Commissioner is of the opinion that the breach was trivial, inadvertent or committed in good faith, the Ethics Commissioner may recommend that no sanction be imposed.

(4) Where it appears to the Ethics Commissioner that a report may adversely affect a Member, the Ethics Commissioner shall inform the Member of the particulars and give the Member the opportunity to make representations, either orally or in writing at the discretion of the Ethics Commissioner, before the Ethics Commissioner completes the report.

**Tabling of
report**

26(1) On receiving a report from the Ethics Commissioner under section 23(6), the Speaker of the Legislative Assembly shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(2) The Legislative Assembly shall deal with a report of the Ethics Commissioner within 60 days after the tabling of the report, or such other period determined by a resolution of the Legislative Assembly.

**Powers of the
Legislative
Assembly**

27(1) The Legislative Assembly may accept or reject the findings of the Ethics Commissioner or substitute its own findings and may if it determines that there is a breach

- (a) impose the sanction recommended by the Ethics Commissioner or any other sanction referred to in section 25(2) it considers appropriate, or

- (b) impose no sanction.

(2) If a Member is expelled from membership of the Legislative Assembly, the expulsion remains in effect until

- (a) the expiration of 8 years following the date on which the expulsion is made, or
- (b) the cause of the breach has been removed,

whichever occurs first.

Offences **28** A breach of this Act by a Member is not an offence to which the *Provincial Offences Procedure Act* applies.

PART 6

FORMER MINISTERS

Dealings with Government by former Ministers **29(1)** Except in accordance with subsection (3), a former Minister shall not, for a period of 6 months after ceasing to be a member of the Executive Council,

- (a) on behalf of himself or any other person, solicit or accept a contract or benefit from a department of the public service or a Provincial agency with which the former Minister had significant official dealings during the former Minister's last year of service as a Minister,
- (b) accept employment with a person or entity, or appointment to the board of directors or equivalent body of an entity, with which the former Minister had significant official dealings during the former Minister's last year of service as a Minister, or
- (c) act on a commercial basis in connection with any ongoing matter in connection with which the former Minister, while in office, directly acted for or advised a department of the public service or a Provincial agency involved in the matter.

(2) For the purposes of subsection (1), a former Minister has had significant official dealings with a department of the public service, Provincial agency, person or entity if the former Minister, while in office, was directly and substantively involved with the department, Provincial agency, person or entity in an important matter.

(3) Subsection (1) does not apply

- (a) to any contract with or benefit from the Crown if the conditions on which and the manner in which the contract or benefit is awarded, approved or given are the same for all persons similarly entitled, or if the award, approval or grant results from an impartially administered process open to a significant class of persons, or
- (b) to an activity, contract or benefit if the Ethics Commissioner has exempted the activity, contract or

benefit from the operation of subsection (1) and the former Minister observes and performs any conditions on which the Ethics Commissioner has granted the exemption.

(4) A former Minister who contravenes this section and who at the time of the contravention is a Member of the Legislative Assembly breaches this Act.

(5) A former Minister who contravenes this section and who at the time of the contravention is not a Member of the Legislative Assembly is guilty of an offence and liable on summary conviction to a fine not exceeding \$20 000.

Breach for
awarding
contracts

30 A Minister breaches this Act if the Minister knowingly awards or approves a contract or gives a benefit to a former Minister who is acting in contravention of section 29.

PART 7

ETHICS COMMISSIONER

Appointment

31(1) There shall be appointed, as an officer of the Legislature, by the Lieutenant Governor in Council on the recommendation of the Legislative Assembly, an Ethics Commissioner to carry out those duties and functions set out in this Act or any other enactment prescribed by the Lieutenant Governor in Council.

(2) The Ethics Commissioner

- (a) may not be a Member of the Legislative Assembly, and
- (b) may not hold any office or engage in any occupation or business that might cause a conflict with the Ethics Commissioner's duties.

(3) The Ethics Commissioner may be appointed on either a full-time or part-time basis.

Term of office

32(1) Unless the office sooner becomes vacant, a person appointed as Ethics Commissioner holds office for 5 years

- (a) from the date of that person's appointment under section 31, or

- (b) from the date on which that person's appointment under section 35 or 45 is confirmed under that section.
- (2) A person holding office as Ethics Commissioner continues to hold office after the expiry of that person's term of office until that person is reappointed, a successor is appointed or a period of 6 months has expired, whichever occurs first.
- Resignation** **33** The Ethics Commissioner may at any time resign from office by delivering a written resignation to the Clerk of the Legislative Assembly.
- Suspension or removal** **34(1)** On the recommendation of the Legislative Assembly, the Lieutenant Governor in Council may, at any time, suspend or remove the Ethics Commissioner from office for disability, neglect of duty, misconduct or bankruptcy.
- (2) At any time the Legislative Assembly is not sitting the Lieutenant Governor in Council, on the recommendation of the Standing Committee, may suspend the Ethics Commissioner from office for disability, neglect of duty, misconduct or bankruptcy, but the suspension shall not continue in force beyond the end of the next sitting of the Legislative Assembly.
- Vacancy** **35(1)** If the Ethics Commissioner dies, retires, resigns or is removed from office, the vacancy created shall be filled in accordance with section 31 or this section.
- (2) If the vacancy occurs while the Legislative Assembly is sitting, but no recommendation is made by the Legislative Assembly before the close of that sitting, subsection (3) applies as if the vacancy had occurred while the Legislative Assembly was not sitting.
- (3) If the vacancy occurs while the Legislative Assembly is not sitting, the Lieutenant Governor in Council, on the recommendation of the Standing Committee, may appoint an Ethics Commissioner to fill the vacancy and unless the office sooner becomes vacant, the person so appointed holds office until the appointment is confirmed by the Legislative Assembly.
- (4) If an appointment under subsection (3) is not confirmed within 30 days after the commencement of the next sitting, the appointment lapses and there is deemed to be another vacancy in the office of Ethics Commissioner.

Remuneration **36** The Ethics Commissioner shall be remunerated as determined by the Standing Committee, and it shall review that remuneration at least once a year.

Oath **37(1)** Before commencing the duties of office, the Ethics Commissioner must take an oath to faithfully and impartially perform the duties of the office and not, except as provided in this Act, to disclose any information received by the Office of the Ethics Commissioner under this Act.

(2) The oath shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly.

Office of the Ethics Commissioner **38(1)** There shall be a department of the public service of Alberta called the Office of the Ethics Commissioner consisting of the Ethics Commissioner and those persons employed pursuant to the *Public Service Act* as are necessary to assist the Ethics Commissioner in carrying out the Ethics Commissioner's duties and functions under this or any other enactment.

(2) The Ethics Commissioner may engage the services of any persons as are necessary to assist the Ethics Commissioner in carrying out the Ethics Commissioner's duties and functions.

(3) On the recommendation of the Ethics Commissioner, the Standing Committee may order that

- (a) any regulation, order or directive made under the *Financial Administration Act*, or
- (b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*,

be inapplicable to, or be varied in respect of, the Office of the Ethics Commissioner or any particular employee or class of employees in the Office of the Ethics Commissioner.

(4) An order made under subsection (3)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

(5) The *Regulations Act* does not apply to orders made under subsection (3).

(6) The chair of the Standing Committee shall lay a copy of each order made under subsection (3) before the Legislative Assembly

if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(7) Every person employed or engaged by the Office of the Ethics Commissioner shall, before beginning to perform that person's duties under this Act, take an oath, to be administered by the Ethics Commissioner, not to disclose any information received by that person under this Act except as provided in this Act.

(8) If the Ethics Commissioner or any former Ethics Commissioner or a person who is or was employed or engaged by the Office of the Ethics Commissioner discloses information that is confidential under section 14(8), 24(1) or 41(3), that person is guilty of an offence and is liable to a fine not exceeding \$20 000.

**Financing of
operations**

39(1) The Ethics Commissioner shall submit to the Standing Committee in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the several charges and expenses of the Office of the Ethics Commissioner in that fiscal year.

(2) The Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on the completion of the review, the chair of the Committee shall transmit the estimate to the Provincial Treasurer for presentation to the Legislative Assembly.

(3) If at any time the Legislative Assembly is not sitting the Standing Committee, or if there is no Standing Committee, the Provincial Treasurer,

- (a) reports that the Ethics Commissioner has certified that in the public interest, an expenditure of public money is urgently required in respect to any matter pertaining to his office, and
- (b) reports that either
 - (i) there is no supply vote under which an expenditure with respect to that matter may be made, or
 - (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount estimated to be required.

(4) When the Legislative Assembly is adjourned for a period of more than 14 days, the Legislative Assembly is deemed, for the purposes of subsection (3), not to be sitting during the period of the adjournment.

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the *Financial Administration Act* for the fiscal year in which the special warrant is signed.

(6) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

(7) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

General
duties of
Ethics
Commis-
sioner

40(1) It is a function of the Ethics Commissioner to promote the understanding by Members of their obligations under this Act by

- (a) personal discussions with Members, and in particular when interviewing them about disclosure statements,
- (b) commissioning the preparation and dissemination of written information about the obligations, and
- (c) continuing contact with party caucuses and advising them as to what programs they might institute.

(2) Where this Act provides for the doing of anything by a time or within a prescribed period of time, the Ethics Commissioner may, prior to the expiration of the time, extend the time for the doing of that thing under this Act.

Binding
advice and
recommen-
dations

41(1) A Member or former Minister may request the Ethics Commissioner to give advice and recommendations on any matter respecting obligations of the Member or former Minister under this Act.

(2) The Ethics Commissioner may in writing provide the Member or former Minister with advice and recommendations, which

- (a) shall state the material facts either expressly or by incorporating facts stated by the Member or former Minister,
- (b) shall be based on the facts referred to in clause (a), and
- (c) may be based on any other considerations the Ethics Commissioner considers appropriate.

(3) Advice and recommendations under this section are confidential until released by or with the Member's or former Minister's consent.

(4) The Ethics Commissioner may make such inquiries as the Ethics Commissioner considers appropriate in order to provide advice and recommendations under this section.

(5) If a Member or former Minister has, with respect to advice and recommendations under this section,

- (a) communicated the material facts to the Ethics Commissioner, and
- (b) complied with any recommendations contained in the advice and recommendations of the Ethics Commissioner,

no proceeding or prosecution shall be taken against the Member or former Minister under this Act by reason only of the facts so communicated and the Member's or former Minister's compliance with the recommendations.

General
advice and
recommen-
dations

42(1) The Ethics Commissioner may give advice and recommendations of general application to Members or former Ministers or a class of Members or former Ministers on matters respecting obligations of Members and former Ministers under this Act, which may be based on the facts set out in the advice and recommendations or on any other considerations the Ethics Commissioner considers appropriate.

(2) With respect to advice and recommendations given under subsection (1), no proceeding or prosecution shall be taken against a Member or former Minister under this Act by reason only of the facts and considerations stated in the advice and recommendations and the Member's or former Minister's compliance with the advice and recommendations.

Actions
against Ethics
Commis-
sioner and
others

43(1) No action lies against the Ethics Commissioner or any former Ethics Commissioner or any other person who is or was employed or engaged by the Office of the Ethics Commissioner for anything done in good faith under this Act.

(2) No action lies against a person who in good faith provides information or gives evidence in a proceeding under Part 5 to the Ethics Commissioner or to a person employed or engaged by the Office of the Ethics Commissioner.

Annual report

44(1) The Ethics Commissioner shall, at any times that the Ethics Commissioner considers appropriate, and at least annually, report in writing to the Speaker of the Legislative Assembly

(a) the names of Members who, in the opinion of the Ethics Commissioner,

(i) have not filed disclosure statements or returns within the time limited by section 11 or 15, as the case may be, or

(ii) have not made the full disclosure required by section 12,

and

(b) generally on the affairs of the Office of the Ethics Commissioner.

(2) The Speaker of the Legislative Assembly shall lay a copy of the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

PART 8

TRANSITIONAL, CONSEQUENTIAL AND COMMENCEMENT

Appointment
of first Ethics
Commis-
sioner

45 *For the purposes of appointing the first Ethics Commissioner, if the Legislative Assembly is not sitting, the Lieutenant Governor in Council on the recommendation of the Standing Committee may appoint an Ethics Commissioner, and unless the office sooner becomes vacant, the person so appointed holds office until the appointment is confirmed by the Legislative Assembly.*

Breaches
prior to
coming into
force of Act

46(1) *Subject to subsection (2), no proceeding may be commenced under this Act in respect of an alleged breach of this Act committed prior to the coming into force of Part 5.*

(2) Where a Member is liable to disqualification under section 27(1)(b) or (c), 28 or 29 of the Legislative Assembly Act before the coming into force of Part 5 of this Act and no proceeding has been commenced under the Legislative Assembly Act, the proceeding shall be commenced in accordance with Part 5 of this Act.

Blind trusts

47(1) *In this section, "prior trust" means*

- (a) a blind trust under the Legislative Assembly Act, or*
- (b) a trust established in accordance with the "Premier's Guidelines" established before the coming into force of section 1(7) tabled in the Legislative Assembly on May 2, 1973.*

(2) A Member who has a prior trust and wishes to establish a blind trust under this Act may within 60 days after this section comes into force apply to the Ethics Commissioner for advice and recommendations relating to the transfer of publicly-traded securities from the prior trust to a blind trust established in accordance with this Act.

(3) A Member does not breach this Act if a prior trust contains securities in a private corporation that on the coming into force of section 1(7) would put the Member in breach of this Act, if the Member takes such steps as the Ethics Commissioner recommends to remove the grounds of the breach as soon as the Ethics Commissioner considers practicable in the circumstances.

Amends RSA
1980 cA-19

48 *The Alberta Energy Company Act is amended by repealing section 31.*

Amends RSA
1980 cE-2

49 *The Election Act is amended by repealing section 52.2 and substituting the following:*

52.2 *A person is prohibited from being nominated as a candidate in an election if*

- (a) that person has been declared disqualified from membership of the Legislative Assembly pursuant to section 35 of the Legislative Assembly Act or has been expelled from membership of the Legislative Assembly*

pursuant to section 27 of the *Conflicts of Interest Act*,

- (b) nomination day for the election occurs within the 8-year period following the day on which the declaration of disqualification or expulsion was made, and
- (c) the cause of the disqualification under the *Legislative Assembly Act* or of the breach under the *Conflicts of Interest Act* has not been removed by nomination day.

Amends RSA 1980 cF-9 **50** *The Financial Administration Act is amended*

- (a) *in section 1(1)(c) by striking out “and” at the end of subclause (vi), by adding “and” at the end of subclause (vii) and by adding the following after subclause (vii):*

- (viii) the Office of the Ethics Commissioner;

- (b) *in section 33(1)*

- (i) *in clause (b) by striking out “and” at the end of subclause (iii), by adding “and” at the end of subclause (iv) and by adding the following after subclause (iv):*

- (v) the Office of the Ethics Commissioner;

- (ii) *in clause (c) by striking out “and” at the end of subclause (iii), by adding “and” at the end of subclause (iv) and by adding the following after subclause (iv):*

- (v) the Ethics Commissioner with respect to the Office of the Ethics Commissioner;

- (iii) *in clause (d) by striking out “and” at the end of subclause (iii), by adding “and” at the end of subclause (iv) and by adding the following after subclause (iv):*

- (v) the Ethics Commissioner with respect to the Office of the Ethics Commissioner;

Amends SA
1983 cL-10.1

51(1) *The Legislative Assembly Act is amended by this section.*

(2) Sections 23 and 24 are repealed.

(3) Section 27 is repealed and the following is substituted:

27 A person is disqualified from membership of the Assembly if that person is at the time of becoming a Member, or becomes at any time while that person is a Member, a member of the Senate or House of Commons of Canada.

(4) Sections 28 to 31 are repealed.

(5) Section 32(2) is amended

(a) by striking out “, 27, 28 or 29” and substituting “or 27”;

(b) in clause (a) by striking out “33(5) or”.

(6) Section 33 is repealed.

(7) Section 34 is amended

(a) in subsection (1) by striking out “, 27, 28 or 29” and substituting “or 27”;

(b) in subsection (4) by striking out “, 27, 28 or 29” and substituting “or 27”.

(8) Section 35(1) is amended

(a) in clause (a) by striking out “33(5) or”;

(b) in clause (c) by striking out “33(7) or”.

(10) The Schedule is repealed.

Amends RSA
1980 cP-31

52 *The Public Service Act is amended*

(a) in section 1

(i) in clause (c) by adding the following after subclause (iv):

(iv.1) the Ethics Commissioner with respect to the Office of the Ethics Commissioner,

(ii) *in clause (d) by adding the following after subclause (iv):*

(iv.1) the Ethics Commissioner with respect to the Office of the Ethics Commissioner,

(b) *by repealing section 23(1) and substituting the following:*

23(1) The Lieutenant Governor in Council may make regulations respecting a code of conduct and ethics for the public service and a system of disclosure of financial information by employees holding positions designated in the regulations.

Coming into
force

53 *This Act, except sections 1(1)(c), (d) and (m), 45, 50 and 52(a) and Part 7, comes into force on Proclamation.*

SCHEDULE

DISQUALIFYING OFFICES

Part 1 Judicial Offices

1. Judges of the Provincial Court of Alberta

Part 2

Offices of the Legislature

1. The Auditor General of Alberta under the Auditor General Act
2. The Ombudsman under the Ombudsman Act
3. The Chief Electoral Officer under the Election Act
4. The Ethics Commissioner under the Conflicts of Interest Act

Part 3

Other Disqualifying Offices

The office of chairman or member of any of the following:

Agricultural Relief Adjustment Board under
the Agricultural Relief Advances Act
Alberta Agricultural Development Corporation
Alberta Agricultural Products Marketing Council
Alberta Apprenticeship and Trade Certification Board
under the Manpower Development Act
Alberta Assessment Appeal Board
Alberta Assessment Equalization Board
Alberta Automobile Insurance Board
Alberta Building Standards Council
Alberta Cancer Board
Alberta Dairy Control Board
Alberta Educational Communications Corporation
Alberta Electric Energy Marketing Agency
Alberta Sport Council
Alberta Gaming Commission appointed under section 207 of
the Criminal Code (Canada)
The Alberta Government Telephones Commission
Alberta Human Rights Commission
The Alberta Liquor Control Board
Alberta Mortgage and Housing Corporation
Alberta Motion Picture Development Corporation
Alberta Motor Transport Board
Alberta Municipal Financing Corporation
Alberta Order of Excellence Council
Alberta Petroleum Marketing Commission
Alberta Planning Board
Alberta Racing Commission
Appeal board under section 537 of the Insurance Act
Appeal board under the Farm Implement Act
Appeal board under the Freehold Mineral Rights Tax Act
Appeal board under the Mortgage Brokers Regulation Act
Appeal board under the Real Estate Agents' Licensing Act
Appeal panel under the Dependent Adults Act
Board of the Alberta Securities Commission
Board of Censors under the Amusements Act
Board of Directors of the Alberta General Insurance Company
Board of Directors of the Alberta Opportunity Company
Board of Examiners in Podiatry
Board of examiners under the Electrical Protection Act
Board of examiners under the Gas Protection Act
Board of governors of a public college under the Colleges Act

Board of governors of a technical institute under the
 Technical Institutes Act
 Board of governors of a university under the Universities Act
 Board of Governors of the Banff Centre for Continuing
 Education
 Board of a hospital district incorporated under
 section 8 of the Hospitals Act
 Board of a Mental Health Hospital or a Provincial General
 Hospital under the Provincial General Hospitals Act
 Board of review under section 619 of the Criminal Code
 (Canada)
 Board of trustees of Northland School Division No. 61
 Body incorporated under section 6 of the Universities Act
 The Crimes Compensation Board
 Driver Control Board
 Energy Resources Conservation Board
 Environment Council of Alberta
 Fatality Review Board
 Health Disciplines Board
 Hospital Privileges Appeal Board
 Interim governing authority of a technical institute
 under the Technical Institutes Act
 Interim governing body or governing authority of a
 university under the Universities Act
 Irrigation Council
 Judicial Council for the Judges of the Provincial Court
 Labour Relations Board
 Land Compensation Board
 Land Conservation and Reclamation Council
 Law Enforcement Appeal Board
 Local Authorities Board
 Local Authorities Pension Plan Board
 Members of the Legislative Assembly Pension
 Plan Board
 Natural Resources Conservation Board
 Occupational Health and Safety Council
 Ophthalmic Dispensers Examining Board
 Private Vocational Schools Advisory Council under the
 Private Vocational Schools Act
 Public Emergency Tribunal under the
 Burial of the Dead Act
 Public Health Advisory and Appeal Board
 Public Service Employee Relations Board
 Public Service Management Pension Plan Board
 Public Service Pension Plan Board
 Public Utilities Board
 Review panel under the Mental Health Act
 School Buildings Board
 Special Areas Board
 Special Forces Pension Plan Board

Students Finance Board
Surface Rights Board
Teaching Profession Appeal Board under the
Teaching Profession Act
Universities Academic Pension Plan Board
University Hospitals Board
The Workers' Compensation Board