

1992 BILL 256

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 256

CONFLICTS OF INTEREST AMENDMENT ACT, 1992

MR. CHIVERS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 256
Mr. Chivers

BILL 256

1992

CONFLICTS OF INTEREST AMENDMENT ACT, 1992

(Assented to , 1992)

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

1. *This Act amends the Conflict of Interest Act.*
2. *Section 1 is amended*
 - (a) in subsection 1 by adding the following before clause (a) and renumbering clause (a) as clause (a.3):*
 - (a) "apparent conflict" means an association, affiliation, dealing or business transaction which might in the opinion of the Ethics Commissioner lend to an appearance a conflict of interest, whether such association, affiliation, dealing or business transaction would otherwise be allowed under this Act;
 - (a.1) "appointed senior public official" means any public servant appointed by the Crown or the Legislative Assembly having an executive manager classification or higher, and includes an executive assistant or other staff member directly appointed by a Minister;
 - (a.2) "public official" means a Member or officer of the Legislative Assembly or Legislature, a Minister, an executive staff member, or an appointed senior public official;

(b) by deleting sub-clause (iii) in clause (g);

(c) by adding the following after clause (i):

(i.1) "real conflict" means a conflict of interest prohibited under this Act;

(d) in clause (k) by adding "or provincial agency" after "corporation";

(e) by striking out subsection (7).

3. Section 2 is amended

(a) in subsection (2) by adding "or discussion" after "decision";

(b) by adding "or a meeting of any Provincial agency or corporation on which the member serves" after "by resolution of the Legislative Assembly";

(c) by striking out after "the Member must" and substituting the following:

(i) disclose the general nature of the interest,

(ii) withdraw from the meeting without voting or participating in the discussion, and

(iii) refrain at all times from attempting to influence the matter.

(d) by adding after section 2:

2.1(1) Where a Member has complied with subsection (2), the clerk of the meeting shall record

(i) the disclosure

(ii) the general nature of the interest disclosed, and

(iii) the withdrawal of the member from the meeting,

(2) The clerk shall subsequently file the recorded information with the Ethics Commissioner, who shall append it to the Member's public disclosure statement.

4. *Section 8 is amended by adding after subsection (3):*

(3) An action for finding that a Member is disqualified under this section may be commenced in the Court by any person who, if on the date on which the action is commenced were the polling day for a general election under the Election Act, would be eligible to vote at that election.

5. *Section 9 is amended by adding after subsection (2);*

(3) An action for finding that a Member is disqualified under this section may be commenced in the Court by any person who, if on the date on which the action is commenced were the polling day for a general election under the Election Act, would be eligible to vote at that election.

6. *Section 12 is amended*

(a) by adding "and their range of value" after "financial interested"

(a) by adding after clause (ii):

(iii) the name of the trustee of any prior trust;

(c) by striking out "but not" before "including"

(d) by adding after clause (d):

(e) shall include a full disclosure by the trustee of all details of any prior trust.

7. *Section 14 is amended*

(a) in subsection 3

(i) in clause (a) by adding "including those in a prior trust" after "income"

(ii) by striking out "but shall not state the amount or value of them" and substituting "including the amount or range of dollar value of them."

(b) in subsection 4 by striking out clauses (e) and (f)

(c) by striking out subsection (7).

8. Section 19 is amended

(a) in subsection (2) by striking out " blind trust in accordance with this Act" and substituting "prior trust, the contents of which have been fully disclosed to the Commissioner."

9. Section 23 is amended

(a) by adding the following after 23(1):

23(1.1) The Ethics Commissioner may, at any time during the course of an investigation, refer to the Court of Queen's Bench any question which the Commissioner believes should be so referred.

10. Section 29 is amended

(a) by striking out "Minister" and substituting "public official".

(b) in subsection (1) by striking out "6 months" and substituting "2 years".

11. Section 30 is amended by striking out "Minister" and substituting "public official" wherever it occurs.

12. Section 47 is amended

(a) by striking out subsection (2) and substituting the following:

(a) A Member will instruct his trustee to make, within 60 days upon this Act coming into force, full disclosure to the Ethics Committee of any prior trusts, and instruct the trustee of such trusts to provide all the details of the trust to the Ethics Commissioner for full public disclosure.

(b) by striking out subsection (3) and substituting the following:

(3) A Member does not breach this Act if a prior trust contains securities or other assets otherwise prohibited under this Act or which, in the discretion of the Ethics Commissioner, create an apparent conflict, if the Member undertakes to direct the trustee of the trust to divest all such securities or other assets within 60 days upon this Act

coming into force, or within such time as the Ethics Commissioner considers practicable in the circumstances.

13. The Act is amended by striking out the words "Ethics Commissioner" wherever they occur and substituting the words "Conflicts of Interest Commissioner".