

Bill #1
House of Assembly Management Commission Act

CHANGES RECOMMENDED TO THE
LAW AMENDMENTS COMMITTEE

PAGE 1, Clause 2 -

- (a) add after paragraph (e) the following:
 - (f) "Code of Ethics" means the code of ethics for members set out in Schedule B to this Act.
- (b) paragraphs (f) to (h) - reletter as (g) to (i);
- (c) add after relettered paragraph (i) the following:
 - (j) "members" means all members of the Assembly, including a member of the Executive Council, and includes the leader of a recognized party whether or not the leader has been elected to the Assembly or appointed to the Executive Council and the leader of a political party listed in Schedule A to this Act and, for the purpose of the Schedule, the Chief Clerk in consultation with the Chief Returning Officer may add to the list in the Schedule the name of any party that, in the opinion of the Chief Clerk, has the avowed purpose of seeking election of its members to the Assembly;
- (d) paragraphs (i) to (m) - reletter as (k) to (o).

PAGES 3 to 5, subclause 11(1) -

- (a) add after paragraph (e) the following:
 - (f) review best practices, implement and periodically review and update an appropriate orientation program which is to be given to all elected members respecting training in public service ethics laws and principles;
- (b) paragraphs (f) and (g) - reletter as (g) and (h).

PAGES 5 AND 6 -

- (a) add after Clause 14 the following:
 - 15 (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.
- (b) renumber remainder of Bill and change cross-references accordingly.

PAGES 12 and 13 -

- (a) add after Clause 26 the following:

27 The designated person for the purpose of the Code of Ethics shall be known as the "Ethics and Conflict of Interest Commissioner".

- (b) renumber remainder of Bill and change cross-references accordingly.

PAGES 13 and 14 -

- (a) add after Clause 27 the following:

28 (1) A member or Commission, by application in writing, request that the designated person give an opinion and recommendations on any matter respecting the Code of Ethics

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

(3) The opinion and recommendations of the designated person are confidential, but may be released by the member or Commission with the consent of the member in writing, until such time as the House of Assembly has determined whether the recommendations of the Ethics and Conflict of Interest Commissioner shall be accepted, rejected, modified or amended.

29 Where the designated person determines that an allegation of a contravention of the Code of Ethics is frivolous or vexatious, the designated person shall dismiss the matter and grant relief as the designated person may determine.

- (b) change cross-references accordingly.

PAGE 14 -

- (a) add after Clause 34 the following:

35 Subsection 27A(1) of Chapter 4 of the Acts of 1991, the *Members and Public Employees Disclosure Act*, as enacted by Chapter 38 of the Acts of 1992, is amended by adding "Ethics and" immediately before "Conflict" in the second line.

- (b) renumber remainder of Bill and change cross-references accordingly.

PAGE 15 - add the following:

Schedule A

The Green Party of Nova Scotia

The Nova Scotia Liberal Party

The Nova Scotia New Democratic Party

The Progressive Conservative Party of Nova Scotia

Schedule B

Code of Ethics

Introduction

The citizens and businesses of Nova Scotia are entitled to responsible, fair and honest government which 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 Honor 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, which 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.
- 4 The Ethics and Conflict of Interest Commissioner, upon receipt of a complaint or question forwarded to the Ethics and Conflict of Interest Commissioner by resolution of the House of Assembly or by the Commission may investigate report and make recommendations or responses in writing to the House or the Commission, as the case may be.
- 5 The Ethics and Conflict of Interest Commissioner may recommend that
 - (a) the member has acted within the Code of Ethics;
 - (b) the member be publicly reprimanded;
 - (c) the member suspend the performance of his or her duties as a member for a specified time;
 - (d) such other remedy as the Ethics and Conflict of Interest Commissioner considers reasonable and appropriate.
- 6 The Ethics and Conflict of Interest Commissioner's report shall be made public and shall include the reasons for the decision and the reasons for the particular recommendation.
- 7 The decision and recommendation of the Ethics and Conflict of Interest Commissioner shall be provided to the House of Assembly by delivery of a copy of the report to the Clerk of the House and made public within 30 days of the referral of the complaint by the House or the Commission.
- 8 The House of Assembly shall determine whether the recommendation of the Ethics and Conflict of Interest Commissioner shall be accepted, rejected, modified or amended and the decision of the House is binding.