

BRIEFING NOTE

BILL 56 – AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY AND EXECUTIVE COUNCIL ACT, No. 2

ISSUE

Bill 56, *An Act to Amend the Legislative Assembly and Executive Council Act, No. 2.*

BACKGROUND

As the commencement of the 18th Legislative Assembly, the Standing Committee on Rules and Procedures was tasked with conducting a review of Members' Conduct Guidelines. Bill 56 enables the creation of a Code of Conduct, along with substantive amendments on what that code will cover and how it will be enforced.

Substantive changes include:

- Created an Oath of Loyalty
- Expanded definition of “dependent child”
- Expanded the definition of conflict of interest to include furthering private interests of spouse or dependent child, and adds in failure to exercise when that could further interests as a conflict.
- Code of Conduct provisions
- Expanded prohibition on the GNWT contracting with a Member or member-owned corporation
- Renamed Conflict of Interest Commissioner “Integrity Commissioner”

PROPOSAL SUMMARY

Attached is a clause-by-clause review of Bill 56, *An Act to Amend the Legislative Assembly and Executive Council Act No. 2.* Clauses that are shaded are non-substantive.

CLAUSE	CURRENT ACT	DESCRIPTION OF AMENDMENT
1	N/A	Identifies what Act is being amended
2	9(1) & (2)	Adds Oath of Loyalty
3	73(1) & (2)	-Repealing and replacing the definition of Dependent Child to include disabled adult children and children under the age of 25 who are enrolled in school; -Adding definitions for “Code of Conduct,” “Integrity Commissioner,” and “Sole Adjudicator.”

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CLAUSE	CURRENT ACT	DESCRIPTION OF AMENDMENT
4	74(1) 7 (2)	-Adds the failure to do certain things to the definition of conflict of interest. -Removes reference to benefits for Ministers established by the Executive Council.
5	New provision added after 74.	Authorizes the Legislative Assembly to adopt a Code of Conduct and for it to remain in force until rescinded or amendment by the current or a subsequent Assembly.
6	75	Adds compliance with the Code of Conduct to the list of Members' formal duties under Part III of the Act.
7	79(1)	This is a housekeeping amendment to clarify the wording and structure of the existing provision.
8	Numerous	Extends the timeframe for Members to fulfill certain obligations under the act from 60 days to 90 days to avoid conflicts with the Christmas given the early October date for general elections.
9	Numerous	Substitutes the title "Integrity Commissioner" for "Conflict of Interest Commissioner" throughout the Act.
10	82(1)(b)	Housekeeping change to correct grammar and punctuation in the section.
11	83(1)(b)	Housekeeping change to correct grammar and punctuation in the section.
12	83.4(2)(a) & 83.5(2)(a)	Replacing the term "aboriginal" with "indigenous."
13	84(1)	This is a housekeeping amendment to ensure proper cross referencing of sections.
14	85(1)	This is a housekeeping amendment to clarify the wording and structure of the existing provision.
15	86	-Includes the receipt "personal benefits" in the definition and calculation of gifts. -Requires the disposal of gifts and the reimbursement of personal benefits to be carries out in accordance with policy and regulations -Allows the Integrity Commissioner to authorize the retention of gifts or the receipt of personal benefits as circumstances dictate.
16	91	Replaces references to "Conflict of Interest Commissioner" with "Integrity Commissioner" in the section Heading and section itself.
17	Numerous	Adds reference to the Code of Conduct at various points in the Act.
18	98(5)	Replaces references to "Conflict of Interest Commissioner" with "Integrity Commissioner" in the section.

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CLAUSE	CURRENT ACT	DESCRIPTION OF AMENDMENT
19	103(1)(b)	Adds Canada to the list of jurisdictions from which a qualified Sole Adjudicator can be appointed.
20	106(1)(b)(vi) and (c)(iii)	Housekeeping change to correct grammar and punctuation in the section.
21	109(1)	Adds Code of Conduct to confidentiality requirements of this section.
22	Schedule B, Forms 1 and 2	Repeals and replaces the existing Oath of Office with that recommended by the Standing Committee and makes provision for the affirmation of oaths.
23	80(a) &(s)(i)	Consequential amendment to the <i>Elections and Plebiscites Act</i> to make proper reference to a Code of Conduct adopted by the Assembly.
24	New Provision	Allows for the continuance of the current Conflict of Interest Commissioner as the Integrity Commissioner.
25	New Provision	Allows for the coming into force of the bill at a date fixed by the Commissioner (likely polling day).

CONSULTATION

The proposed amendments were co-drafted by a committee of officials from the Office of the Clerk of the Legislative Assembly, the office of the Law Clerk, the Department of Justice and the Department of Executive and Indigenous Affairs.

CODE OF CONDUCT PRINCIPLES

There are 6 key principles proposed for the new Code of Conduct:

1. Don't break the law, and ensure your conduct is above reproach
2. Treat all people respectfully and never harass anyone.
3. Make all decisions without any thought to how it could benefit you or disadvantage you, either personally or financially.
4. Only use the resources of your office for official work purposes
5. Your role as MLA takes priority over any other office or duty you hold
6. Keep all personal information you receive confidential