

Nov 18/99

Tabled

Premier

MINISTERIAL CODE OF CONDUCT

Introduction:

The public is entitled to expect Ministers of the Crown to act in a way that ensures that the public interest is always paramount. No document can properly address every situation in which Ministers are called upon to make a decision as to what is in the public interest. This Code is intended to provide guidelines and a process that must be interpreted with common sense and in the spirit of public service.

The obligations of ministers under this code are in addition to the duties of members as set out in the Members and Public Employees Disclosure Act.

Nothing in this Code of Conduct is intended to limit a minister's ability to carry out the usual responsibilities of a Member of the Legislature on behalf of his or her constituents and constituency, in accordance with the parliamentary conventions of Nova Scotia.

Conflict of Interest Commissioner:

Ministers who require clarification or interpretation of these guidelines may consult the Premier or the Conflict of Interest Commissioner.

Guidelines:

1. Ministers must be truthful and forthright. Ministers must not deceive or knowingly mislead the House of Assembly, or the public, or permit or encourage agents of the Government to deceive or mislead the House or the public.
2. Ministers must make every effort to ensure that their departments are not used for partisan political purposes.
3. Ministers must avoid situations where a conflict of interest or a reasonable perception of such a conflict of interest could arise between the minister's public duties and private interests.
 - (a) Ministers must never use their authority, or position, or Government information, or Government property to advance their own interests, or that of a family member.

- (b) Ministers must not accept any personal benefits in any business dealing or acquire any position or undertake any function, or have any financial, commercial or other interest that is incompatible with their offices or duties.**
- (c) Ministers must disclose all personal property, assets and liabilities held by themselves and members of their immediate families in accordance with the Members and public Employees Disclosure Act.**
- (d) A minister must disqualify himself or herself from any decision making process where the minister knows or ought reasonably to know that there is an opportunity to further the minister's private interest, or to improperly seek to further another person's private interest.**
- (e) In any decision making process where the minister knows or ought reasonably to know, that there is an opportunity to further the minister's private interest or to improperly seek to further another person's private interest, the minister shall**

 - (i) advise that the opportunity could result,**
 - (ii) withdraw from the decision making process, and**
 - (iii) refrain from participating in or influencing the decision making process.**
- (f) A ministers must not use or permit the use of information that is obtained in his or her capacity as a minister and that is not generally available to the public to further, or seek to further the minister's private interest, or to improperly seek to further the private interest of another person.**
- (g) Ministers may not solicit or accept, either directly or indirectly, a gift or other benefit from any person or organization who has dealings with the Government where the gift or benefit is such that it could reasonably be perceived to have influenced the minister in the performance of his or her duties.**

- (i) **Ministers may accept gifts, hospitality or other benefits if the presentation is a normal expression of courtesy, or protocol that does not bring the minister's objectivity into question, the gift was clearly intended for the Minister personally, and the value of the item is less than \$250.00.**
 - (ii) A gift or **benefit** of a value of **\$250.00** or greater should be declined. When this is not possible, it should be disclosed to the Conflict of Interest Commissioner and a minister must either donate any gift of a value of \$250.00 or greater to the **Province or pay to the Province an equivalent amount as approved** by the Conflict of Interest Commissioner.
- (i) Ministers may not solicit or accept, either directly or indirectly, a fee from **any person or organization who** has dealings with the **Government**.
4. **Ministers must respect the responsibilities and obligations placed on public servants, and, in particular, those that require that senior public servants avoid conduct that could give rise to the perception that they are not politically impartial.**
 5. **Ministers must not accept payment for speeches of an official nature, or that draw directly on their responsibilities or capabilities as ministers.**
 6. Except as specifically allowed by these guidelines and the Members and **Public** Employees Disclosure Act, a minister must **not**
 - (a) **be employed in any other occupation or profession;**
 - (b) **manage a business carried on by a corporation;**
 - (c) **hold a directorship, unless it is one of the duties of the minister;**
 - (d) **hold office in a union or professional association;**
 - (e) **carry on business either in a partnership or sole proprietorship; or**
 - (f) **hold or trade in securities, stocks, futures or commodities.**
 7. A Minister may engage in the activities prohibited by Section 6(a) to 6(g) if the Minister has disclosed all material facts to the Conflict of Interest Commissioner and the Conflict of Interest

Commissioner is satisfied that no conflict exists.

8. **The Conflict of Interest Commissioner, upon receipt of a complaint or question forwarded to the Conflict of Interest Commissioner by resolution of the House of Assembly, or by the Executive Council, may investigate, report and make recommendations or responses in writing to the House or Executive Council, as the case may be.**
 - (a) **The Conflict of Interest Commissioner may recommend that**
 - (i) **the minister has acted within these guidelines;**
 - (ii) **the minister be publicly reprimanded;**
 - (iii) **the minister suspend the performance of his or her duties as minister for a specified time or until specified corrective action is taken;**
 - (iv) **that the minister be asked to resign as minister;**
 - (v) **such other remedy as the Conflict of Interest Commissioner considers reasonable and appropriate.**
 - (b) **The 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.**
 - (c) **The decision and recommendation of the 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 of Assembly, and made public within 30 days of the referral of the complaint by the Executive Council or the House of Assembly.**

- (d) **The House of Assembly shall determine whether the recommendation of the Conflict of Interest Commissioner shall be accepted, rejected, modified or amended, and the decision of the House of Assembly shall be binding.**