

**Code of Conduct for Panels
Established Under Section 19.2 of the
*Alberta Land Stewardship Act***

March 19, 2014

Definitions

1. In this Code,

- (a) “Act” means the *Alberta Land Stewardship Act*;
- (b) “Code” means this Code of Conduct for the Panel;
- (c) “Code Administrator” means the Stewardship Commissioner;
- (d) “Crown” means Her Majesty the Queen in right of Alberta;
- (e) “Ethics Commissioner” means the Ethics Commissioner appointed under the *Conflicts of Interest Act*;
- (f) “Minister” means the Stewardship Minister;
- (g) “Panel” means a review panel established under section 19.2(2) of the Act;
- (h) “Panel Member” means an individual appointed to the Panel pursuant to section 6(1) of the Regulation;
- (i) “Related Person” means a business associate or other person with whom the Panel Member has a significant personal or business relationship, and includes:
 - (i) a corporation having share capital and carrying on business or activities for profit or gain and the Panel Member is a director or officer of the corporation,
 - (ii) a private corporation carrying on business or activities for profit or gain and the Panel Member owns or is the beneficial owner of the shares of the corporation,
 - (iii) a partnership of which the Panel Member is a partner,

- (iv) a partnership of which one of the partners is a corporation and the Panel Member is associated with the corporation under subsections (i) or (ii); or
- (v) a person or a group of persons acting with the express or implied consent of the Panel Member;
- (j) "Relative" includes a spouse, adult interdependent partner, child, legal dependent, parent, sibling, in-law, grandparent, grandchild, niece, nephew, aunt, uncle, first cousin or a Panel Member, or a person to whom a Panel Member has demonstrated a settled intention to treat as a child of the Panel Member's family;
- (k) "Regulation" means the *Alberta Land Stewardship Regulation*; and
- (l) "Secretariat" means the Land Use Secretariat.

Conflicts of Interest

- 2. In this Code, a "conflict of interest" includes an "apparent conflict of interest."
- 3. In this Code, an "apparent conflict of interest" is determined by
 - (a) the Panel Member that is in the apparent conflict of interest exercising the care, diligence, and skill that a reasonable and prudent Panel Member would exercise in comparable circumstances, or
 - (b) the Code Administrator, where the Code Administrator is required to make a recommendation under the Code.

Not a Private Interest

- 4. In this Code, the "private interest" of a Panel Member does not include an interest:
 - (a) in a matter that is of general application,
 - (b) that affects an individual as one of a broad class of the public, or
 - (c) that concerns the remuneration received from the Government of Alberta in respect of the Panel.

Application of the Code

- 5. This Code applies to all Panel Members.

6. This Code is in addition to:
 - (a) any legislation pertaining to the actions of a Panel Member and any written directions issued by the Minister or the Code Administrator, and
 - (b) any other code of conduct, code of ethics, or rules of conduct that a Panel Member is required to comply with as a result of being a member of a regulated profession.
7. A conflict of interest between the private interest of a Panel Member and the Panel Member's duties not specifically addressed in this Code must be dealt with according to the intent of this Code, and the Code of Conduct and Ethics of the Public Service of Alberta.

Impartiality and Integrity

8. A Panel Member must conduct his or her duties with impartiality and integrity, in keeping with the principles of natural justice and procedural fairness.
9. Prior to being appointed to the Panel, the Code Administrator may require a potential Panel Member to undergo the prescribed security screening, academic background check, or reference check.

Disclosure

10. A Panel Member must, as soon as possible, disclose to the Code Administrator any situation he or she is involved in where there is a conflict of interest, a breach of this Code, or where his or her impartiality or integrity may be called into question.
11. In response to a disclosure under section 10, the Code Administration must review the matter and make a recommendation as to the appropriate action.

Furthering Private Interests

12. A Panel Member is in a conflict of interest and in violation of this Code if the Panel Member:
 - (a) takes part in a recommendation in carrying out the Panel Member's duties, knowing that the recommendation might further the Panel Member's own private interest or the private interest of a Related Person or Relative; or

- (b) uses or communicates information not available to the general public, that the Panel Member gained in the course of carrying out his or her duties, to further his or her own private interest or the private interest of a Related Person or Relative.

Dealings with Others

13. A Panel Member who exercises regulatory, statutory, or other discretionary authority, must disclose to the Code Administrator any relationship that is a conflict of interest or that may bring the Panel Member's impartiality or integrity into question.
14. A Related Person or Relative may work for the Government of Alberta provided there is no opportunity to exercise favouritism and no conflict of interest exists for the Panel Member involved.

Outside Employment and Volunteering

15. A Panel Member must disclose in writing to the Code Administrator any outside employment or volunteer activity that may be a conflict of interest with the Panel Member's activities at the Panel.
16. In response to a disclosure under section 15, the Code Administrator must review the matter and make a recommendation as to the appropriate action.

Illegal Activities

17. A Panel Member charged with or convicted of a criminal offence under the *Criminal Code* (Canada) or other legislation that imposes criminal offences arising from the Panel Member's conduct while on or off duty must disclose in writing the charge or conviction to the Code Administrator.
18. The Panel Member making a disclosure under section 17 must not participate on the Panel unless the Code Administrator otherwise informs the Panel Member.

Management of Private Assets

19. Where an action taken or recommendation made by a Panel affects or may affect an actual or proposed business or financial interest of a Panel Member, Related Person or Relative, the Panel Member must disclose the business or financial interest to the Code Administrator.
20. In response to a disclosure under section 19, the Code Administrator must review the matter and make a recommendation as to the appropriate action.

21. Any information disclosed to the Code Administrator under section 19 is confidential and must not be disclosed to any person, with the exception of the Ethics Commissioner.

Gifts

22. A Panel Member must not accept fees, gifts, or other benefits that may be perceived to be connected directly or indirectly with the Panel Member's duties except for:

- (a) the normal exchange of gifts between friends,
- (b) the normal exchange of hospitality between persons doing business together,
- (c) tokens exchanges as part of protocol, or
- (d) the normal presentation of gifts to persons participating in public functions.

Political Activity

23. A Panel Member may not seek nomination as a candidate in a federal or provincial election, nor hold office in a political party or constituency association.

24. A Panel Member who is elected to a municipal, Band Council, or Métis Settlement office is subject to the provisions of this Code regarding outside employment.

Confidentiality

25. A Panel Member must not comment publicly or privately on a matter that is actively before the Panel.

26. A Panel Member must not release confidential or privileged information obtained as a result of his or her work on the Panel.

Freedom of Information and Protection of Privacy

27. Panel Members must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*.

Crown Property

28. A Panel Member may acquire or renew an interest in Crown property, personal or real, if the Panel Member has disclosed in writing the intent to acquire or renew such an interest to the Code Administrator and, if applicable, to the Deputy Head of the department granting the interest.

Enforcement

29. If a Panel Member does not comply with the provisions of this Code, the Code Administrator may recommend to the Minister that the Minister repeal the Panel Member's appointment.

Advice

30. The Minister or the Code Administrator may apply to the Ethics Commissioner for advice regarding the interpretation of this Code, any additional conflict of interest rules, or the application of this Code or any additional conflict of interest rules.

31. The advice provided by the Ethics Commissioner must be provided in confidence where it may affect the personal privacy of the Panel Member to which the advice relates.

32. The advice of Ethics Commissioner is not binding on the Minister or the Code Administrator.

Administrative Matters

33. The Code Administrator may review this Code as necessary.

34. This Code is a public document, and the Secretariat may publish it on the Secretariat's website and otherwise make it available to the public.

35. The Code Administrator must provide this Code to each Panel Member on appointment.

36. Questions about this Code may be directed to the Code Administrator.