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April 8, 2024

Dear Select Special Conflicts of Interest Act Review Committee:

RE: Review of Alberta’s Conflict of Interest Act

My name is Ian Stedman and I am an Assistant Professor in the School of Public Policy and Administration at York University, in Toronto. I am a former employee for the Office of the Integrity Commissioner of Ontario and teach both undergraduate and graduate courses focused on public sector ethics. I am joined in making this submission by several of my current and former students: Ms. Despina Tsamis (currently enrolled in the M.A. program in Philosophy at Western University, in London, ON.); Mr. Paul Lyn (also currently enrolled in the M.A. program in Philosophy at Western University), Ms. Sepinoud Siavoshi (currently enrolled in an undergraduate Public Service Ethics course at York University) and Ms. Minahil Wasif (former York University student).

In preparing this submission we have considered a wide range of materials, including this committee’s previous reports on this same subject matter, how the parliamentary ethics regimes operate in Canadian jurisdictions other than Alberta, as well as various reports and recommendations made by ethics commissioners across Canada and, as may be applicable, across other commonwealth nations.

Our submission will be structured in the same manner as is Alberta’s [Conflicts of Interest Act](#). We should note that the timing of this consultation and the related deadline for submissions makes it very difficult for academics and University students to dedicate the necessary energy to providing comprehensive feedback. The Winter academic term is just coming to an end and this part of a term is when everyone is at their busiest. To that end, we have taken the time to review the recommendations made by the Office of the Ethics Commissioner of Alberta (posted [here](#)). There is some obvious synergy between what we have recommended and some of what the Commissioner has recommended. While we have been unable to complete the research necessary to validate the Commissioner’s recommendations for ourselves (or at least those for which there is some supportive data that is publicly available), we strongly encourage the Committee to heed the suggestions of its own Commissioner and to work hard to help strengthen the *Act* based on those recommendations

Our independent recommendations are as follows:

Part 1 - Interpretation

s.1(g)(i)(A): Recommend ensuring legislative clarity about what constitutes “general application”

s.1(g)(i)(B): Recommend ensuring legislative clarity about what constitutes “broad class of the public”

s.1(g)(ii): Recommend making explicit that “an interest that is trivial” is something that the Ethics Commissioner is charged with determining, but also providing some guidance about what “trivial” might mean.

s.1(5): The definition of a person who “is directly associated with a member” ought to include a person who works for a private corporation from which the member receives income or other personal benefit.

Part 2 - Obligations of Members

s.2(1) is too narrow. It absolutely must restrict members from using their powers of office, or carrying out their duties of office, in a manner that *improperly* benefits any other person whatsoever. It should not be limited in the way that it is. Section 3 alone does not cover the landscape of potential improper influence in the way that is needed to meet the objectives of the *Act* that that are set out in the Preamble.

s.2: If the Clerk or secretary of a meeting must file a copy of anything with the Ethics Commissioner, then the Ethics Commissioner should be required to track and post some information about the fact that filings were made. Whether it is merely a statistic that gets posted or whether it is something more, it is important that the Commissioner be permitted to notify the public that members are in fact complying with this section of the *Act*.

s.7.1(b): the “or” should be changed to “and”.

s.7.1(4) should be amended to account for the fact that a member must not “accept” any such travel without the Commissioner’s advance approval. A report should still be made publicly available, as per s.7.1(5).

- This topic is a matter of some controversy at the Federal level and there is opportunity for Alberta to take a clear position that demonstrates leadership on this topic. It is an opportunity to perform duties of office “in a manner that promotes public confidence and trust in the integrity of each Member”, as set out in the Preamble.

Part 3 - Disclosure

s.13: Should include a 60 or 90-day window by which the meeting must take place. It is important that “as soon as practicable” be changed to something more definitive.

s.14(4)(a): consider lowering this amount for assets with high potential volatility that might allow them to quickly jump from under \$10,000 to over \$10,000 in value. Shares, for example, could go up and down quickly and often. The burden of having to track asset values and file an amending disclosure could be lessened by having a lower starting disclosure value here.

Part 4 - Members of the Executive Council and Leader of Her Majesty's Loyal Opposition

s.23.1: Consider increasing each of these restrictions to 24 months, to help improve and sustain public confidence. Former ministers can simply apply under s.23.11 for a waiver or reduction, if they so choose.

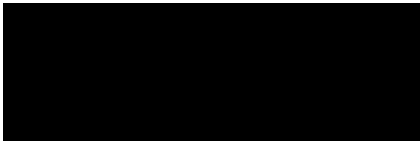
Part 5 - Investigations into Breaches

s.24: Be amended to allow the Commissioner to initiate an investigation on their own accord. Even though other jurisdictions like Ontario have also not made this change to their parliamentary ethics legislation yet, not allowing for a Commissioner to exercise their discretion in this way is out of sync with best practices.

Thank you for taking the time to review and consider our recommendations.

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Sincerely,



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