



Province of Alberta

# **CONFLICTS OF INTEREST ACT**

Revised Statutes of Alberta 2000  
Chapter C-23

Current as of June 27, 2018

Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Amendments not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

RSA 2000 cH-7 s152 amends Schedule.

2012 cE-0.3 s288 amends s14(4)(e).

2014 c18 s2 amends Part 3 of the Schedule.

### Regulations

The following is a list of the regulations made under the *Conflicts of Interest Act* that are filed as Alberta Regulations under the Regulations Act

**Alta. Reg.**                      *Amendments*

#### **Conflicts of Interest Act**

Conflicts of Interest Part 4.3

Designation Order .....42/2018 ..... 127/2018

*NOTE: AR 127/2018 s2(c) comes into force on Oct 31, 2018 and s2(a) comes into force on Dec 1, 2018*

Conflicts of Interest Part 4.3

Inclusion Order .....41/2018

# CONFLICTS OF INTEREST ACT

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WHEREAS the ethical conduct of elected officials is expected in democracies;

WHEREAS Members of the Legislative Assembly can serve Albertans most effectively if they come from a spectrum of occupations and continue to participate actively in the community;

WHEREAS Members of the Legislative Assembly are expected to perform their duties of office and arrange their private affairs in a manner that promotes public confidence and trust in the integrity of each Member, that maintains the Assembly's dignity and that justifies the respect in which society holds the Assembly and its Members;

WHEREAS Members of the Legislative Assembly, in reconciling their duties of office and their private interests, are expected to act with integrity and impartiality;

WHEREAS Ministers and their staff must avoid conduct that violates the public trust or creates an appearance of impropriety;

WHEREAS the senior officials, members and employees of public agencies are expected to act with integrity and impartiality and must avoid conduct that violates the public trust or creates a conflict of interest or apparent conflict of interest; and

WHEREAS the adoption of clear and consistent conflict of interest rules, post-employment restrictions and reporting duties will promote these aims;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

## **Part 1**

### **Interpretation**

#### **Interpretation**

**1(1)** In this Act,

- (a) “blind trust” means a blind trust approved under section 20(4), 23.5(4) or 23.93(4), as appropriate;
- (a.1) “Crown” means the Crown in right of Alberta and includes a Provincial agency;
- (a.2) “former member of the Premier’s and Ministers’ staff” means an employee who has ceased to hold a position referred to in clause (c.1);
- (b) “former Minister” means a person who has ceased to be a member of the Executive Council, whether or not the person is a Member of the Legislative Assembly;
- (b.1) “investment arrangement” means an investment arrangement approved under section 20(5), 23.5(5) or 23.93(5), as appropriate;
- (c) “Member” means a Member of the Legislative Assembly and includes a Minister whether or not the Minister is a Member of the Legislative Assembly;
- (c.1) “member of the Premier’s and Ministers’ staff” means an employee providing services other than administrative support who holds
  - (i) a position in the Office of the Premier or an office of a Minister, or

- (ii) a position in any other office designated by the Chief of Staff, Office of the Premier;
- (d) “Minister” means a member of the Executive Council;
- (e) “minor child” includes a minor to whom a Member has demonstrated a settled intention to treat as a child of the Member’s family;
- (f) “private corporation” means a corporation none of whose shares are publicly-traded securities;
- (g) “private interest” does not include the following:
  - (i) an interest in a matter
    - (A) 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 and benefits of an individual;
  - (ii) an interest that is trivial;
  - (iii) an interest of an individual relating to publicly-traded securities held in that individual’s blind trust or in an investment arrangement;
- (h) “Provincial agency” means a Provincial agency as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act* and a regional health authority and a subsidiary health corporation under the *Regional Health Authorities Act*;
- (i) “publicly-traded securities” means
  - (i) securities of a corporation that are listed or posted for trading on a recognized stock exchange, or
  - (ii) securities of a corporation that has more than 15 shareholders and any of whose issued securities were part of a distribution to the public;
- (j) “securities” means
  - (i) shares of any class or series of shares of a corporation, or



- (ii) bonds, debentures, notes or other evidence of indebtedness or guarantees of a corporation, whether secured or unsecured,

but does not include shares or units in a mutual fund;

- (k) “senior officer” means, with reference to a corporation,
  - (i) the president, vice-president, secretary, comptroller, treasurer or general manager of the corporation, or
  - (ii) any other person who performs functions for the corporation similar to those normally performed by persons holding the offices referred to in subclause (i);
- (l) “spouse” means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;
- (m) “Standing Committee” means the Standing Committee on Legislative Offices.

**(2)** For the purposes of this Act, securities of a corporation

- (a) issued on a conversion of other securities, or
- (b) issued in exchange for other securities

are deemed to be securities that are part of a distribution to the public if those other securities were part of a distribution to the public.

**(3)** Subject to subsection (4), for the purposes of this Act, securities of a corporation

- (a) are part of a distribution to the public if, in respect of the securities, there has been a filing of a prospectus, statement of material facts, registration statement, securities exchange take-over bid circular or similar document under the laws of Canada, a province or territory or of a jurisdiction outside Canada, or
- (b) are deemed to be part of a distribution to the public if the securities have been issued and a filing referred to in clause (a) would be required if the securities were being issued currently.

(4) On the application of a Member who owns or is a beneficial owner of securities of a corporation, the Ethics Commissioner may determine, for the purposes of this Act, whether the securities of the corporation are or were part of a distribution to the public.

(5) For the purposes of this Act, a person is directly associated with a Member if that person is

- (a) the Member's spouse or adult interdependent partner,
- (b) a corporation having share capital and carrying on business or activities for profit or gain and the Member is a director or senior officer of the corporation,
- (c) a private corporation carrying on business or activities for profit or gain and the Member owns or is the beneficial owner of shares of the corporation,
- (d) a partnership
  - (i) of which the Member is a partner, or
  - (ii) of which one of the partners is a corporation directly associated with the Member by reason of clause (b) or (c),

or

- (e) a person or group of persons acting with the express or implied consent of the Member.

(5.1) For the purposes of this Act, except where the context indicates otherwise in Part 4.3, a corporation is a subsidiary of another corporation if

- (a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation, and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

(6) Subsection (5)(c) does not apply where the corporation is

- (a) an association as defined in the *Co-operative Associations Act* or a cooperative as defined in the *Cooperatives Act*,

- (b) a credit union continued or incorporated under the *Credit Union Act*,
- (c) a co-operative credit society incorporated by or under an Act of the Parliament of Canada, or
- (d) The United Farmers of Alberta Co-Operative Limited.

(7) For the purposes of this Act, a trust is a “blind trust” if it meets the following criteria:

- (a) a Member is the settlor of the trust;
- (b) the trustee is approved as trustee by the Ethics Commissioner after the Ethics Commissioner is satisfied that there is no relationship between the Member and the trustee that would affect or would appear to affect the discharge of the trustee’s duties;
- (c) the terms of the trust, in the opinion of the Ethics Commissioner,
  - (i) give the trustee sole power over investment decisions,
  - (ii) preclude the Member from having any knowledge of the specific investments in the trust at any time after a deposit in the trust,
  - (iii) require that the Member may deposit in the trust only securities verified by the Ethics Commissioner as being publicly-traded securities, shares or units in a mutual fund, futures and forward contracts or exchange contracts, and
  - (iv) require the trustee to invest only in publicly-traded securities, in shares or units in a mutual fund, in futures and forward contracts, in exchange contracts or in certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank, trust company, credit union or treasury branch in consideration of a deposit made with the bank, trust company, credit union or treasury branch.

RSA 2000 cC-23 s1;2001 cC-28.1 s449;2001 c23 s1(9);  
2002 cA-4.5 s26;2007 c28 s3;2014 c8 s17;2014 c9 s1(3);2017 c20 s1

## Part 2 Obligations of Members

### Decisions furthering private interests

**2(1)** A Member breaches this Act if the Member takes part in a decision in the course of carrying out the Member's office or powers knowing that the decision might further a private interest of the Member, a person directly associated with the Member or the Member's minor or adult child.

**(2)** Where a matter for decision in which a Member has reasonable grounds to believe that the Member, the Member's minor or adult child or a person directly associated with the Member has a private interest is before a meeting of the Executive Council or a committee of the Executive Council or the Legislative Assembly or a committee appointed by resolution of the Legislative Assembly, the Member must, if present at the meeting, declare that interest and must withdraw from the meeting without voting on or participating in the consideration of the matter.

**(3)** A Member who fails to comply with subsection (2) breaches this Act.

**(4)** If a matter referred to in subsection (1) requires a decision of a Minister, the Minister may request another Minister to act in the Minister's stead in connection with the decision and the Minister to whom it is referred may act in the matter for the period of time necessary.

**(5)** In the case of a meeting of the Legislative Assembly or a committee of it, where a Member has complied with subsection (2), the Clerk of the Legislative Assembly or the secretary of the meeting shall file with the Ethics Commissioner, as soon as practicable, a copy of the deliberations and proceedings, as recorded in Alberta Hansard, of the meeting from which the Member withdrew.

**(6)** In the case of a meeting of the Executive Council or a committee of it, where a Member has complied with subsection (2), the secretary of the meeting shall record

- (a) the declaration,
- (b) the general nature of the private interest declared, and
- (c) the withdrawal of the Member from the meeting.

(7) The secretary of the meeting shall file the information recorded under subsection (6) with the Ethics Commissioner as soon as practicable after the meeting.

(8) Information filed with the Ethics Commissioner under subsection (7) is confidential and may not be disclosed or inspected, but the information may be inspected and used by the Ethics Commissioner if the information is likely to be material in determining whether a Member has breached this Act.

(9) If no record was kept of who was present at a meeting at the time a matter for decision arose in which a Member, a Member's minor or adult child or a person directly associated with a Member had a private interest, no inference that the Member was present at the meeting at the time the matter arose can be made for the purposes of determining whether there was a breach under subsection (2).

RSA 2000 cC-23 s2;2007 c28 s4

#### **Influence**

**3** A Member breaches this Act if the Member uses the Member's office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the Member, a person directly associated with the Member or the Member's minor child or to improperly further another person's private interest.

RSA 2000 cC-23 s3;2007 c28 s5

#### **Insider information**

**4** A Member breaches this Act if the Member uses or communicates information not available to the general public that was gained by the Member in the course of carrying out the Member's office or powers to further or seek to further a private interest of the Member or another person's private interest.

RSA 2000 cC-23 s4;2007 c28 s6

#### **Constituency matters**

**5** A Member does not breach this Act if the activity is one in which Members of the Legislative Assembly normally engage.

RSA 2000 cC-23 s5;2007 c28 s7

#### **Offices and employment**

**6(1)** A Member breaches this Act if the Member

- (a) is at the time of being sworn in as a Member, or becomes at any time after being sworn in as a Member,

- (i) an employee of the Crown in right of Canada, whether the employment is permanent or temporary or on a full-time or part-time basis, or
- (ii) the holder of an office by reason of an appointment by or at the nomination of the Governor in Council or a Minister of the Crown in right of Canada, and to which a salary is attached,

or

- (b) becomes at any time while a Member

- (i) an employee of the Crown, whether the employment is permanent or temporary or on a full-time or part-time basis, or
- (ii) the holder of any of the offices set out in the Schedule.

- (2) If a person is, immediately before becoming a Member,

- (a) an employee of the Crown, whether the employment is permanent or temporary or on a full-time or part-time basis, or
- (b) the holder of any of the offices set out in the Schedule,

that person, on becoming a Member, ceases to be an employee of the Crown or the holder of the office, as the case may be, notwithstanding any other Act or law in force in Alberta.

- (3) A Member does not breach this section by reason of being appointed to an office set out in the Schedule in the Member's capacity as a Minister if the Member receives no remuneration as the holder of that office other than reasonable travelling and living expenses incurred in the course of serving in that office.

- (4) Employment with the Crown held pursuant to a contract of employment shall be governed by this section and not by section 8.

1991 cC-22.1 s6

#### **Gifts, benefits from persons other than the Crown**

**7(1)** A Member breaches this Act if the Member or, to the knowledge of the Member, the Member's spouse or adult interdependent partner or minor child accepts from a person other than the Crown a fee, gift or other benefit that is connected, directly or indirectly, with the performance of the Member's office.

- (2) Subsection (1) does not apply to a non-monetary gift or other non-monetary benefit that is accepted by the Member or the

Member's spouse or adult interdependent partner or minor child from the Member's political party or constituency association, a charitable organization or a Canadian government, whether federal, provincial, territorial or municipal.

**(3)** Subsection (1) does not apply to a fee, gift or other benefit that is accepted by the Member or the Member's spouse or adult interdependent partner or minor child as an incident of protocol or of the social obligations that normally accompany the Member's office

- (a) if the value of the fee, non-monetary gift or other non-monetary benefit given to the Member, the Member's spouse or adult interdependent partner or minor children does not exceed \$200,
- (b) in the case of tickets and invitations to events, if the total value of all tickets and invitations to events accepted by the Member and the Member's spouse or adult interdependent partner and minor children from the same source in any calendar year does not exceed \$400;
- (c) in the case of the invitation of a Member to a conference or meeting in respect of which the Member accepts a waiver of the attendance fee and the payment or reimbursement of reasonable travel expenses incurred for the Member's attendance at the conference or meeting, if the total value of attendance fees waived and travel expenses paid or reimbursed by the same source in any calendar year does not exceed \$400;
- (d) in any other case, if the Member applies to the Ethics Commissioner
  - (i) before or as soon as practicable after the Member receives a fee, gift or benefit, or
  - (ii) as soon as practicable after the Member has knowledge that the Member's spouse or adult interdependent partner or minor child will receive or has received a fee, gift or benefit,

and either obtains the Ethics Commissioner's approval to retain the fee, gift or benefit on any conditions the Ethics Commissioner determines or, if the approval is refused, takes any steps that the Ethics Commissioner directs.

**(4)** The Ethics Commissioner may give an approval under subsection (3)(d) only if the Ethics Commissioner is satisfied that

there is no reasonable possibility that retention of the fee, gift or other benefit will create a conflict between a private interest and the public duty of the Member.

RSA 2000 cC-23 s7;2014 c9 1(4);2002 cA-4.5 s26;  
2007 c28 s8;2014 c9 s1(4)

#### **Travel on non-commercial aircraft**

**7.1(1)** In this section, “non-commercial chartered or private aircraft” does not include a non-commercial aircraft chartered by the Crown or a private aircraft owned or leased by the Crown.

**(2)** A Member breaches this Act if the Member accepts an offer of travel on a non-commercial chartered or private aircraft that is connected, directly or indirectly, with the performance of the Member’s office, unless

- (a) the travel is required for the performance of the Member’s office,
- (b) there are exceptional circumstances warranting the acceptance of the travel, or
- (c) the member receives approval from the Ethics Commissioner before accepting the travel.

**(3)** An approval by the Ethics Commissioner under subsection (2)(c)

- (a) may be given only if the Ethics Commissioner is of the opinion that the acceptance will not create a conflict between a private interest and the public duty of the Member, and
- (b) may be given subject to any conditions determined by the Ethics Commissioner.

**(4)** Within 30 days after accepting an offer of travel under this section, a Member shall report the following in the form and manner determined by the Ethics Commissioner:

- (a) the date, place of origin and destination of the travel;
- (b) the person who provided the travel;
- (c) the circumstances in which the travel was accepted;
- (d) any other information determined by the Ethics Commissioner.



(5) The Ethics Commissioner may publish information reported under subsection (4) on the Ethics Commissioner's website in a form that the Ethics Commissioner considers appropriate.

2007 c28 s9;2014 c9 s1(5)

#### **Contracts with the Crown**

**8(1)** A Member breaches this Act if, while being a Member, the Member or a person directly associated with the Member or with the Member's spouse or adult interdependent partner becomes a party to a contract within any of the following classes:

- (a) a contract under which the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner borrows money from a treasury branch;
- (b) a contract under which the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner conveys or agrees to convey to the Crown any interest in land otherwise than
  - (i) by consenting to the acquisition by the Crown of the interest under section 30 of the *Expropriation Act* and executing a conveyance under that section, or
  - (ii) with the approval of the Ethics Commissioner on certification that the consideration for the conveyance is fair and reasonable;
- (c) a contract to which the Crown is also a party and that is for the construction, demolition, alteration or repair of a public work;
- (d) a contract under which the Agriculture Financial Services Corporation lends money to, or guarantees a debt of, the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner;
- (e) repealed 2007 c28 s10;
- (f) a contract to which the Crown is also a party, other than a contract referred to in clauses (a) to (e), if the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner receives a preference from the Crown on entering into the contract or receives a benefit under the contract not available to other members of the public under contracts of the same class.

**(2)** Subsection (1)(f) does not prevent a Member or a person directly associated with the Member or with the Member's spouse or adult interdependent partner from becoming a party to a contract with the Crown if the contract provides for a payment or benefit permitted under section 9(2)(a), (b) or (c).

**(3)** Where a contract to which the Crown is also a party, other than a contract referred to in subsection (1)(a) to (e), is entered into in which a Member or a person directly associated with a Member or with the Member's spouse or adult interdependent partner is a party but did not receive a preference from the Crown or a benefit under the contract not available to other members of the public under contracts of the same class, the Minister responsible for the department or the agency or other body of the Crown that awarded the contract

(a) must advise the Ethics Commissioner of the contract, and

(b) must provide to the Ethics Commissioner a statutory declaration setting out

(i) the procedure used for awarding the contract, and

(ii) that the Member or the person directly associated with a Member or with the Member's spouse or adult interdependent partner did not receive a preference from the Crown or a benefit under the contract not available to other members of the public under contracts of the same class.

**(4)** A Member does not breach subsection (1) in respect of a renewal of a contract to which subsection (1) would otherwise apply if

(a) at the time of becoming a Member, the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner was a party to the contract, and

(b) repealed 2007 c28 s10,

(c) the Ethics Commissioner, before the renewal is made by the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner, gives an opinion that

(i) the provisions of the renewal are fair and reasonable in the circumstances, having regard to the provisions of the existing contract,

- (ii) the renewal will be effected in accordance with the provisions of the contract pertaining to its renewal, and
- (iii) the Member or the person directly associated with the Member or with the Member's spouse or adult interdependent partner has not received any preference from the Crown in relation to the renewal and will not receive a benefit under the renewal not available to other members of the public under a contract of the same class.

**(5)** A Member does not breach subsection (1) in respect of a contract to which subsection (1) would otherwise apply if, in the Ethics Commissioner's opinion,

- (a) the contract will not create a conflict between the person contracting with the Crown and the public interest, or
- (b) the contract is trivial.

**(6)** In addition to section 1(5)(a), for the purposes of this section a person is directly associated with a Member or with a Member's spouse or adult interdependent partner if that person is

- (a) a corporation having share capital and carrying on business or activities for profit or gain of which that Member or Member's spouse or adult interdependent partner is a director or senior officer, or a subsidiary of such a corporation whether or not that Member or Member's spouse or adult interdependent partner is a director or senior officer of the subsidiary,
- (b) a private corporation carrying on business or activities for profit or gain of which that Member or Member's spouse or adult interdependent partner owns or is the beneficial owner of shares, or a subsidiary of such a corporation whether or not that Member or Member's spouse or adult interdependent partner owns or is the beneficial owner of shares of the subsidiary,
- (c) a partnership
  - (i) of which that Member or Member's spouse or adult interdependent partner is a partner, or
  - (ii) of which one of the partners is a corporation directly associated with that Member or Member's spouse or adult interdependent partner by reason of clause (b),

or

(d) a person or group of persons acting with the express or implied consent of that Member or Member's spouse or adult interdependent partner.

(7) Section 1(6) applies in respect of subsection (6)(b).

(8) Sections 3(b) and (d) and 10(a) of the *Conflicts of Interest Amendment Act, 2007* do not apply in respect of contracts entered into before those sections come into force, but subsection (4) of this section applies in respect of a renewal of those contracts.

RSA 2000 cC-23 s8;2007 c28 s10

#### **Payments from the Crown**

**9(1)** A Member breaches this Act if, while being a Member, the Member or a person directly associated with the Member accepts a payment of public money from the Crown or a person acting on behalf of the Crown otherwise than as permitted by subsection (2).

**(2)** A Member or a person directly associated with the Member may accept a payment of public money from the Crown or a person acting on behalf of the Crown if

- (a) the payment is made to the Member pursuant to Part 3 or 4 of the *Legislative Assembly Act* or otherwise in the Member's capacity as a Member of the Legislative Assembly, as a member of the Executive Council or as the holder of an office to which the Member is elected by the Legislative Assembly or appointed by or at the nomination of the Lieutenant Governor in Council or a Minister of the Crown in right of Alberta, and the payment is authorized by or pursuant to
  - (i) the *Legislative Assembly Act* or any other enactment,
  - (ii) a resolution or order of the Legislative Assembly, or
  - (iii) a supply vote,
- (b) the recipient is, according to the enactment authorizing the payment, entitled to the payment as a matter of right or subject only to compliance with the requirements of that enactment that are conditions precedent to the payment,
- (c) the recipient of the payment
  - (i) is, according to the enactment under which the payment is authorized, eligible to apply for the payment and complies with the requirements of that enactment that are conditions precedent to the payment,

- (ii) in respect of the recipient's application is given no preference not available to others, and
  - (iii) receives no special benefit in relation to the recipient's application or the payment,
- or
- (d) the payment is made under a contract that may be entered into without the Member being in breach of section 8.

1991 cC-22.1 s9;1996 cA-27.01 s23

#### **Deemed Member**

**10** If a person ceases to be a Member of the Legislative Assembly by reason of dissolution of the Legislature or otherwise and again becomes a Member of the Legislative Assembly by reason of being elected in the succeeding general election or by-election, as the case may be, then, for the purposes of sections 8 and 9, the person is deemed to be a Member of the Legislative Assembly during the intervening period.

1991 cC-22.1 s10

### **Part 3 Disclosure**

#### **Disclosure statements**

**11(1)** Every Member shall file with the Ethics Commissioner a disclosure statement in the form and manner determined by the Ethics Commissioner

- (a) within 60 days after becoming a Member of the Legislative Assembly,
- (b) within 60 days after being appointed to the Executive Council if the Member has not filed a current disclosure statement as a Member of the Legislative Assembly, and
- (c) in each subsequent year at the time specified by the Ethics Commissioner.

**(2)** A Member shall, within 30 days after the occurrence of any material changes to the information contained in a current disclosure statement, file with the Ethics Commissioner an amending disclosure statement in the form provided by the Ethics Commissioner setting out the changes.

RSA 2000 cC-23 s11;2014 c9 s1(6)

#### **Contents of disclosure statement**

**12** A disclosure statement

- (a) shall include a statement, as of a date determined by the Ethics Commissioner, of the assets, liabilities and financial interests of the Member, of any private corporation controlled by the Member and of any private corporation controlled by a combination of the Member and the Member's spouse or adult interdependent partner or minor children, but not including investments in a blind trust or investment arrangement,
- (b) shall include a statement, as of a date determined by the Ethics Commissioner, of the assets, liabilities and financial interests of the Member's spouse or adult interdependent partner and minor children and of any private corporation controlled by the Member's spouse or adult interdependent partner, minor children or any combination of them, so far as known to the Member after the Member has requested information from the Member's spouse or adult interdependent partner,
  - (b.1) shall, as of a date determined by the Ethics Commissioner, identify any legal proceedings of which the Member is aware being brought against the Member,
  - (b.2) shall, as of a date determined by the Ethics Commissioner, identify whether the Member is in arrears of maintenance payable, including legal costs, interest and penalties, in respect of a maintenance order or agreement,
- (c) need not include obligations being incurred for ordinary living expenses that will be discharged in the ordinary course of the Member's affairs,
- (d) shall include a statement
  - (i) of the income that the Member and persons referred to in clause (a), and
  - (ii) of the income that, so far as known to the Member after the Member has requested information from the Member's spouse or adult interdependent partner, any other person mentioned in clause (b) have received in the preceding 12 months or expect to receive in the next 12 months and, to the extent required by the Ethics Commissioner, of the sources of the income, and
- (e) shall include a list of all fees, gifts and other benefits accepted under section 7 having a value greater than \$100,

including any fees, gifts or other benefits not approved by the Ethics Commissioner under section 7(3)(d);

- (f) shall include a list of all travel on a non-commercial or private aircraft accepted under section 7.1.

RSA 2000 cC-23 s12;2002 cA-4.5 s26;  
2007 c28 s11;2014 c9 s1(7)

#### **Meeting with Members**

**13** The Ethics Commissioner shall, as soon as practicable after a Member has filed a disclosure statement, meet with the Member and the Member's spouse or adult interdependent partner, if available, to ensure that the Member has made adequate disclosure and to advise about the Member's obligations under this Act.

RSA 2000 cC-23 s13;2002 cA-4.5 s26

#### **Public disclosure statements**

**14(1)** After meeting with the Member, and with the Member's spouse or adult interdependent partner if the spouse or adult interdependent partner is available, the Ethics Commissioner shall prepare a public disclosure statement.

**(2)** Where a Member files an amending disclosure statement, the Ethics Commissioner, after consulting the Member and the Member's spouse or adult interdependent partner, if available, shall, if the Ethics Commissioner considers it necessary, prepare either a new public disclosure statement or a supplementary public disclosure statement, which shall form part of the Member's public disclosure statement.

**(3)** Except as provided in this section, a public disclosure statement shall identify

- (a) the assets, liabilities, financial interests and sources of income,
- (b) the fees, gifts or benefits accepted with the Ethics Commissioner's approval under section 7(3)(d), and
- (c) any travel accepted under section 7.1,

as disclosed in the Member's disclosure statement, but shall not state the amount or value of them.

**(4)** The following shall be excluded from a public disclosure statement unless the Ethics Commissioner is of the opinion that disclosure of the asset, liability, financial interest, source of income or information is likely to be material to the determination of whether a Member is or is likely to be in breach of this Act:

- (a) assets, liabilities or interests having a value of less than \$10 000;
  - (b) a source of income of less than \$5000 per year;
  - (c) information identifying a home or recreational property occupied by the Member, the Member's spouse or adult interdependent partner or one of the Member's family;
  - (d) personal property that the Member, the Member's spouse or adult interdependent partner or one of the Member's family uses primarily for transportation, household, educational, recreational, social or esthetic purposes;
  - (e) unpaid taxes, except property taxes under the *Municipal Government Act* and taxes under the *School Act*;
  - (f) support obligations.
- (5) The Ethics Commissioner may from time to time establish other categories of matters to be excluded from public disclosure statements on the grounds that they are of little or no importance and are not likely to be material to the determination of whether a Member is or is likely to be in breach of this Act.
- (6) If in the opinion of the Ethics Commissioner disclosure of the amount or value of an asset, liability, financial interest or source of income is likely to be material to the determination of whether a Member is or is likely to be in breach of this Act, the amount or value shall be included in the public disclosure statement.
- (7) The Ethics Commissioner may exclude from the public disclosure statement a source of income received by a Member's spouse or adult interdependent partner or minor child or a private corporation if
- (a) the income is or will be received in respect of services or things that are customarily provided on a confidential basis, or
  - (b) the possibility of serious harm to a business of the spouse or adult interdependent partner, minor child or private corporation justifies a departure from the general principle of public disclosure.
- (8) Information included in a disclosure statement or amending disclosure statement of a Member to the Ethics Commissioner and not included in the Member's public disclosure statement is confidential unless it is relevant to a proceeding under Part 5.



(9) On completion of a public disclosure statement or a supplementary disclosure statement, the Ethics Commissioner shall file it with the Clerk of the Legislative Assembly.

RSA 2000 cC-23 s14;2002 cA-4.5 s26;  
2007 c28 s12;2014 c9 s1(8)

**Returns relating to persons directly associated**

**15(1)** Every person who becomes a Member shall, within 60 days after becoming a Member, furnish to the Ethics Commissioner a return showing

- (a) the name and address of each person with whom the Member was directly associated on the day of becoming a Member and with whom the Member became directly associated after that date and before the date of the return, and
- (b) if the Member's direct association with any person referred to in clause (a) terminated before the date of the return, the date of the termination.

**(2)** Every Member shall furnish to the Ethics Commissioner

- (a) a return showing
  - (i) the name and address of each person with whom the Member became directly associated on or after the date of the Member's initial return under subsection (1) or (2), and
  - (ii) the date on which the direct association began, within 30 days after the direct association began, and
- (b) a return showing the date on which the Member's direct association with any person terminated, within 30 days after that date.

**(3)** Where a person ceases to be a Member by reason of dissolution of the Legislature or otherwise,

- (a) that person shall, within 30 days after ceasing to be a Member, furnish a return to the Ethics Commissioner showing
  - (i) the name and address of each person with whom the person became directly associated or with whom that person ceased to be directly associated on or after the date of that person's last return under this section, and

- (ii) the date on which the direct association began or terminated, as the case may be,

and

- (b) if that person again becomes a Member in the succeeding general election or by-election, as the case may be, that person shall, within 60 days after again becoming a Member, furnish a return to the Ethics Commissioner showing

- (i) the name and address of each person with whom the Member became directly associated or with whom the Member ceased to be directly associated in the intervening period, and

- (ii) the date on which the direct association began or terminated, as the case may be.

(4) In a return under this section, a Member is not required to show the name and address of any person who is or was directly associated with the Member by reason of section 1(5)(e) unless that person, during the period of the direct association and as the agent of the Member with actual authority from the Member,

- (a) became a party to a contract to which the Crown was also a party, or
- (b) received a payment of public money from the Crown or from a person acting on behalf of the Crown, otherwise than pursuant to a contract.

(5) A return under this section may be in the form prescribed by the Ethics Commissioner.

(6) On receipt of a return under this section, the Ethics Commissioner shall file a copy of the return with the Clerk of the Legislative Assembly and provide a copy to the President of Treasury Board and Minister of Finance.

RSA 2000 cC-23 s15;2006 c23 s21;2013 c10 s32

#### **President of Treasury Board and Minister of Finance's report**

**16(1)** The President of Treasury Board and Minister of Finance shall, after the end of each Government fiscal year, prepare a report showing in respect of each person who was a Member during that fiscal year

- (a) the names of the persons directly associated with the Member in that fiscal year and the period of the direct

association, as indicated by the returns furnished under section 15,

- (b) information relating to payments made by the Crown to the Member in that fiscal year, and
- (c) information relating to payments made by the Crown in that fiscal year to the respective persons directly associated with the Member in that fiscal year, as indicated by the returns furnished under section 15.

**(2)** Each Provincial agency shall, in accordance with the directions of the President of Treasury Board and Minister of Finance, furnish to the President of Treasury Board and Minister of Finance after the end of each Government fiscal year any information that the President of Treasury Board and Minister of Finance requires for the purposes of a report under subsection (1) for that fiscal year insofar as it relates to payments made by that Provincial agency in that fiscal year to Members and to the persons directly associated with Members according to the returns furnished under section 15.

**(3)** The President of Treasury Board and Minister of Finance, in providing the information referred to in subsection (1)(b) and (c) in a report under that subsection,

- (a) may classify payments in any manner the President of Treasury Board and Minister of Finance considers appropriate,
- (b) shall show in respect of each class of payments the aggregate amount of the payments of that class made to each Member and to each person directly associated with the Member in the fiscal year, and
- (c) shall show in respect of each person who was a Member in the fiscal year to which the report relates the aggregate amount of all payments of all classes made to that Member and the aggregate amount of all payments of all classes made to each person directly associated with the Member in the fiscal year.

**(4)** A report prepared under subsection (1) shall not include

- (a) payments made to or on behalf of the Member pursuant to Part 3 or 4 of the *Legislative Assembly Act*,
- (b) payments required to be included in a report under section 37 of the *Legislative Assembly Act*,

- (c) payments of benefits under the *Alberta Health Care Insurance Act*,
- (d) repealed 2003 cI-0.5 s54,
- (d.1) payments of assistance under Part 2 of the *Income and Employment Supports Act*,
- (e) payments of benefits under the *Assured Income for the Severely Handicapped Act*,
- (f) payments under the *Seniors Benefit Act*,
- (g) repealed 2003 cI-0.5 s54,
- (h) compensation paid under the *Workers' Compensation Act* or the *Blind Workers' Compensation Act*,
- (i) payments made by way of student financial assistance under the *Students Finance Act* or financial assistance under and within the meaning of the *Student Financial Assistance Act*,
- (j) payments of salary, expenses and benefits, including pension benefits, paid to persons who are directly associated with the Member, but the report must indicate that payments were received by those persons,
- (k) payments made by way of refunds, or
- (l) any other class of payments by the Crown if the disclosure in the report of the identity of the recipients would contravene any law in force in Alberta that contains confidentiality requirements in respect of that class of payments.

(5) When a report is prepared under subsection (1), the President of Treasury Board and Minister of Finance shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

RSA 2000 cC-23 s16;2002 cS-20.5 s24;2003 cI-0.5 s54;  
2006 cA-45.1 s14;2006 c23 s21;2013 c10 s32

### **Filing of public disclosure statements**

#### **17 The Office of the Ethics Commissioner**

- (a) shall retain each Member's public disclosure statements, supplementary public disclosure statements, amending disclosure statements and returns for a period of 3 years

after the Member ceases to be a Member, after which the statements and returns may be destroyed,

- (b) shall make the public disclosure statements, any supplementary public disclosure statements and amending disclosure statements and returns available for examination by any person who wishes to examine them, and
- (c) may publish information derived from a Member's public disclosure statements, supplementary public disclosure statements, amending disclosure statements and returns on the Ethics Commissioner's website in a form that the Ethics Commissioner considers appropriate.

RSA 2000 cC-23 s17;2007 c28 s13;2014 c9 s1(9)

#### **Failure to file**

**18** A Member breaches this Act if the Member does not file within the time required by this Act, or knowingly gives false or misleading information in,

- (a) a disclosure statement under section 11(1),
- (b) an amending disclosure statement under section 11(2), or
- (c) a return under section 15.

RSA 2000 cC-23 s18;2014 c9 s1(10)

#### **Reimbursement for costs**

**19(1)** Members are entitled to be reimbursed for

- (a) costs associated with the completion of their disclosure statements,
- (b) costs associated with the establishment and administration of a blind trust or of an investment arrangement, and
- (c) costs associated with transferring a mortgage, line of credit or other account from a treasury branch to another financial institution as necessary to comply with section 8.

**(2)** The amount of the reimbursement is subject to the approval of the Ethics Commissioner.

RSA 2000 cC-23 s19;2014 c9 s1(11)

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

**Restriction on holdings**

**20(1)** A Minister breaches this Act if the Minister, after the expiration of the relevant period referred to in section 22, owns or has a beneficial interest in publicly-traded securities.

**(2)** Subsection (1) does not apply if

- (a) the publicly-traded securities are held in a blind trust approved under subsection (4) or in an investment arrangement approved under subsection (5),
- (b) prior to the expiration of the relevant period referred to in section 22, the Minister applies to the Ethics Commissioner for approval to retain ownership of or a beneficial interest in the publicly-traded securities and either obtains the Ethics Commissioner's approval or, if the approval is refused, takes any steps that the Ethics Commissioner directs with respect to the disposition of the ownership or beneficial interest, or
- (c) after the expiration of the relevant period referred to in section 22, the Minister acquires ownership of or a beneficial interest in publicly-traded securities with the prior approval of the Ethics Commissioner.

**(3)** The Ethics Commissioner may give an approval

- (a) under subsection (2)(b) or (c) if the Ethics Commissioner is of the opinion that the publicly-traded securities are securities of a corporation the interests of which are not likely to be affected by decisions of the Government, or
- (b) under subsection (2)(b) if the Ethics Commissioner is of the opinion that the Minister will sustain a financial loss if the publicly-traded securities are disposed of and the public interest does not require disposition of the publicly-traded securities by the Minister.

**(4)** The Ethics Commissioner may approve the retention of publicly-traded securities to be held in a blind trust if the blind trust will meet the following criteria:

- (a) the Minister is the settlor of the trust;

- (b) the trustee is approved as trustee by the Ethics Commissioner after the Ethics Commissioner is satisfied that there is no relationship between the Minister and the trustee that would affect or would appear to affect the discharge of the trustee's duties;
  - (c) the terms of the trust, in the opinion of the Ethics Commissioner,
    - (i) give the trustee sole power over investment decisions,
    - (ii) preclude the Minister from having any knowledge of the specific investments in the trust at any time after a deposit in the trust,
    - (iii) require that the Minister may deposit in the trust only securities verified by the Ethics Commissioner as being publicly-traded securities, shares or units in a mutual fund, futures and forward contracts or exchange contracts, and
    - (iv) require the trustee to invest only in publicly-traded securities, in shares or units in a mutual fund, in futures and forward contracts, in exchange contracts or in certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank, trust company, credit union or treasury branch in consideration of a deposit made with the bank, trust company, credit union or treasury branch.
- (5)** The Ethics Commissioner may approve the retention of publicly-traded securities to be held in an investment arrangement if the investment arrangement will meet the following criteria:
- (a) it gives a person other than the Minister sole power over investment decisions,
  - (b) it precludes the Minister from having any knowledge of the specific investments at any time after a deposit to the investment arrangement, and
  - (c) it ensures there will be no relationship between the Minister and the person referred to in clause (a) that would affect or would appear to affect that person's investment decisions.
- (6)** An approval or direction given by the Ethics Commissioner under this section may be given subject to any conditions determined by the Ethics Commissioner.

RSA 2000 cC-23 s20;2014 c9 s1(12)

**Employment restrictions**

**21(1)** A Minister breaches this Act if, after the expiration of the relevant period referred to in section 22, the Minister

- (a) engages in employment or in the practice of a profession,
- (b) carries on a business, or
- (c) holds an office or directorship other than in a social club, religious organization or political party,

that creates or appears to create a conflict between a private interest of the Minister and the public duty of the Minister.

**(2)** Subsection (1) does not apply if the Minister has disclosed the material facts to the Ethics Commissioner and if,

- (a) prior to the expiration of the relevant period referred to in section 22,
  - (i) the Ethics Commissioner is satisfied that the activity will not create or appear to create a conflict between a private interest of the Minister or of a person directly associated with the Minister and the performance of the Minister's public duty, and
  - (ii) in the case of a business, the Ethics Commissioner is satisfied that the business will be carried on by way of a management arrangement in which
    - (A) the Minister will be precluded from participating in discussions about matters that could affect a private interest of the Minister or of a person directly associated with the Minister, and
    - (B) the Minister will be precluded from voting on matters that could affect a private interest of the Minister or of a person directly associated with the Minister,

or

- (b) after the expiration of the relevant period referred to in section 22, the Minister commences an activity with the prior approval of the Ethics Commissioner on the conditions set out in subsection (2)(a)(i) and (ii).

**(3)** An approval given by the Ethics Commissioner under subsection (2) may be given subject to any conditions determined by the Ethics Commissioner.



- (4) For the purposes of this section,
- (a) the management of routine personal financial interests does not constitute carrying on a business, and
  - (b) maintaining qualifications in a profession or occupation as required by the profession or occupation does not constitute carrying on a business or engaging in employment or in the practice of a profession.

RSA 2000 cC-23 s21;2007 c28 s14;2014 c9 s1(13)

#### **Time for compliance**

**22(1)** For the purposes of sections 20(1) and 21(1), with respect to a person who becomes a Minister, the relevant period is 60 days after being appointed to the Executive Council or any longer period that the Ethics Commissioner may direct.

(2) For the purposes of section 20(2)(c), with respect to a Minister who acquires ownership of or a beneficial interest in publicly-traded securities by gift or inheritance, the relevant period is 60 days after receiving the gift or inheritance or any longer period that the Ethics Commissioner may direct.

(3) For the purposes of section 21(2)(b), with respect to a Minister who acquires a business by gift or inheritance, the relevant period is 60 days, or any longer period that the Ethics Commissioner may direct, after receiving the gift or inheritance of a business that is to be carried on by the Minister.

RSA 2000 cC-23 s22;2014 c9 s1(14)

#### **Leader of the opposition**

**23(1)** Sections 20, 21 and 22(2) apply, with the necessary modifications, to the Leader of Her Majesty's loyal opposition.

(2) For the purposes of sections 20(1) and 21(1) as they apply to the Leader of Her Majesty's loyal opposition, the period is 60 days after becoming the Leader of Her Majesty's loyal opposition or any longer period that the Ethics Commissioner may prescribe.

1998 c33 s12

## **Part 4.1 Former Ministers**

#### **Restrictions on former Ministers**

**23.1(1)** No former Minister shall, for a period of 12 months from the last day the former Minister held his or her appointment as a Minister, lobby, as defined in the *Lobbyists Act*, any public office holder as defined in the *Lobbyists Act*.

(2) No former Minister shall, for a period of 12 months from the last day the former Minister held his or her appointment as a Minister, act on a commercial basis or make representations on his or her own behalf or on behalf of any other person in connection with any ongoing matter in connection with which the former Minister, while in office, directly acted for or advised a department or Provincial agency involved in the matter.

(3) No former Minister shall, for a period of 12 months from the last day the former Minister had a direct and significant official dealing with a department or Provincial agency, make representations with respect to a contract with or benefit from that department or Provincial agency.

(4) No former Minister shall, for a period of 12 months from the last day the former Minister had a direct and significant official dealing with a department or Provincial agency, solicit or accept on his or her own behalf a contract or benefit from that department or Provincial agency.

(5) No former Minister shall, for a period of 12 months from the last day the former Minister had a direct and significant official dealing with an individual, organization, board of directors or equivalent body of an organization, accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

2014 c9 s1(15)

#### **Waiver or reduction**

**23.11(1)** A Minister or former Minister may apply to the Ethics Commissioner for a waiver or reduction of a time period set out in section 23.1, and the Ethics Commissioner may waive or reduce any time period set out in section 23.1 if, in the opinion of the Ethics Commissioner,

- (a) the conditions on which and the manner in which the employment, appointment, contract or benefit is awarded, approved or given are the same for all persons similarly entitled,
- (b) the award, approval, grant or benefit results from an impartially administered process open to a significant class of persons, or
- (c) the activity, contract or benefit will not create a conflict between a private interest of the former Minister and the public interest.

(2) The Ethics Commissioner may under subsection (1)(c) waive or reduce a time period set out in section 23.1 on any conditions that the Ethics Commissioner determines.

2014 c9 s1(15)

#### **Breach and offence**

**23.12(1)** A former Minister who contravenes section 23.1 and who at the time of the contravention is a Member of the Legislative Assembly breaches this Act.

(2) A former Minister who contravenes section 23.1 and who at the time of the contravention is not a Member of the Legislative Assembly is guilty of an offence and liable to a fine not exceeding \$50 000.

(3) A prosecution of an offence described in subsection (2) shall not be commenced more than 2 years after the date on which the alleged offence occurred.

(4) If a former Minister or any other person has realized financial gain in any transaction to which a conviction under subsection (2) relates, any person affected by the financial gain, including the Government or a Provincial agency, may apply to the Court of Queen's Bench for an order of restitution against the former Minister or any other person who has realized the financial gain.

2014 c9 s1(15)

#### **Breach for awarding contract**

**23.13** A Minister breaches this Act if the Minister knowingly awards or approves a contract or gives a benefit to

- (a) a former Minister who is acting in contravention of section 23.1;
- (b) a former member of the Premier's and Ministers' staff who is acting in contravention of section 23.7;
- (c) a former designated office holder as defined in the *Public Service Act* who is acting in contravention of section 25.4 of that Act.

2014 c9 s1(15)

## **Part 4.2 Premier's and Ministers' Staff**

#### **Decisions furthering private interests**

**23.2** A member of the Premier's and Ministers' staff breaches this Part if he or she takes part in a decision in the course of carrying out his or her office or powers knowing that the decision

might further a private interest of the member, a person directly associated with the member or the member's minor or adult child.  
2014 c9 s1(15)

#### **Influence**

**23.3** A member of the Premier's and Ministers' staff breaches this Part if the member uses his or her office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the member, a person directly associated with the member or the member's minor child or to improperly further any other person's private interest.

2014 c9 s1(15)

#### **Insider information**

**23.4** A member of the Premier's and Ministers' staff breaches this Act if he or she uses or communicates information not available to the general public that was gained by the member in the course of carrying out his or her office or powers to further or seek to further a private interest of the member or any other person's private interest.

2014 c9 s1(15)

#### **Code of conduct**

**23.41(1)** The Lieutenant Governor in Council may establish a code of conduct for the Premier's and Ministers' staff.

(2) To the extent that it is consistent with this Part, the code of conduct referred to in the terms of employment of a person who is a member of the Premier's and Ministers' staff when this section comes into force applies until it is replaced by a code of conduct referred to in subsection (1).

(3) A member of the Premier's and Ministers' staff who contravenes a code of conduct referred to in this section breaches this Part and may be subject to disciplinary action.

2014 c9 s1(15)

#### **Restriction on holdings**

**23.5(1)** The Chief of Staff, Office of the Premier, breaches this Part if he or she, after the expiration of the relevant period referred to in subsection (7), owns or has a beneficial interest in publicly-traded securities.

(2) Subsection (1) does not apply if

- (a) the publicly-traded securities are held in a blind trust approved under subsection (4) or in an investment arrangement approved under subsection (5),

- (b) prior to the expiration of the relevant period referred to in subsection (7), the Chief of Staff, Office of the Premier, applies to the Ethics Commissioner for approval to retain ownership of or a beneficial interest in the publicly-traded securities and either obtains the Ethics Commissioner's approval or, if the approval is refused, takes any steps that the Ethics Commissioner directs with respect to the disposition of the ownership or beneficial interest, or
  - (c) after the expiration of the relevant period referred to in subsection (7), the Chief of Staff, Office of the Premier, acquires ownership of or a beneficial interest in publicly-traded securities with the prior approval of the Ethics Commissioner.
- (3)** The Ethics Commissioner may give an approval
- (a) under subsection (2)(b) or (c) if the Ethics Commissioner is of the opinion that the publicly-traded securities are securities of a corporation the interests of which are not likely to be affected by decisions of the Government, or
  - (b) under subsection (2)(b) if the Ethics Commissioner is of the opinion that the Chief of Staff, Office of the Premier will sustain a financial loss if the publicly-traded securities are disposed of and the public interest does not require disposition of the publicly-traded securities by the Chief of Staff.
- (4)** The Ethics Commissioner may approve the retention of publicly-traded securities to be held in a blind trust if the blind trust will meet the criteria set out in section 20(4).
- (5)** The Ethics Commissioner may approve the retention of publicly-traded securities to be held in an investment arrangement if the investment arrangement will meet the criteria set out in section 20(5).
- (6)** An approval or direction given by the Ethics Commissioner under this section may be given subject to any conditions determined by the Ethics Commissioner.
- (7)** For the purposes of subsections (1) and (2),
- (a) the relevant period is
    - (i) in the case of a person who becomes Chief of Staff, Office of the Premier, after the coming into force of this

section, 60 days after becoming Chief of Staff or any longer period that the Ethics Commissioner directs;

- (ii) in the case of a person who is Chief of Staff, Office of the Premier, when this section comes into force, 60 days after the coming into force of this section or any longer period that the Ethics Commissioner directs;

- (b) with respect to a Chief of Staff, Office of the Premier, who acquires ownership of or a beneficial interest in publicly-traded securities by gift or inheritance, the relevant period is 60 days after receiving the gift or inheritance or any longer period that the Ethics Commissioner directs.

2014 c9 s1(15)

#### **Disclosure statements**

**23.6(1)** Every member of the Premier's and Ministers' staff shall file with the Ethics Commissioner a disclosure statement in the form and manner determined by the Ethics Commissioner

- (a) within 60 days after
  - (i) becoming a member of the Premier's and Ministers' staff, in the case of a person who becomes a member of the Premier's and Ministers' staff after the coming into force of this section, or
  - (ii) the coming into force of this section, in the case of a person who is a member of the Premier's and Ministers' staff when this section comes into force,

and

- (b) in each subsequent year at the time specified by the Ethics Commissioner.

**(2)** A member of the Premier's and Ministers' staff shall, within 30 days after the occurrence of any material changes to the information contained in a current disclosure statement, file with the Ethics Commissioner an amending disclosure statement in the form provided by the Ethics Commissioner setting out the changes.

**(3)** Section 12(a) to (d) apply for the purpose of establishing the contents of and additional time requirements for the disclosure statements referred to in subsection (1).

2014 c9 s1(15)

#### **Returns relating to persons directly associated**

**23.61(1)** Every member of the Premier's and Ministers' staff shall file with the Ethics Commissioner a return relating to persons

directly associated with the member, in a form and manner determined by the Ethics Commissioner,

- (a) within 60 days after
  - (i) becoming a member of the Premier's and Ministers' staff, in the case of a person who becomes a member after the coming into force of this section, or
  - (ii) the coming into force of this section, in the case of a person who is a member of the Premier's and Ministers' staff when this section comes into force,
- (b) within 30 days after the occurrence of any material change in the information contained in a current return, and
- (c) within 30 days after the day he or she ceases to be a member of the Premier's and Ministers' staff.

**(2)** Section 15(1)(a) and (b) and (2) apply for the purpose of establishing the contents of a member's returns and additional time requirements for a member's returns under this section.

**(3)** On receipt of a return under this section, the Ethics Commissioner shall provide a copy of the return,

- (a) in the case of a return filed by a person who holds a position in the Premier's office, to the Premier, and
- (b) in the case of a return filed by a person who holds a position in a Minister's office, to that Minister.

2014 c9 s1(15)

#### **Failure to file**

**23.62(1)** A member of the Premier's and Ministers' staff breaches this Part if the member does not file within the time required by this Part, or if the member knowingly gives false or misleading information in,

- (a) a disclosure statement under section 23.6(1),
- (b) an amending disclosure statement under section 23.6(2), or
- (c) a return under section 23.61(1).

**(2)** If the Ethics Commissioner is of the opinion that a member of the Premier's and Ministers' staff has breached the time requirements for filing a disclosure statement, an amending disclosure statement or a return referred to in subsection (1),

sections 30.1(1) to (8) and 30.2 apply in respect of an administrative penalty.

**(3)** The Ethics Commissioner shall prepare a report setting out the following:

- (a) the name of the member of the Premier's and Ministers' staff required to pay an administrative penalty;
- (b) the particulars of the breach;
- (c) the amount of the administrative penalty;
- (d) whether the administrative penalty was paid or appealed;
- (e) any other information that the Ethics Commissioner considers appropriate.

**(4)** The report referred to in subsection (3) must be provided

- (a) in the case of a breach by a person who holds a position in the Premier's office, to the Premier, and
- (b) in the case of a breach by a person who holds a position in a Minister's office, to that Minister.

2014 c9 s1(15)

#### **Retention of statements and returns**

**23.63** The Ethics Commissioner shall retain the disclosure statements, amending disclosure statements and returns submitted by a member of the Premier's and Ministers' staff for a period of 3 years after the person ceases to be a member of the Premier's and Ministers' staff, after which the statements and returns may be destroyed.

2014 c9 s1(15)

#### **Reimbursement for costs**

**23.64(1)** Members of the Premier's and Ministers' staff are entitled to be reimbursed for

- (a) costs associated with the completion of their disclosure statements, and
- (b) in the case of the Chief of Staff, Office of the Premier, costs associated with the establishment and administration of a blind trust or an investment arrangement.

**(2)** The amount of the reimbursement is subject to the approval of the Ethics Commissioner.

2014 c9 s1(15)



**Post-employment restrictions**

**23.7(1)** No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member held a position referred to in section 1(1)(c.1), lobby as defined in the *Lobbyists Act* any public office holder as defined in the *Lobbyists Act*.

**(2)** No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member held a position referred to in section 1(1)(c.1), act on a commercial basis or make representations on his or her own behalf or on behalf of any other person in connection with any ongoing matter in connection with which the former member, while a member of the Premier's and Ministers' staff, directly acted for or advised a department or Provincial agency involved in the matter.

**(3)** No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member had a direct and significant official dealing with a department or Provincial agency, make representations with respect to a contract with or benefit from that department or Provincial agency.

**(4)** No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member had a direct and significant official dealing with a department or Provincial agency, solicit or accept on his or her own behalf a contract or benefit from that department or Provincial agency.

**(5)** No former member of the Premier's and Ministers' staff shall, for a period of 12 months from the last day the former member had a direct and significant official dealing with an individual, organization, board of directors or equivalent body of an organization, accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

**(6)** Nothing in this section restricts a member or former member of the Premier's and Ministers' staff from accepting employment with a department of the public service or a Provincial agency in accordance with Part 1 of the *Public Service Act*.

2014 c9 s1(15)

**Waiver or reduction**

**23.71(1)** A member or former member of the Premier's and Ministers' staff may apply to the Ethics Commissioner for a waiver or reduction of a time period set out in section 23.7, and the Ethics Commissioner may waive or reduce any time period set out in section 23.7 if in the opinion of the Ethics Commissioner,

- (a) the conditions on which and the manner in which the employment, appointment, contract or benefit is awarded, approved or given are the same for all persons similarly entitled,
- (b) the award, approval, grant or benefit results from an impartially administered process open to a significant class of persons, or
- (c) the activity, contract or benefit will not create a conflict between a private interest of the former member of the Premier's and Ministers' staff and the public interest.

(2) The Ethics Commissioner may under subsection (1)(c) waive or reduce a time period set out in section 23.7 on any conditions that the Ethics Commissioner determines.

2014 c9 s1(15)

#### **Offence**

**23.72(1)** A former member of the Premier's and Ministers' staff who contravenes section 23.7 is guilty of an offence and liable to a fine not exceeding \$50 000.

(2) A prosecution of an offence described in subsection (1) shall not be commenced more than 2 years after the date on which the alleged offence occurred.

(3) If a former member of the Premier's and Ministers' staff or any other person has realized financial gain in any transaction to which a conviction under subsection (1) relates, any person affected by the financial gain, including the Government or a Provincial agency, may apply to the Court of Queen's Bench for an order of restitution against the former member of the Premier's and Ministers' staff or any other person who has realized the financial gain.

2014 c9 s1(15)

#### **Investigations under this Part**

**23.8(1)** Sections 24(1) to (3) and (5) and 25(1) to (3) and (5) to (10) apply for the purposes of

- (a) an investigation under this Part, and
- (b) an investigation of a failure to comply with a code of conduct referred to in section 23.41.

(2) If the Ethics Commissioner refuses to investigate or ceases to investigate an alleged breach, suspends an investigation of an alleged breach or contravention or refuses to re-investigate an

alleged breach or contravention, the Ethics Commissioner shall provide a notice in accordance with subsection (4).

(3) If the Ethics Commissioner is of the opinion that a request made under section 24(1) was frivolous or vexatious or was not made in good faith, the Ethics Commissioner may state that opinion in a report provided in accordance with subsection (4).

(4) A notice referred to in subsection (2) or a report referred to in subsection (3) must be provided

- (a) to the individual against whom the allegation was made,
- (b) to the person who made the request under section 24(1),
- (c) in the case of a notice or report respecting a member or former member of the Premier's and Ministers' staff who holds or held a position in the Premier's Office, the Premier, or
- (d) in the case of a notice or report respecting a member or former member of the Premier's and Ministers' staff who holds or held a position in a Minister's office, that Minister.

2014 c9 s1(15)

#### **Ethics Commissioner's report under this Part**

**23.81(1)** The Ethics Commissioner shall prepare a report regarding the outcome of an investigation under this Part.

(2) Section 27, except subsection (2), applies for the purposes of a report under this Part.

(3) The report may be disclosed

- (a) to the individual against whom the allegation was made,
- (b) in the case of a report respecting a member or former member of the Premier's and Ministers' staff who holds or held a position in the Premier's Office, to the Premier,
- (c) in the case of a report respecting a member or former member of the Premier's and Ministers' staff who holds or held a position in a Minister's office, to that Minister, and
- (d) where the Ethics Commissioner believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Part or any other enactment of Alberta or an Act of the

Parliament of Canada, to the Minister of Justice and Solicitor General or a law enforcement agency.

- (4) Sections 28 and 29 do not apply for the purposes of this Part.  
2014 c9 s1(15)

### Regulations

**23.9** The Lieutenant Governor in Council may make regulations

- (a) respecting the application of the provisions of other Parts of this Act, referred to in this Part, that apply for the purposes of this Part;
- (b) respecting any transitional matter relating to this Part.  
2014 c9 s1(15)

## Part 4.3 Senior Officials, Members and Employees of Public Agencies

### Interpretation and Application

#### Interpretation

**23.92(1)** In this Part,

- (a) “chair” means a person appointed to the position of chair of the board of directors, or the highest ranking position on a governing body of the public agency but does not include an employee of a department;
- (b) “chief executive officer” means the highest ranking executive of a public agency who has primary responsibility for overseeing the day-to-day operations of the public agency but does not include an employee of a department;
- (c) “department” means
  - (i) a department of the Government or of the public service of Alberta established under the *Government Organization Act*,
  - (ii) a part of the public service of Alberta that is not part of a department referred to in subclause (i) and that is designated as a department by the Lieutenant Governor in Council for the purposes of the *Public Service Act*, and
  - (iii) any other part of the public service of Alberta,but does not include an Office of the Legislature;

- (d) “designated senior official” means a designated senior official within the meaning of section 23.921(4) and (5);
- (e) “former designated senior official” means a designated senior official who has ceased to hold a position referred to in clause (d);
- (f) “member” means
  - (i) in respect of a public agency that is a corporation, a member of the public agency or of its board, council or other governing body, and
  - (ii) in respect of a public agency that is an unincorporated body, a member of the public agency;
- (g) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (h) “Office of the Legislature” means
  - (i) the Legislative Assembly Office,
  - (ii) the Office of the Auditor General,
  - (iii) the Office of the Ombudsman,
  - (iv) the Office of the Chief Electoral Officer,
  - (iv.1) the Office of the Election Commissioner,
  - (v) the Office of the Ethics Commissioner,
  - (vi) the Office of the Information and Privacy Commissioner,
  - (vii) the Office of the Child and Youth Advocate, and
  - (viii) the Office of the Public Interest Commissioner;
- (i) “public agency” means a public agency within the meaning of section 23.921(1) and (2);
- (j) “responsible Minister” means, in respect of a public agency,
  - (i) the Minister to whom the public agency reports, or
  - (ii) if the public agency is not otherwise required to report to a Minister, the Minister determined under section 16 of the *Government Organization Act* as the Minister

responsible for the *Alberta Public Agencies Governance Act*;

(k) “senior official” means a senior official within the meaning of section 23.921(3) and (5).

(2) In this Part, a reference to a “code of conduct” includes a bylaw, policy, ethical guideline or any documented guidance, however named, that is intended to govern all or any part of the subject-matter of section 23.922.

(3) In this Part, a reference to a section in another Part of this Act that applies to or in respect of a Member or a Minister as defined in section 1(1)(d) applies, with any necessary modifications, for the purposes of this Part.

2017 c20 s1;2018 c11 s6

#### **Application**

**23.921(1)** Except as set out under this section, this Part applies in respect of the following public agencies:

- (a) a public agency to which the *Alberta Public Agencies Governance Act* applies and the subsidiaries of the public agency;
- (b) regional health authorities and subsidiary health corporations under the *Regional Health Authorities Act*;
- (c) any other body, whether incorporated or not, that is identified or described by the Lieutenant Governor in Council, by order, as a public agency for the purposes of this Part.

(2) This Part does not apply in respect of

- (a) an Office of the Legislature,
- (b) the Advocate for Persons with Disabilities appointed under the *Advocate for Persons with Disabilities Act*,
- (c) the Health Advocate appointed under the *Alberta Health Act*,
- (d) the Mental Health Patient Advocate appointed under the *Mental Health Act*,
- (e) the medical panels commissioner and medical panels referred to in the Workers’ Compensation Act,

- (f) the Property Rights Advocate appointed under the *Property Rights Advocate Act*,
  - (g) the Public Trustee appointed under the *Public Trustee Act*,
  - (h) the corporations referred to in section 2.2(4) of the *Funds and Agencies Exemption Regulation* (AR 128/2002), and
  - (i) any part or all of any other body, whether incorporated or not, that is identified by the Lieutenant Governor in Council, by order, as an excluded public agency for the purposes of this Part.
- (3) The following are senior officials for the purposes of this Part:
- (a) the chair of a public agency;
  - (b) the chief executive officer of a public agency;
  - (c) a person or class of persons holding a public agency position that is identified by the Lieutenant Governor in Council, by order, as a senior official position for the purposes of this Part.
- (4) For the purposes of this Part, the Lieutenant Governor in Council may, by order, designate in accordance with this section,
- (a) the public agencies whose senior officials may be designated under clause (b), and
  - (b) the senior official positions of a public agency referred to in clause (a) that have the obligations of a designated senior official for the purposes of this Part.
- (5) The Lieutenant Governor in Council may, by order, exempt
- (a) a public agency, a public agency position or a class of public agency positions from this Part or from an obligation of senior officials set out in this Part, and
  - (b) a designated senior official position or a class of designated senior official positions from this Part or any provision of this Part.

2017 c20 s1

### Codes of Conduct

#### Codes of conduct

**23.922(1)** Every public agency shall in respect of its members, employees, senior officials and designated senior officials, if any,

- (a) prepare and submit to the Ethics Commissioner within 4 months of the coming into force of this section one or more codes of conduct that meet the requirements set out in subsection (2) and the regulations, and
  - (b) if the Ethics Commissioner is satisfied that a code of conduct meets the requirements set out in subsection (2) and the regulations,
    - (i) make the code of conduct available to the public, and
    - (ii) implement the code of conduct on or before the expiration of the period of notice referred to in subsection (2)(g).
- (2) A code of conduct referred to in subsection (1) must
- (a) require persons subject to the code of conduct to conduct themselves impartially in carrying out their duties,
  - (b) prohibit the persons subject to the code of conduct from acting in self-interest or furthering their private interests by virtue of their position or through the carrying out of their duties and, in the case of a code of conduct respecting senior officials or designated senior officials, include all the subject-matter of section 23.925, and any additional detail regarding the subject-matter of section 23.925 that is appropriate to the particular agency and positions subject to the code of conduct,
  - (c) require the persons subject to the code of conduct to appropriately and adequately disclose real and apparent conflicts of interest,
  - (d) include restrictions to avoid a conflict of interest or apparent conflict of interest due to the acceptance of gifts by the persons subject to the code of conduct and establish maximum cash values of gifts, including a maximum cash value of gifts within the year from a single source, that may be accepted by the persons subject to the code of conduct,
  - (e) include
    - (i) restrictions to avoid a conflict of interest or apparent conflict of interest due to a person's involvement in an appointment, business, undertaking or employment, other than the appointment or employment that is subject to the code of conduct or, in the case of a code of conduct respecting senior officials or designated senior



officials, include all the subject-matter of section 23.926, and any additional detail regarding the subject-matter of section 23.926 that is appropriate to the particular agency and positions subject to the code of conduct, and

- (ii) a process by which concurrent appointments or employment may be reviewed and, if consistent with the restrictions referred to in subclause (i), approved in writing,
- (f) indicate the public agency's process for receiving and investigating complaints alleging a breach of the code of conduct and for responding to a finding that the code of conduct has been breached,
- (g) set out the period of notice, from the date on which the code of conduct is made public until the date on or before which the code of conduct will be implemented, and
- (h) conform to any requirement and include any matter specified in the regulations.

2017 c20 s1

#### **Ethics Commissioner's powers and process re codes**

**23.923(1)** The Ethics Commissioner may, as the Ethics Commissioner considers to be appropriate, request that a chief executive officer, a chair or the responsible Minister provide to the Ethics Commissioner a copy of a code of conduct referred to in section 23.922.

**(2)** A public agency wishing to amend or replace a code of conduct referred to in section 23.922 shall

- (a) prepare and submit the amendment or the replacement code of conduct to the Ethics Commissioner, setting out the period of notice from the date on which the amendment or replacement is made public until the date on or before which the amendment or the replacement will be implemented, and
- (b) if the Ethics Commissioner is satisfied that the amendment or the replacement code of conduct meets the requirements of this Part and the regulations,
  - (i) make the amended or revised code of conduct available to the public, and
  - (ii) implement the amended or revised code of conduct on or before the expiration of the period of notice referred to in subsection (2)(a).

- (3)** Following the submission of a code of conduct to the Ethics Commissioner under section 23.922(1)(a) or this section,
- (a) the Ethics Commissioner shall review the code of conduct to determine compliance with this Act and the regulations, and
  - (b) the Ethics Commissioner shall provide a report to the responsible Minister and to the chief executive officer or, if no chief executive officer exists, to the chair of the public agency, indicating
    - (i) that the Ethics Commissioner is satisfied that the applicable requirements of the Act and regulations have been met, or
    - (ii) that the Ethics Commissioner is not satisfied that the applicable requirements of the Act and regulations have been met and setting out the Ethics Commissioner's findings together with the substantive or process recommendations, if any, that the Ethics Commissioner considers to be appropriate.
- (4)** A report referred to in subsection (3)(b)(ii) may, if the Ethics Commissioner considers appropriate to do so, vary the 4-month deadline for submission of codes of conduct set out in section 23.922(1)(a).
- (5)** The Ethics Commissioner's initial review of a code or codes of conduct referred to in section 23.922(1) must be complete on or before March 31, 2019 and a public agency whose code or codes have not been published on or before April 30, 2019 is in breach of this Part.
- (6)** If the Ethics Commissioner receives no response to a request under subsection (1) or determines that no code of conduct has been submitted, published or implemented in respect of any members, employees, senior officials or designated senior officials of a public agency, the Ethics Commissioner shall provide a report to the responsible Minister and to the chief executive officer or, if no chief executive officer exists or responds, to the chair, setting out the Ethics Commissioner's findings together with the substantive or process recommendations, if any, that the Ethics Commissioner considers to be appropriate.
- (7)** In a report pursuant to subsection (6), the Ethics Commissioner may request a reply, within any reasonable period of time that the Ethics Commissioner specifies, setting out the steps that the public agency has taken or proposes to take in response to the Ethics Commissioner's findings and recommendations, if any.

(8) If the Ethics Commissioner believes that a public agency has failed to comply with a requirement set out in section 23.922 or the regulations, or with a recommendation or deadline referred to in this section, the Ethics Commissioner's annual report may identify the public agency and set out the Ethics Commissioner's findings and recommendations, if any, under subsection (6).

2017 c20 s1

#### **Existing codes of conduct**

**23.924** To the extent that it is consistent with this Part, a code of conduct referred to in the terms of employment of an employee, or that otherwise applies to a member, employee, senior official or designated senior official to whom a code referred to in section 23.922(1) will apply when it is implemented, applies until it is replaced in accordance with this Part.

2017 c20 s1

### **Senior Officials' Statutory Obligations**

#### **Decisions furthering private interests**

**23.925(1)** A senior official breaches this Part if he or she takes part in a decision in the course of carrying out his or her office or powers knowing that the decision might further a private interest of the senior official, a person directly associated with the senior official or the senior official's minor or adult child.

(2) A senior official breaches this Part if the senior official uses his or her office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the senior official, a person directly associated with the senior official or the senior official's minor child or to improperly further any other person's private interest.

(3) A senior official breaches this Part if he or she uses or communicates information not available to the general public that was gained by the senior official in the course of carrying out his or her office or powers to further or seek to further a private interest of the senior official or any other person's private interest.

(4) A senior official breaches this Part if the senior official fails to appropriately or adequately disclose a real or apparent conflict of interest.

2017 c20 s1

#### **Concurrent employment**

**23.926(1)** If any of the following senior officials is involved in any appointment, business, undertaking or employment, including self-employment, other than the appointment, business,

undertaking or employment that is subject to this Act, that senior official breaches this Part:

- (a) a chief executive officer;
- (b) a chair whose position has been designated for the purposes of section 23.921(4)(b);
- (c) a person holding a position identified under section 23.921(3)(c), if that position has been designated for the purposes of section 23.921(4)(b).

(2) A person referred to in subsection (1) may apply to the Ethics Commissioner for approval in writing to engage in an appointment, business, undertaking or employment, including self-employment, other than the appointment or employment that is subject to this Act.

(3) The Ethics Commissioner may provide approval in writing on any conditions that the Ethics Commissioner considers to be appropriate if the Ethics Commissioner is satisfied that the appointment, business, undertaking or employment proposed in an application under subsection (2) will not constitute a real or apparent conflict of interest.

(4) Subsection (1) does not apply if the Ethics Commissioner approves the application referred to in subsection (2) in writing and the person referred to in subsection (1) complies with the conditions, if any, that the Ethics Commissioner has included in the approval.

2017 c20 s1

### **Designated Senior Officials' Statutory Obligations**

#### **Restriction on holdings**

**23.93(1)** A designated senior official breaches this Part if he or she, after the expiration of the relevant period referred to in subsection (7), owns or has a beneficial interest in publicly-traded securities.

- (2) Subsection (1) does not apply if
- (a) the publicly-traded securities are held in a blind trust approved under subsection (4) or in an investment arrangement approved under subsection (5),
  - (b) prior to the expiration of the relevant period referred to in subsection (7), the designated senior official applies to the Ethics Commissioner for approval to retain ownership of or

a beneficial interest in the publicly-traded securities and either obtains the Ethics Commissioner's approval or, if the approval is refused, takes any steps that the Ethics Commissioner directs with respect to the disposition of the ownership or beneficial interest, or

- (c) after the expiration of the relevant period referred to in subsection (7), the designated senior official acquires ownership of or a beneficial interest in publicly-traded securities with the prior approval of the Ethics Commissioner.

**(3)** The Ethics Commissioner may give an approval

- (a) under subsection (2)(b) or (c) if the Ethics Commissioner is of the opinion that the publicly-traded securities are securities of a corporation the interests of which are not likely to be affected by decisions of the public agency or by decisions of the Government within the scope of advice, advocacy, activity or influence of the public agency, or
- (b) under subsection (2)(b) if the Ethics Commissioner is of the opinion that the designated senior official will sustain a financial loss if the publicly-traded securities are disposed of and the public interest does not require disposition of the publicly-traded securities.

**(4)** The Ethics Commissioner may approve the retention of publicly-traded securities to be held in a blind trust if the blind trust will meet the criteria set out in section 20(4).

**(5)** The Ethics Commissioner may approve the retention of publicly-traded securities to be held in an investment arrangement if the investment arrangement will meet the criteria set out in section 20(5).

**(6)** An approval or direction given by the Ethics Commissioner under this section may be given subject to any conditions determined by the Ethics Commissioner.

**(7)** For the purposes of subsections (1) and (2),

- (a) the relevant period is
  - (i) in the case of a person who becomes a designated senior official after the coming into force of this section, 60 days after becoming a designated senior official or any longer period that the Ethics Commissioner directs, or

- (ii) in the case of a person who is a designated senior official when this section comes into force, 60 days after the coming into force of this section or any longer period that the Ethics Commissioner directs,

or

- (b) with respect to a designated senior official who acquires ownership of or a beneficial interest in publicly-traded securities by gift or inheritance, the relevant period is 60 days after receiving the gift or inheritance or any longer period that the Ethics Commissioner directs.

**(8)** For greater certainty, the Ethics Commissioner may, during the Ethics Commissioner's first review of disclosure statements, returns and holdings under this Part, direct that a relevant period set out in subsection (7) be extended for administrative reasons.

2017 c20 s1

#### **Disclosure statements**

**23.931(1)** Every designated senior official shall file with the Ethics Commissioner a disclosure statement in the form and manner determined by the Ethics Commissioner

- (a) within 60 days after
  - (i) becoming a designated senior official, in the case of a person who becomes a designated senior official after the coming into force of this section, or
  - (ii) the coming into force of this section, in the case of a person who is a designated senior official when this section comes into force,

and

- (b) in each subsequent year at the time specified by the Ethics Commissioner.

**(2)** A designated senior official shall, within 30 days after the occurrence of any material changes to the information contained in a current disclosure statement, file with the Ethics Commissioner an amending disclosure statement in the form provided by the Ethics Commissioner setting out the changes.

**(3)** Section 12(a) to (d) apply for the purpose of establishing the contents of and additional time requirements for the disclosure statements referred to in subsection (1).

2017 c20 s1

**Returns relating to persons directly associated**

**23.932(1)** Every designated senior official shall file with the Ethics Commissioner a return relating to persons directly associated with the designated senior official, in a form and manner determined by the Ethics Commissioner,

- (a) within 60 days after
  - (i) becoming a designated senior official in the case of a person who becomes a designated senior official after the coming into force of this section, or
  - (ii) the coming into force of this section, in the case of a person who is a designated senior official when this section comes into force,
- (b) within 30 days after the occurrence of any material change in the information contained in a current return, and
- (c) within 30 days after the day he or she ceases to be a designated senior official.

**(2)** Section 15(1)(a) and (b) and (2) apply for the purpose of establishing the contents of a designated senior official's returns and additional time requirements for a designated senior official's returns under this section.

**(3)** On receipt of a return under this section, the Ethics Commissioner shall provide a copy of the return

- (a) in the case of a return concerning any designated senior official other than the chief executive officer or chair, to the chief executive officer or, if no chief executive officer exists, to the chair,
- (b) in the case of a return concerning the chief executive officer, to the chair or, if no chair exists, to the responsible Minister, and
- (c) in the case of a return concerning the chair, to the responsible Minister.

2017 c20 s1

**Extension of time for administrative reasons**

**23.933** The Ethics Commissioner may, during the Ethics Commissioner's first receipt and review of disclosure statements and returns under this Part, direct that one or more time periods set out in section 23.931 and 23.932 be extended for administrative reasons.

2017 c20 s1

**Failure to file, false or misleading information**

**23.934(1)** A designated senior official breaches this Part if the designated senior official does not file within the time required under this Part, or if the designated senior official knowingly gives false or misleading information in

- (a) a disclosure statement under section 23.931(1),
- (b) an amending disclosure statement under section 23.931(2),  
or
- (c) a return under section 23.932(1).

**(2)** If the Ethics Commissioner is of the opinion that a designated senior official has breached the time requirements for filing a disclosure statement, an amending disclosure statement or a return referred to in subsection (1),

- (a) sections 30.1(1) to (8) and 30.2 apply in respect of an administrative penalty, and
- (b) the Ethics Commissioner shall prepare a report setting out the following:
  - (i) the name of the designated senior official required to pay an administrative penalty;
  - (ii) the particulars of the breach;
  - (iii) the amount of the administrative penalty;
  - (iv) whether the administrative penalty was paid or appealed;
  - (v) any other information that the Ethics Commissioner considers appropriate.

**(3)** The report referred to in subsection (2)(b) must be provided

- (a) in the case of a report concerning any designated senior official other than the chief executive officer or chair, to the chief executive officer or, if no chief executive officer exists, to the chair,
- (b) in the case of a report concerning the chief executive officer, to the chair or, if no chair exists, to the responsible Minister, and
- (c) in the case of a report concerning the chair, to the responsible Minister.



**Retention of statements and returns**

**23.935** The Ethics Commissioner shall retain the disclosure statements, amending disclosure statements and returns submitted by a designated senior official for a period of 2 years after the person ceases to be a designated senior official, after which the statements and returns may be destroyed.

2017 c20 s1

**Reimbursement for costs**

**23.936(1)** Designated senior officials are entitled to be reimbursed for

- (a) costs associated with the completion of their disclosure statements, and
- (b) costs associated with the establishment and administration of a blind trust or an investment arrangement.

(2) The amount of the reimbursement is subject to the approval of the Ethics Commissioner.

(3) The reimbursement is payable by the public agency.

2017 c20 s1

**Post-employment restrictions**

**23.937(1)** No former designated senior official shall, for a period of 12 months from the last day the former designated senior official held a position referred to in section 23.92(1)(d), lobby as defined in the *Lobbyists Act* any public office holder as defined in the *Lobbyists Act*.

(2) No former designated senior official shall, for a period of 12 months from the last day the former designated senior official held a position referred to in section 23.92(1)(d), act on a commercial basis or make representations on his or her own behalf or on behalf of any other person in connection with any ongoing matter in connection with which the former designated senior official, while a designated senior official, directly acted for or advised a department or public agency involved in the matter.

(3) No former designated senior official shall, for a period of 12 months from the last day the former designated senior official had a direct and significant official dealing with a department or public agency, make representations with respect to a contract with or benefit from that department or public agency.

(4) No former designated senior official shall, for a period of 12 months from the last day the former designated senior official had a direct and significant official dealing with a department or public

agency, solicit or accept on his or her own behalf a contract or benefit from that department or public agency.

(5) No former designated senior official shall, for a period of 12 months from the last day the former designated senior official had a direct and significant official dealing with an individual, organization, board of directors or equivalent body of an organization, accept employment with that individual or organization or an appointment to the board of directors or equivalent body.

(6) Nothing in this section restricts a designated senior official or former designated senior official from being appointed to the board of directors or a governing body of another public agency.

(7) Nothing in this section restricts a designated senior official or former designated senior official from accepting employment with a department of the public service or a public agency in accordance with Part 1 of the *Public Service Act*.

2017 c20 s1

#### **Waiver or reduction**

**23.938(1)** A designated senior official or former designated senior official may apply to the Ethics Commissioner for a waiver or reduction of a time period set out in section 23.937, and the Ethics Commissioner may waive or reduce any time period set out in section 23.937 if, in the opinion of the Ethics Commissioner,

- (a) the conditions on which and the manner in which the employment, appointment, contract or benefit is awarded, approved or given are the same for all persons similarly entitled,
- (b) the award, approval, grant or benefit results from an impartially administered process open to a significant class of persons, or
- (c) the activity, contract or benefit will not create a conflict between a private interest of the former designated senior official and the public interest.

(2) The Ethics Commissioner may, under subsection (1), waive or reduce a time period set out in section 23.937 on any conditions that the Ethics Commissioner determines.

2017 c20 s1

**Breach and offence**

**23.939(1)** A former designated senior official who contravenes section 23.937 is guilty of an offence and liable to a fine not exceeding \$50 000.

(2) A prosecution of an offence described in subsection (1) shall not be commenced more than 2 years after the date on which the alleged offence occurred.

(3) If a former designated senior official or any other person has realized financial gain in any transaction to which a conviction under subsection (1) relates, any person affected by the financial gain, including the Government or a public agency, may apply to the Court of Queen's Bench for an order of restitution against the former designated senior official or any other person who has realized the financial gain.

2017 c20 s1

**Investigations****Investigations under this Part**

**23.94(1)** Sections 24(1) to (3) and (5), 25(1) to (3) and (5) to (10) and 26 apply for the purposes of an investigation respecting an alleged breach of the obligations of a senior official or designated senior official under this Part.

(2) The Ethics Commissioner may, if the Ethics Commissioner is not satisfied that all appropriate mechanisms, including any inter-agency processes, human resource processes or processes under a collective agreement, to address conflict of interest and ethical conduct on the part of involved senior officials or designated senior officials have been used or considered,

- (a) refuse to investigate, cease to investigate or suspend the investigation of an alleged breach, and
- (b) require, by request in writing, one or more reports concerning the status or outcomes of an applicable mechanism or process, from the decision maker or person, at the times and on the other terms and conditions that the Ethics Commissioner considers to be appropriate.

(3) A decision maker or person who receives a request in writing under subsection (2)(b) shall comply with it.

(4) The Ethics Commissioner may, as the Ethics Commissioner considers to be appropriate, resume an investigation that was suspended under subsection (2)(a).

(5) If the Ethics Commissioner refuses to investigate or ceases to investigate an alleged breach, suspends an investigation of an alleged breach or contravention or refuses to reinvestigate an alleged breach or contravention, the Ethics Commissioner shall provide a notice in accordance with subsection (7).

(6) If the Ethics Commissioner is of the opinion that a request made under section 24(1) was frivolous or vexatious or was not made in good faith, the Ethics Commissioner may state that opinion in a notice provided in accordance with subsection (7).

(7) A notice referred to in subsection (5) or (6) must be provided

- (a) to the individual against whom the allegation was made,
- (b) to the responsible Minister, and
- (c) to the chief executive officer or, if no chief executive officer exists, to the chair.

2017 c20 s1

#### **Ethics Commissioner's report**

**23.95(1)** The Ethics Commissioner shall prepare a report regarding the outcome of an investigation under this Part.

(2) A report under this section must be concise and may set out the following:

- (a) the facts relating to the alleged breach found by the Ethics Commissioner;
- (b) the Ethics Commissioner's findings as to whether the individual under investigation has breached this Part and, if so,
  - (i) the nature of the breach, including any contravention of advice, recommendations or directions or conditions of any approval given by the Ethics Commissioner, and
  - (ii) the Ethics Commissioner's recommendations, if any.

(3) The Ethics Commissioner may disclose the report

- (a) to the individual under investigation,
- (b) to the person who made the request under section 24(5),
- (c) to the responsible Minister,

- (d) to the chief executive officer or, if no chief executive officer exists, to the chair, and
- (e) where the Ethics Commissioner believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Part or any other enactment of Alberta or an Act of the Parliament of Canada, to the Minister of Justice and Solicitor General or a law enforcement agency.

(4) Where the Ethics Commissioner considers it appropriate in the circumstances, the Ethics Commissioner may recommend that a senior official or designated senior official be reimbursed, in an amount approved by the Ethics Commissioner, for his or her legal expenses incurred in respect of an investigation.

(5) The reimbursement is payable by the public agency.

(6) Sections 27, 28 and 29 do not apply for the purposes of this Part.

2017 c20 s1

**Confidentiality — responsible Minister and public agencies**

**23.96(1)** Except as provided in this Part,

- (a) a senior official or designated senior official may collect, use and disclose information that relates to an investigation, notice, return, report, recommendation or other proceeding concerning that individual as the individual considers to be appropriate, and
- (b) a former responsible Minister, former chief executive officer, former chair and any person who was a member or employee of a public agency shall maintain the confidentiality of all information, notices, returns, reports and recommendations that came to their knowledge as the result of this Part, unless the information, notice, return, report or recommendation
  - (i) was disclosed in accordance with this Part, or
  - (ii) relates to an investigation or other proceeding concerning that individual.

(2) The responsible Minister may make public statements concerning

- (a) an investigation,

- (b) a notice issued by the Ethics Commissioner under section 23.94,
- (c) a report issued by the Ethics Commissioner under section 23.95, and
- (d) the steps that the responsible Minister or public agency has taken or proposes to take in response to the report.

**(3)** Despite section 4(1)(d) of the *Freedom of Information and Protection of Privacy Act*,

- (a) a notice, report or other information collected by the Minister or a public agency under this Part may be disclosed as set out in this section,
- (b) the *Freedom of Information and Protection of Privacy Act* applies to a notice, report or recommendation provided by the Ethics Commissioner to the Minister or a public agency in accordance with this Part and that is
  - (i) in the custody or under the control of the responsible Minister, or
  - (ii) in the custody or under the control of a public agency that has been identified as a public body for the purposes of section 1(p) of the *Freedom of Information and Protection of Privacy Act*,

and

- (c) except as provided in this section,
  - (i) the *Freedom of Information and Protection of Privacy Act* does not apply to a record, including a record that relates to a disclosure statement or return, that is created by or for the Ethics Commissioner and relates to the exercise of the Ethics Commissioner's functions under this Act or any other enactment and that is in the custody or under the control of the responsible Minister or of a public agency, and
  - (ii) a record, including a record that relates to a disclosure statement or return, that is created by or for the Ethics Commissioner and relates to the exercise of the Ethics Commissioner's functions under this Act or any other enactment and that is in the custody or under the control of the responsible Minister or of a public agency shall be maintained confidential.

2017 c20 s1

### Transition and Regulations

#### **New appointment, change in position or renewal or extension**

**23.97(1)** If a person begins a position after the coming into force of this Part and

- (a) the person holds
  - (i) a senior official position, section 23.925 applies, or
  - (ii) a senior official position referred to in section 23.926(1), sections 23.925 and 23.926 apply,

or

- (b) the person holds a position designated as a designated senior official position, sections 23.925, 23.926 and 23.93 to 23.939 apply.

**(2)** If a person's contract, agreement or appointment is extended or renewed after the coming into force of this Part and

- (a) the person holds a senior official position, sections 23.925 and 23.926 apply, according to their terms, to the person, or
- (b) the person holds a position designated as a designated senior official position, sections 23.926 and 23.93 to 23.939 apply.

**(3)** For greater certainty, section 23.925 applies immediately on the coming into force of this Part to all persons holding a senior official position.

2017 c20 s1

#### **Existing contracts**

**23.971(1)** In this section,

- (a) "official" means a designated senior official or a senior official to whom section 23.926(1) applies;
- (b) "relevant date" means, with respect to an official the date referred to in subsection (2)(a) or (b) that pertains to the official.

**(2)** If a person

- (a) is an official on the date when this Part comes into force, or
- (b) becomes an official as the result of an order or designation under section 23.921 on the date when this Part becomes applicable,

and continues in the same position under the same contract, agreement or appointment, the code of conduct, if any, in effect immediately before the relevant date remains in effect for the official, even if an element of that code of conduct falls short of or is otherwise inconsistent with a code of conduct implemented in accordance with section 23.922(1) that would otherwise apply to the official, or sections 23.926 and 23.93 to 23.939 as otherwise applicable to the official.

(3) For greater certainty, despite any existing contract, section 23.925 applies to all officials immediately on the coming into force of this Part.

(4) Despite subsection (2), or the implementation of an applicable code of conduct under section 23.922(1), on and after the expiry of 24 months from the relevant date,

- (a) an applicable code of conduct implemented in accordance with section 23.922(1) applies to the official, and
- (b) sections 23.926 and 23.93 to 23.939 apply, according to their terms, to the official.

2017 c20 s1

**No constructive dismissal, cause of action, compensation**

**23.972(1)** Neither the enactment nor the application of this Part shall be considered constructive dismissal or breach of contract.

(2) No cause of action or proceeding, either in law or in equity, lies or shall be commenced against the Crown or any of its ministers, agents, appointees or employees or against a public agency or any of its officers, employees or members

- (a) as a direct or indirect result of the enacting, amending or repealing of any provision of this Part, or
- (b) as a direct or indirect result of anything done or omitted to be done in order to comply with this Part.

(3) Without limiting the generality of subsection (2), that subsection applies to an action or proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise claiming any remedy or relief, including

- (a) specific performance, an injunction or declaratory relief, and
- (b) any form of damages or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.



(4) Despite any other Act or law, no person is entitled to be compensated for any loss or damages, including loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from the enactment or application of this Act or anything done in accordance with this Act.

2017 c20 s1

### Regulations

**23.98** The Lieutenant Governor in Council may make regulations

- (a) defining any term or phrase used but not defined in this Part;
- (b) further clarifying the definition of “department” under section 23.92(1)(c)(ii) or (iii) for the purposes of this Part;
- (c) respecting the requirements and matters that must be included in a code of conduct or a class of codes of conduct for the purposes of section 23.922(2)(h);
- (d) respecting any transitional matter relating to this Part and to remedy any confusion, difficulty, inconsistency or impossibility resulting from the implementation of this Part.

2017 c20 s1

## Part 5 Investigations into Breaches

### Requests for investigation

**24(1)** Any person may request, in writing, that the Ethics Commissioner investigate any matter respecting an alleged breach or contravention of this Act.

**(2)** A request under subsection (1) must

- (a) be signed by the person making it and must identify that person to the satisfaction of the Ethics Commissioner, and
- (b) set out sufficient particulars of the matter to which the request relates for an investigation to be commenced.

**(3)** A Member may request, in writing, that the Ethics Commissioner investigate any matter respecting an alleged breach of this Act by the Member.

**(4)** The Legislative Assembly may, by resolution, request that the Ethics Commissioner investigate any matter respecting an alleged breach or contravention of this Act by a Member or former Member.

(5) The Executive Council may request that the Ethics Commissioner investigate any matter respecting an alleged breach or contravention of this Act by a Minister or former Minister.

(6) Where a matter has been referred to the Ethics Commissioner under subsection (1), (3) or (4), neither the Legislative Assembly nor a committee of the Assembly shall inquire into the matter.

RSA 2000 cC-23 s24;2007 c28 s15;2014 c9 s1(16)

### **Investigation**

**25(1)** On receiving a request under section 24 or where the Ethics Commissioner has reason to believe that an individual has acted or is acting in contravention of advice, recommendations or directions or any conditions of any approval given by the Ethics Commissioner, and on giving reasonable notice to that individual, the Ethics Commissioner may conduct an investigation.

(2) An individual whose conduct is subject to an investigation under this Part shall co-operate with the investigation.

(3) An investigation under this section shall not be commenced more than 2 years after the date on which the alleged breach or contravention occurred.

(4) On commencing an investigation under subsection (1), the Ethics Commissioner may inform the Speaker of the Legislative Assembly of

- (a) the fact that an investigation has been commenced,
- (b) if a request was received under section 24, the identity of the person who made the request,
- (c) the name of the person who is the subject of the investigation, and
- (d) the matter to which the investigation relates.

(5) For the purpose of conducting an investigation, the Ethics Commissioner may

- (a) in the same manner and to the same extent as a justice of the Court of Queen's Bench,
  - (i) summon and enforce the attendance of individuals before the Ethics Commissioner and compel them to give oral or written evidence on oath, and

- (ii) compel persons to produce any documents or other things that the Ethics Commissioner considers relevant to the investigation,

and

- (b) administer oaths and receive and accept information, whether or not it would be admissible as evidence in a court of law.

**(6)** The Ethics Commissioner shall immediately suspend an investigation under this section if the Ethics Commissioner discovers that the subject-matter of the investigation is also the subject-matter of an investigation by a law enforcement agency to determine whether an offence under this Act or any other enactment of Alberta or under an Act of the Parliament of Canada has been committed, or that a charge has been laid with respect to that subject-matter.

**(7)** The Ethics Commissioner may not continue an investigation under this section until any investigation or charge referred to in subsection (6) has been finally disposed of.

**(8)** If, for any reason, the Ethics Commissioner determines that he or she should not act in respect of any particular investigation, the Ethics Commissioner may appoint an ethics commissioner or equivalent officer of another jurisdiction in Canada as a special Ethics Commissioner, to exercise the powers and perform the duties of the Ethics Commissioner in respect of that investigation.

**(9)** The Ethics Commissioner may re-investigate an alleged breach or contravention in respect of which the Ethics Commissioner's findings have already been reported under this section only if, in the Ethics Commissioner's opinion, there are new facts that on their face might change the original findings.

**(10)** The Ethics Commissioner may refuse to investigate or may cease an investigation if the Ethics Commissioner is of the opinion that

- (a) a request under section 24(1) is frivolous or vexatious or was not made in good faith, or
- (b) there are no or insufficient grounds to warrant an investigation or the continuation of an investigation.

**(11)** If the Ethics Commissioner refuses to investigate or ceases to investigate an alleged breach or contravention, suspends an investigation of an alleged breach or contravention or refuses to re-

investigate an alleged breach or contravention, the Ethics Commissioner shall so inform

- (a) the individual against whom the allegation was made,
- (b) the Speaker of the Legislative Assembly, and
- (c) the person who made the request under section 24.

**(12)** Where the request was made under section 24(1), (3) or (4), the Ethics Commissioner shall report the Ethics Commissioner's findings to the Speaker of the Legislative Assembly.

**(13)** The Ethics Commissioner, before reporting the Ethics Commissioner's findings to the Speaker of the Legislative Assembly under subsection (12),

- (a) shall provide a copy of the report to the individual against whom the allegation was made, and
- (b) may, in the case of an allegation made against a Member, former Member or former Minister, provide a copy of the report to the leader in the Legislative Assembly of the political party to which the Member, former Member or former Minister belongs.

**(14)** Where the request was made under section 24(5), the Ethics Commissioner shall report the Ethics Commissioner's findings to the President of the Executive Council.

**(15)** If the Ethics Commissioner is of the opinion

- (a) that a request made by a Member under section 24(1) was frivolous or vexatious or was not made in good faith, or
- (b) that a request was made under section 24(1) by a person at the request of a Member and that the request was frivolous or vexatious or was not made in good faith,

the Ethics Commissioner may state that opinion in a report to the Speaker of the Legislative Assembly.

**(16)** The Speaker of the Legislative Assembly shall lay a report referred to in subsection (15) before the Legislative Assembly and the Legislative Assembly, after considering the report, may

- (a) find the Member referred to in subsection (15) in contempt of the Legislative Assembly pursuant to section 10 of the *Legislative Assembly Act*, or

- (b) order the Member referred to in subsection (15) to pay to the individual against whom the allegation was made the costs of the proceeding incurred by the individual,

or both.

RSA 2000 cC-23 s25;2007 c28 s16;2014 c9 s1(17)

### **Confidentiality**

**26(1)** Except as provided in this section, the Ethics Commissioner, any former Ethics Commissioner and a person who is or was employed or engaged by the Office of the Ethics Commissioner shall maintain the confidentiality of all information and allegations that come to their knowledge in the course of the administration of this Act.

**(2)** Allegations and information to which subsection (1) applies may be

- (a) disclosed to the individual against whom the allegation was made;
- (b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person;
- (c) disclosed in a notice or report made by the Ethics Commissioner under this Act;
- (d) disclosed to the Minister of Justice and Solicitor General or a law enforcement agency where the Ethics Commissioner believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act of the Parliament of Canada.

**(3)** Despite subsection (1), the Ethics Commissioner may disclose to the public any information contained in a report to the Speaker under section 30.1(9) regarding an administrative penalty.

**(4)** The *Freedom of Information and Protection of Privacy Act* does not apply to a record that is created by or for or is in the custody or under the control of the Ethics Commissioner and relates to the exercise of the Ethics Commissioner's functions under this Act or any other enactment.

RSA 2000 cC-23 s26;2007 c28 s17;2013 c10 s34;  
2014 c9 s1(18)

**Ethics Commissioner's report**

**27(1)** A report by the Ethics Commissioner to the Speaker of the Legislative Assembly under section 25(12) must be concise and may set out the following:

- (a) the facts relating to the alleged breach found by the Ethics Commissioner,
- (b) the Ethics Commissioner's findings as to whether the individual under investigation has breached or contravened this Act and, if so,
  - (i) the nature of the breach or contravention of this Act, including any contravention of advice, recommendations or directions or conditions of any approval given by the Ethics Commissioner, and
  - (ii) the Ethics Commissioner's recommendation for the sanction, if any, that the Legislative Assembly may impose on a Member for a breach,

and

- (c) the Ethics Commissioner's recommendations, if any.

**(1.1)** Notwithstanding subsection (1), if a report relates to a former Minister who is no longer a Member or to a former member of the Premier's and Ministers' staff, subsection (1)(b)(ii) does not apply.

**(2)** The Ethics Commissioner may recommend any one of the following sanctions:

- (a) that the Member be reprimanded;
- (b) that a penalty be imposed on the Member in an amount recommended by the Ethics Commissioner;
- (c) that the Member's right to sit and vote in the Legislative Assembly be suspended for a stated period or until the fulfilment of a condition;
- (d) that the Member be expelled from membership of the Legislative Assembly,

and may also recommend the alternative of a lesser sanction or no sanction if the Member carries out recommendations in the report for the rectification of the breach.

**(3)** If the Ethics Commissioner is of the opinion that the breach was trivial, inadvertent or committed in good faith, the Ethics Commissioner may recommend that no sanction be imposed.

**(3.1)** Where the Ethics Commissioner considers it appropriate in the circumstances, the Ethics Commissioner may recommend that the Member, former Member, former Minister or former member of the Premier's and Ministers' staff be reimbursed, in an amount approved by the Ethics Commissioner, for his or her legal expenses incurred in respect of an investigation.

**(4)** Where it appears to the Ethics Commissioner that a report may adversely affect a Member, former Member, former Minister or former member of the Premier's and Ministers' staff, the Ethics Commissioner shall inform the Member, former Member, former Minister or former member of the Premier's and Ministers' staff of the particulars and give the Member, former Member, former Minister or former member of the Premier's and Ministers' staff the opportunity to make representations, either orally or in writing at the discretion of the Ethics Commissioner, before the Ethics Commissioner completes the report.

RSA 2000 cC-23 s27;2007 c28 s18;2014 c9 s1(19)

#### **Tabling of report**

**28(1)** On receiving a report from the Ethics Commissioner under section 25(12), the Speaker of the Legislative Assembly shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**(2)** If the Legislative Assembly is not sitting when the Ethics Commissioner reports the Ethics Commissioner's findings to the Speaker of the Legislative Assembly under section 25(12), the Speaker shall make copies of the report available to the public.

**(3)** If in the report from the Ethics Commissioner the Ethics Commissioner has found that a Member or former Minister has breached this Act and the Ethics Commissioner has recommended a sanction, the Legislative Assembly shall debate and vote on the report within 15 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly.

RSA 2000 cC-23 s28;2007 c28 s19;2016 c18 s5

#### **Powers of the Legislative Assembly**

**29(1)** The Legislative Assembly may accept or reject the findings of the Ethics Commissioner or make its own findings and may if it determines that there is a breach

- (a) impose the sanction recommended by the Ethics Commissioner or any other sanction referred to in section 27(2) it considers appropriate, or
- (b) impose no sanction.

**(2)** Where under subsection (1) the Legislative Assembly determines that there has been a breach and a Member or any other person has realized financial gain in any transaction to which the breach relates, any person affected by the financial gain, including the Government or a Provincial agency, may apply to the Court of Queen's Bench for an order of restitution against the Member or any other person who has realized the financial gain.

RSA 2000 cC-23 s29;2007 c28 s20;2014 c9 s1(20)

### Offences

**30** A breach of this Act by a Member is not an offence to which the *Provincial Offences Procedure Act* applies.

1991 cC-22.1 s28

### Administrative penalties for late filing

**30.1(1)** If the Ethics Commissioner is of the opinion that a Member has breached the time requirements for filing a disclosure statement, an amending disclosure statement or a return referred to in section 18, the Ethics Commissioner may serve a notice of administrative penalty on the Member, requiring the Member to pay to the Crown the amount set out in the notice.

**(2)** A Member is liable for an administrative penalty for each day or part of a day on which the breach occurs or continues, and the maximum cumulative amount of an administrative penalty that may be imposed under subsection (1) is \$500.

**(3)** The Ethics Commissioner may, in each case, determine the amount of an administrative penalty taking into account the following matters:

- (a) the objective of encouraging compliance with this Act;
- (b) the Member's history of prior breaches under this Act during the 5-year period immediately before the current breach;
- (c) any other factors that, in the opinion of the Ethics Commissioner, are relevant.

**(4)** A notice of administrative penalty must contain the following information:



- (a) the name of the Member required to pay the administrative penalty;
- (b) the particulars of the breach;
- (c) the amount of the administrative penalty and the date by which it must be paid;
- (d) a statement of the right to appeal the imposition or the amount of the administrative penalty to the Court of Queen's Bench.

**(5)** A notice of administrative penalty may not be issued more than 2 years after the date on which the breach occurred.

**(6)** A person who has been served with a notice of administrative penalty pursuant to this section shall pay the amount of the penalty within 30 days from the date of service of the notice.

**(7)** A person who pays an administrative penalty in respect of a breach shall not be subject to a sanction under section 29 in respect of the breach that is described in the notice of administrative penalty.

**(8)** Subject to the right to appeal, where a person fails to pay an administrative penalty in accordance with a notice of administrative penalty, the Ethics Commissioner may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

**(9)** The Ethics Commissioner shall, in each case, report to the Speaker

- (a) the name of the Member required to pay an administrative penalty,
- (b) the particulars of the breach,
- (c) the amount of the administrative penalty,
- (d) whether the administrative penalty was paid or appealed, and
- (e) any other information that the Ethics Commissioner considers appropriate.

2014 c9 s1(21)

**Appeal of administrative penalty**

**30.2(1)** A person who is served with a notice of administrative penalty may appeal the Ethics Commissioner's decision to impose an administrative penalty by filing an application with the Court of Queen's Bench within 30 days from the date the notice of administrative penalty was served.

**(2)** The application shall describe the notice of administrative penalty and state the reasons for the appeal.

**(3)** A copy of the application shall be served on the Ethics Commissioner not less than 30 days before the appeal is to be heard.

**(4)** The Court may, on application either before or after the time referred to in subsection (1), extend that time if it considers it appropriate to do so.

**(5)** On hearing the appeal, the Court of Queen's Bench may confirm, rescind or vary the amount of the administrative penalty.  
2014 c9 s1(21)

**Part 6 and Part 6.1** Repealed 2014 c9 s1(22).

## **Part 7 Ethics Commissioner**

**Appointment**

**33(1)** There is to be appointed, as an officer of the Legislature, by the Lieutenant Governor in Council on the recommendation of the Legislative Assembly, an Ethics Commissioner to carry out the Ethics Commissioner's duties and functions under this Act or any other enactment.

**(2)** The Ethics Commissioner may not be a Member of the Legislative Assembly.

**(3)** The Ethics Commissioner may be appointed on either a full-time or part-time basis.

RSA 2000 cC-23 s33;2007 c28 s23;2014 c9 s1(23)

**Term of office**

**34(1)** Unless the office sooner becomes vacant, a person appointed as Ethics Commissioner holds office for 5 years from the date of that person's appointment under section 33.

**(2)** A person holding office as Ethics Commissioner continues to hold office after the expiry of that person's term of office until that

person is reappointed, a successor is appointed or a period of 6 months has expired, whichever occurs first.

1991 cC-22.1 s32;1998 c33 s15

### **Resignation**

**35** The Ethics Commissioner may at any time resign from office by delivering a written resignation to the Clerk of the Legislative Assembly.

1991 cC-22.1 s33

### **Suspension or removal**

**36(1)** On the recommendation of the Legislative Assembly, the Lieutenant Governor in Council may, at any time, suspend or remove the Ethics Commissioner from office for cause or incapacity.

**(2)** At any time the Legislative Assembly is not sitting the Lieutenant Governor in Council, on the recommendation of the Standing Committee, may suspend the Ethics Commissioner from office for cause or incapacity, but the suspension shall not continue in force beyond the end of the next sitting of the Legislative Assembly.

1991 cC-22.1 s34;1995 c17 s19

### **Acting Ethics Commissioner**

**37(1)** The Lieutenant Governor in Council, on the recommendation of the Standing Committee, may appoint an acting Ethics Commissioner if

- (a) the office of Ethics Commissioner is or becomes vacant when the Legislative Assembly is not sitting,
- (b) the Ethics Commissioner is suspended when the Legislative Assembly is not sitting, or
- (c) the Ethics Commissioner is suspended or removed or the office of the Ethics Commissioner otherwise becomes vacant when the Legislative Assembly is sitting but no recommendation is made by the Assembly under section 33(1) before the end of the session.

**(2)** The Lieutenant Governor in Council may appoint an acting Ethics Commissioner if the Ethics Commissioner is temporarily absent because of illness or for another reason.

**(3)** An acting Ethics Commissioner holds office until

- (a) a person is appointed as Ethics Commissioner under section 33(1),

- (b) the suspension of the Ethics Commissioner ends, or
- (c) the Ethics Commissioner returns to office after a temporary absence.

1991 cC-22.1 s35;1998 c33 s16

#### **Remuneration**

**38** The Ethics Commissioner shall be remunerated as determined by the Standing Committee, and it shall review that remuneration at least once a year.

1991 cC-22.1 s36

#### **Oath**

**39(1)** Before commencing the duties of the office, the Ethics Commissioner must take an oath to faithfully and impartially perform the duties of the office and not to disclose any information received by the Office of the Ethics Commissioner except as authorized under this Act or any other enactment.

**(2)** The oath shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly.

RSA 2000 cC-23 s39;2014 c9 s1(24)

#### **Office of the Ethics Commissioner**

**40(1)** There is to be a department of the public service of Alberta called the Office of the Ethics Commissioner consisting of the Ethics Commissioner and those persons employed pursuant to the *Public Service Act* as are necessary to assist the Ethics Commissioner in carrying out the Ethics Commissioner's duties and functions under this or any other enactment.

**(2)** The Ethics Commissioner may engage the services of any persons as are necessary to assist the Ethics Commissioner in carrying out the Ethics Commissioner's duties and functions.

**(3)** On the recommendation of the Ethics Commissioner, the Standing Committee may order that

- (a) any regulation, order or directive made under the *Financial Administration Act*,
- (b) any regulation, order, directive, rule, procedure, direction, allocation, designation or other decision under the *Public Service Act*, or
- (c) any regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act*,

be inapplicable to, or be varied in respect of, the Office of the Ethics Commissioner or any particular employee or class of employees in the Office of the Ethics Commissioner.

**(4)** An order made under subsection (3)(a) in relation to a regulation, order or directive made under the *Financial Administration Act* operates notwithstanding that Act.

**(4.1)** An order made under subsection (3)(c) in relation to a regulation, order, determination, direction or other decision under the *Public Sector Compensation Transparency Act* operates notwithstanding that Act.

**(5)** The *Regulations Act* does not apply to orders made under subsection (3).

**(6)** The chair of the Standing Committee shall lay a copy of each order made under subsection (3) before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**(7)** Every person employed or engaged by the Office of the Ethics Commissioner shall, before beginning to perform that person's duties, take an oath, to be administered by the Ethics Commissioner, not to disclose any information received in the performance of that person's duties except as authorized under this Act or any other enactment.

**(8)** If the Ethics Commissioner or any former Ethics Commissioner or a person who is or was employed or engaged by the Office of the Ethics Commissioner discloses information that is confidential under section 14(8), 26(1) or 43(3), that person is guilty of an offence and liable to a fine not exceeding \$20 000.

RSA 2000 cC-23 s40;2014 c9 s1(25);2015 cP-40.5 s18

#### **Financing of operations**

**41(1)** The Ethics Commissioner shall submit to the Standing Committee in respect of each fiscal year an estimate of the sum that will be required to be provided by the Legislature to defray the several charges and expenses of the Office of the Ethics Commissioner in that fiscal year.

**(2)** The Standing Committee shall review each estimate submitted pursuant to subsection (1) and, on the completion of the review, the chair of the Committee shall transmit the estimate to the President of Treasury Board and Minister of Finance for presentation to the Legislative Assembly.

**(3)** If at any time the Legislative Assembly is not sitting the Standing Committee, or if there is no Standing Committee, the President of Treasury Board and Minister of Finance,

- (a) reports that the Ethics Commissioner has certified that in the public interest, an expenditure of public money is urgently required in respect to any matter pertaining to the Ethics Commissioner's office, and
- (b) reports that either
  - (i) there is no supply vote under which an expenditure with respect to that matter may be made, or
  - (ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor authorizing the expenditure of the amount estimated to be required.

**(4)** When the Legislative Assembly is adjourned for a period of more than 14 days, the Legislative Assembly is deemed, for the purposes of subsection (3), not to be sitting during the period of the adjournment.

**(5)** When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the *Financial Administration Act* for the fiscal year in which the special warrant is signed.

**(6)** When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of the *Financial Administration Act*, added to and deemed to be part of the supply vote to which the report relates.

**(7)** When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after it for granting to Her Majesty sums of money to defray certain expenditures of the public service of Alberta.

RSA 2000 cC-23 s41;2006 c23 s21;2013 c10 s32

**General duties of Ethics Commissioner**

**42(1)** It is a function of the Ethics Commissioner to promote the understanding by Members of their obligations under this Act by

- (a) personal discussions with Members, and in particular when interviewing them about disclosure statements,
- (b) commissioning the preparation and dissemination of written information about the obligations, and
- (c) continuing contact with party caucuses and advising them as to what programs they might institute.

**(2)** Where this Act provides for the doing of anything by a time or within a prescribed period of time, the Ethics Commissioner may, before or after the time has expired, extend the time for the doing of that thing under this Act.

1991 cC-22.1 s40;1998 c33 s17

**Binding advice and recommendations**

**43(1)** A Member, former Minister or former political staff member may request the Ethics Commissioner to give advice and recommendations on any matter respecting obligations of the Member, former Minister or former political staff member under this Act.

**(1.1)** A political staff member may request the Ethics Commissioner to give advice and recommendations on any matter respecting obligations of the political staff member on becoming a former political staff member.

**(2)** The Ethics Commissioner may, in writing, provide the Member, former Minister, political staff member or former political staff member with advice and recommendations, which

- (a) shall state the material facts either expressly or by incorporating facts stated by the Member, former Minister, political staff member or former political staff member,
- (b) shall be based on the facts referred to in clause (a), and
- (c) may be based on any other considerations the Ethics Commissioner considers appropriate.

**(3)** Advice and recommendations under this section are confidential until released by or with the consent of the Member, former Minister, political staff member or former political staff member.

(4) The Ethics Commissioner may make any inquiries that the Ethics Commissioner considers appropriate in order to provide advice and recommendations under this section.

(5) If a Member, former Minister or former political staff member has, with respect to advice and recommendations under this section,

- (a) communicated the material facts to the Ethics Commissioner, and
- (b) complied with any recommendations contained in the advice and recommendations of the Ethics Commissioner,

no proceeding or prosecution shall be taken against the Member, former Minister or former political staff member under this Act by reason only of the facts so communicated and the compliance of the Member, former Minister or former political staff member with the recommendations.

RSA 2000 cC-23 s43;2007 c28 s24

#### **General advice and recommendations**

**44(1)** The Ethics Commissioner may give advice and recommendations of general application to Members, former Ministers or former political staff members or a class of Members, former Ministers or former political staff members on matters respecting obligations of Members, former Ministers or former political staff members under this Act, which may be based on the facts set out in the advice and recommendations or on any other considerations the Ethics Commissioner considers appropriate.

(2) With respect to advice and recommendations given under subsection (1), no proceeding or prosecution shall be taken against a Member, former Minister or former political staff member under this Act by reason only of the facts and considerations stated in the advice and recommendations and the compliance of the Member, former Minister or former political staff member with the advice and recommendations.

RSA 2000 cC-23 s44;2007 c28 s25

#### **Actions against Ethics Commissioner and others**

**45(1)** No action lies against the Ethics Commissioner or any former Ethics Commissioner or any other person who is or was employed or engaged by the Office of the Ethics Commissioner for anything done in good faith under this Act or any other enactment.

(2) No action lies against a person who in good faith provides information or gives evidence in a proceeding under Part 5 to the



Ethics Commissioner or to a person employed or engaged by the Office of the Ethics Commissioner.

RSA 2000 cC-23 s45;2014 c9 s1(26)

### **Annual report**

**46(1)** The Ethics Commissioner shall, at any times that the Ethics Commissioner considers appropriate, and at least annually, report in writing to the Speaker of the Legislative Assembly

- (a) the names of Members who, in the opinion of the Ethics Commissioner,
  - (i) have not filed disclosure statements or returns within the time provided by section 11 or 15, as the case may be, or
  - (ii) have not made the full disclosure required by section 12,
- (b) generally on the affairs of the Office of the Ethics Commissioner, and
- (c) on the Ethics Commissioner's activities under Part 4.3, including
  - (i) the failure of a public agency to comply with the requirements respecting codes of conduct for the purposes of section 23.923(8),
  - (ii) the number of investigations commenced under section 23.94 and the number of reports issued under section 23.95, and
  - (iii) any other information that the Ethics Commissioner considers to be appropriate or that the Minister requests.

**(1.1)** For the purposes of subsection (1)(c), nothing in this Act authorizes the Ethics Commissioner, in an annual report, to publicly identify a member, employee, senior official or designated senior official of a public agency or any third party involved in an investigation under Part 4.3.

**(2)** The Speaker of the Legislative Assembly shall lay a copy of the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

RSA 2000 cC-23 s46;2017 c20 s1

### **Records management**

**47(1)** On the recommendation of the Ethics Commissioner, the Standing Committee may make an order

- (a) respecting the management of records in the custody or under the control of the Office of the Ethics Commissioner, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and destruction and their transfer to the Provincial Archives of Alberta;
  - (b) establishing or governing the establishment of programs for any matter referred to in clause (a);
  - (c) defining and classifying records;
  - (d) respecting the records or classes of records to which the order or any provision of it applies.
- (2)** Notwithstanding subsection (1), the Ethics Commissioner shall retain records
- (a) of a Member that are in the Ethics Commissioner's custody or control for a period of at least 2 years after the Member ceases to be a Member,
  - (b) of a former Minister that are in the Ethics Commissioner's custody or control for a period of at least 2 years after the period referred to in section 23.1 in respect of the former Minister has expired, and
  - (c) of a former political staff member that are in the Ethics Commissioner's custody or control for a period of at least 2 years after the period referred to in section 23.7 in respect of the former political staff member has expired.
- (3)** The Ethics Commissioner shall destroy the records retained under subsection (2) immediately after the period referred to in subsection (2) unless
- (a) the records are required for the purpose of an investigation or prosecution under this Act, or
  - (b) the Ethics Commissioner has reasonable grounds to believe that the records are required for the purpose of an investigation, inquiry or prosecution under any other enactment of Alberta or under an Act of the Parliament of Canada.
- (4)** The Ethics Commissioner shall destroy the records when in the opinion of the Ethics Commissioner the records are no longer required under subsection (3)(a) or (b).

RSA 2000 cC-23 s47;2007 c28 s26;2014 c9 s1(27);  
2016 c18 s5

## **Part 8 Review**

### **Review of Act**

**48** By December 1, 2012 and every 5 years after that, a special committee established by the Legislative Assembly must begin a comprehensive review of this Act and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

RSA 2000 cC-23 s48;2007 c28 s27

**Part 9** Repealed 2007 c28 s28.

## **Schedule**

### **Disqualifying Offices**

#### **Part 1 Judicial Offices**

1. Judges of The Provincial Court of Alberta

#### **Part 2 Offices of the Legislature**

1. The Auditor General of Alberta under the Auditor General Act
2. The Ombudsman under the Ombudsman Act
3. The Chief Electoral Officer under the Election Act
4. The Ethics Commissioner under the Conflicts of Interest Act
5. The Information and Privacy Commissioner
6. The Child and Youth Advocate
7. The Public Interest Commissioner
8. The Election Commissioner under the Election Act

#### **Part 3 Other Disqualifying Offices**

The Lieutenant Governor in Council may by regulation amend this Part to add any office the Lieutenant Governor in Council considers appropriate for the purposes of this Act.

The office of chair or member of any of the following:

Agriculture Financial Services Corporation  
Alberta Agricultural Products Marketing Council  
Alberta Apprenticeship and Industry Training Board under the  
Apprenticeship and Industry Training Act  
Alberta Building Standards Council

Alberta Capital Finance Authority  
Alberta Energy Regulator  
Alberta Gaming Commission appointed under section 207 of  
the Criminal Code (Canada)  
Alberta Human Rights Commission  
Board of the Alberta Gaming, Liquor and Cannabis Commission  
Alberta Social Housing Corporation  
Alberta Order of Excellence Council  
Alberta Petroleum Marketing Commission  
Alberta Securities Commission  
Alberta Sport Connection  
Alberta Transportation Safety Board  
Alberta Utilities Commission  
Appeal board under the Freehold Mineral Rights Tax Act  
Appeal board under the Mortgage Brokers Regulation Act  
Automobile Insurance Rate Board  
Board of Directors of the Alberta General Insurance Company  
Board of Directors of the Alberta Opportunity Company  
Board of governors of a public college under the Post-secondary  
Learning Act  
Board of governors of a technical institute under the  
Post-secondary Learning Act  
Board of governors of a university under the Post-secondary  
Learning Act  
Board of Governors of The Banff Centre  
Board of trustees of Northland School Division No. 61  
Body incorporated under section 6 of the Universities Act  
Criminal Injuries Review Board  
Farm Implement Board under the Farm Implement Act  
Fatality Review Board  
Health Disciplines Board  
Health Quality Council of Alberta  
Horse Racing Alberta  
Hospital Privileges Appeal Board  
Initial governing authority of a technical institute under the  
Post-secondary Learning Act  
Initial governing authority or governing authority of a university  
under the Post-secondary Learning Act  
Irrigation Council  
Judicial Council established under Part 6 of the Judicature Act  
Labour Relations Board  
Land Compensation Board  
Law Enforcement Review Board  
Local Authorities Pension Plan Board of Trustees  
Management Employees Pension Board  
Members of the Legislative Assembly  
Pension Plan Board

Metis Settlements Appeal Tribunal, including the Land Access  
Panel and the Existing Leases Land Access Panel  
Municipal Government Board  
Natural Resources Conservation Board  
Occupational Health and Safety Council  
Provincial Health Board under the Regional Health  
Authorities Act  
Public Emergency Tribunal under the Burial of the Dead Act  
Public Health Appeal Board  
Public Service Pension Board  
Regional Health Authority under the Regional Health  
Authorities Act  
Review panel under the Mental Health Act  
Safety Codes Council under the Safety Codes Act  
School Buildings Board  
Special Areas Board  
Special Forces Pension Board  
Surface Rights Board  
Teaching Profession Appeal Board under the Teaching  
Profession Act  
Universities Academic Pension Board  
The Workers' Compensation Board

RSA 2000 cC-23 Sched.;RSA 2000 cH-7 s146;  
RSA 2000 cT-6 s194;2002 c8 s21;2002 c11 s1(27);  
2002 c22 s9;2003 cP-19.5 s135;2003 c12 s26;2003 c40 s22;  
2004 c30 s4;2007 cA-37.2 s82(3);2007 c28 s29;2007 c32 s1(35);  
2007 c42 s2;2008 cA-4.2 s124;2008 cF-11.5 s21;2008 cH-4.3 s12;  
2008 c19 s39;2008 c25 s21;2009 c26 s32;2011 cC-11.5 s27;  
2011 cH-7.2 s26;2012 cP-39.5 s55;2012 cR-17.3 s87;  
2013 cB-7.5 s10;2015 c12 s1;2017 c16 s12;2018 c11 s6;2018 c7 s3

*(NOTE: Section 29(n) of the Conflicts of Interest Amendment Act, 2007 (SA 2007 c28) purports to amend the Schedule as follows:*

*29 The Schedule is amended in Part 3*

*(n) by adding "Review Board appointed under section 672.38 of the Criminal Code (Canada)" after "Regional Health Authority under the Regional Health Authority Act".*

*The amendment has not been incorporated because the words "Regional Health Authority Act" do not appear in the Schedule.)*







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