



## **Office of the Ethics Commissioner**

### **Background and Role**

**2022**

#### **Background**

The Conflicts of Interest Act was introduced in the Legislative Assembly following the report of a review panel set up in 1989. The review panel, chaired by then Chief Provincial Court Judge E.R. Wachowich, proposed draft legislation that formed the basis for the legislation passed by the Legislative Assembly in 1991.

At various times the legislation has been reviewed and amendments have been made.

Members of the Legislative Assembly and political staff are subject to the Conflicts of Interest Act, as are Designated Senior Officials (the CEO or equivalent of some major agencies, boards, and commissions). Designated Office Holders, which includes deputy ministers, are covered under the Public Service Act.

#### **Ethics Commissioner**

The Ethics Commissioner is an Officer of the Legislative Assembly of Alberta, as are the Auditor General, the Chief Electoral Officer, the Child and Youth Advocate, the Information and Privacy Commissioner, and the Ombudsman and Public Interest Commissioner. Pursuant to the Conflicts of Interest Act, the Office of the Ethics Commissioner submits its budget to the Legislative Assembly through the Standing Committee on Legislative Offices which is an all-party committee of the Assembly.

The Ethics Commissioner performs a variety of roles:

- Members must file complete financial disclosure with the Ethics Commissioner. The Ethics Commissioner reviews the information and meets with each Member on an annual basis to discuss it.
- Based on the disclosure provided, public disclosure statements are prepared. These public statements are posted on the website of the Office of the Ethics Commissioner.
- Members of the Premier's and Ministers' staff and designated senior officials are also subject to the Act. Similar provisions in the Public Service Act apply to designated office holders, including deputy ministers. They must file financial disclosure but there is no public disclosure of their information.

- An important role of the Ethics Commissioner is that of assisting Members, Members of the Premier's and Ministers' staff and designated office holders in understanding their obligations under the Act applicable to them and giving advice on individual issues. The Ethics Commissioner is available to meet with individual Members, Premier's and Ministers' staff, designated office holders and designated senior officials.
- If a Member, Member of the Premier's and Ministers' staff, or designated office holder provides all relevant information and relies on the Ethics Commissioner's advice, he or she will be protected from any further action related to allegations of conflict of interest on that issue.
- The Ethics Commissioner may provide guidelines of general application to all Members, Members of the Premier's and Ministers' staff, designated office holders and designated senior officials.
- The Ethics Commissioner also reviews and approves the Codes of Conduct for various Alberta government agencies, boards and commissions.
- The Ethics Commissioner may also conduct investigations, and files investigations reports with the Speaker of the Legislative Assembly for tabling in the Legislature.
- The Ethics Commissioner also files an annual report on the operations of the office with the Speaker of the Legislative Assembly.
- The Ethics Commissioner also has certain duties and responsibilities under the Lobbyists Act.

**Sources of conflicts of interest obligations for Members of the Legislative Assembly, and members of the Premier's and Ministers' staff**

- Conflicts of Interest Act, RSA 2000, c.C-23.
- Criminal Code of Canada, RSC 1985, c.C-46 (sections 119, 121, 122, 124, and 125 set out corrupt practices and prohibited fees related to elected Members and public office).
- Legislative Assembly Act RSA 2000, c.L-9 (section 10) with reference to bribery of a Member.
- Standing Order 33 of the Legislative Assembly of Alberta restricts Members from voting on matters in which they have a direct pecuniary interest.
- Order in Council 341/2020, Premier's and Ministers' Staff Employment Order.

### **Sources of conflicts of interest obligations for designated office holders**

- Public Service Act, RSA 2000, c.P-42
- Code of Conduct and Ethics for the Public Service of Alberta and supplementary codes of conducts for specific government ministries.

### **Sources of conflicts of interest obligations for designated office holders and designated senior officials**

- Conflicts of Interest Act, RSA 2000, c-23
- Specific codes of conduct for agencies, boards and commissions.