



INFORMATION BULLETIN

Office of the Ethics Commissioner of Alberta

2026

INVESTIGATIONS

I. EXECUTIVE SUMMARY

Part 5 of the Conflicts of Interest Act (the “Act”) provides the framework for how investigations are commenced, conducted and concluded by the Office of the Ethics Commissioner (“OEC”). This Bulletin provides further detail on these topics.

The Ethics Commissioner has jurisdiction to conduct investigations of alleged breaches of the Act by Members of the Legislative Assembly (“Members”), members of the Premier’s and Ministers’ staff, senior officials of public agencies and Deputy Ministers. This bulletin addresses investigations of Members. However, much of the information below would also apply to investigations conducted by the Ethics Commissioner of other individuals within the OEC’s jurisdiction.

II. HOW IS AN INVESTIGATION COMMENCED?

1. Who can request an investigation?

Any person, including members of the public, may request that the Ethics Commissioner investigate an alleged breach or contravention of the *Act* (s. 24).

2. What do I need to do to make a request?

Section 24 of the *Act* requires that a request for investigation:

- a) **Be in writing (s. 24(1)):** The Ethics Commissioner cannot accept oral requests for investigation.
- b) **Be signed by the complainant and identify that person to the satisfaction of the Commissioner (s. 24(2)(a)):** Requests for investigation cannot be anonymous. The Ethics Commissioner must be able to identify the person who made a request for investigation.
- c) **Set out sufficient particulars for an investigation to be commenced (s. 24(2)(b)):** The Ethics Commissioner will determine in each case whether sufficient particulars

have been provided. However, to meet this standard, a complaint will typically need to provide at least the following:

- i. The Member(s) alleged to have breached the *Act*;
- ii. The section(s) of the *Act* alleged to have been breached or enough information to allow the Commissioner to determine which section(s) may have been breached and whether the complaint is within the Ethics Commissioner's jurisdiction;
- iii. The action(s) that the Member(s) is alleged to have taken.

Requests for investigation should contain as much information and evidence as possible to allow the Ethics Commissioner to determine whether an investigation is warranted. The Ethics Commissioner may not respond to a complaint if it does not contain sufficient particulars or is outside of the Ethics Commissioner's jurisdiction.

Requests for investigation should be sent by email to info@ethicscommissioner.ab.ca.

3. Can the Ethics Commissioner commence an investigation without a complaint?

The Ethics Commissioner cannot commence an investigation without a specific request for an investigation except in one specific circumstance. Section 25(1) permits the Ethics Commissioner to commence an investigation where the 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.

4. What happens after I make a request?

After receiving a request for an investigation, the Ethics Commissioner will consider whether the requirements of section 24 of the *Act* have been met and whether there are sufficient grounds to commence an investigation.

If an investigation is commenced, the Ethics Commissioner will provide reasonable notice to the Member under investigation.

The person who made the request for an investigation is not informed that an investigation is commenced but may be contacted to provide additional information or evidence, either to assist in determining whether to commence an investigation or to provide evidence in an investigation.

In the event the Ethics Commissioner determines that a request is frivolous, vexatious, or not made in good faith, or contains no or insufficient grounds to warrant an investigation, the Ethics Commissioner may refuse to investigate or may cease an investigation that has been commenced (s. 25(10)). In such cases, the Ethics Commissioner will inform the individual against whom the allegation was made, the Speaker of the Legislative Assembly and the person who made the request for an investigation of the fact the Ethics Commissioner will not be commencing or, in cases where an investigation has commenced, continued (s. 25(11)).

III. HOW IS AN INVESTIGATION CONDUCTED?

1. Are there limits on when an investigation can be commenced or continued?

The *Act* places some limits on when the Ethics Commissioner can commence an investigation and when an investigation that has started must be suspended.

The Ethics Commissioner cannot commence an investigation in the following circumstances:

- a) If more than 2 years have passed since the alleged breach or contravention occurred (s. 25(3));
- b) During the period of a general election (s. 25.1(3)). If a request for investigation is received during a general election period, the Ethics Commissioner may commence an investigation after the results of the elections are final.

The Ethics Commissioner is required to suspend an investigation in the following circumstances:

- a) The Ethics Commissioner becomes aware that the subject-matter of the investigation is also the subject-matter of an investigation by a law enforcement agency or that a charge has been laid with respect to the subject-matter (s. 25(6)). The Ethics Commissioner may continue an investigation once the law enforcement investigation or charge has been finally disposed of;
- b) During the period of a general election (s. 25.1(4)). An investigation suspended during a general election cannot be continued unless the Ethics Commissioner receives a request for the investigation to continue from the subject of the investigation or the complainant within 30 days of the results of the election being final.

2. What steps are generally taken in an investigation?

The Ethics Commissioner gathers evidence in a variety of ways, including through requests for documents, written questioning and witness interviews. If necessary, the Ethics Commissioner has the power to compel persons to give oral or written testimony under oath or affirmation and to produce relevant documents (s. 25(5)).

The *Act* contains strict confidentiality provisions that require that the Ethics Commissioner and the Office's staff maintain the confidentiality of all information and allegations that come to their knowledge in the course of an investigation except in limited circumstances outline in section 26 of the *Act*.

Where the Ethics Commissioner believes that a report may adversely affect the Member under investigation, the Member must be given an opportunity to provide submissions

before the Ethics Commissioner finalizes the investigation (s. 27(4)). The Ethics Commissioner generally provides all Members who are under investigation the opportunity to provide submissions prior to completion of the investigation.

When the Ethics Commissioner has completed the investigation, section 27(1) requires that the Ethics Commissioner prepare a concise report that includes:

- a) The Ethics Commissioner's findings of facts relating to the alleged breach(es);
- b) The Ethics Commissioner's findings as to whether the Member breached or contravened the *Act* and, if so, the nature of the breach and a recommendation for the sanction, if any; and
- c) The Ethics Commissioner's recommendations, if any.

IV. WHAT HAPPENS AFTER AN INVESTIGATION?

After completing the report, the Ethics Commissioner provides a copy of the report to the Member under investigation before providing a copy to the Speaker of the Legislative Assembly (s. 25(12)-(13)).

The Speaker lays the report before the Legislative Assembly and makes the report available to the public (s. 28). If the Ethics Commissioner's report finds that a Member breached the *Act* and recommends a sanction, the Legislative Assembly will determine the appropriate sanction, if any (s. 28-29). The Ethics Commissioner does not decide what sanctions a Member will face.