



INFORMATION BULLETIN

Office of the Ethics Commissioner of Alberta

2026

MEMBERS OF THE LEGISLATIVE ASSEMBLY OBLIGATIONS UNDER THE CONFLICTS OF INTEREST ACT

I. EXECUTIVE SUMMARY

Part 2 of the *Conflicts of Interest Act* (the “Act”) contains several obligations that all Members of the Legislative Assembly (“Members”) must follow. These obligations are:

- **Section 2:** obligation to recuse from decisions furthering certain private interests.
- **Section 3:** obligation to not use the Member’s office or powers to further certain private interests.
- **Section 4:** obligation to not use or communicate confidential information to further private interests.
- **Section 6:** requirement that the Member not hold certain offices or employment.
- **Section 7:** obligation to not accept certain fees, gifts or other benefits.
- **Section 7.1:** obligation to not accept certain offers of travel on non-commercial or private aircraft.
- **Section 8:** obligation to not be party to certain contracts with the Crown.
- **Section 9:** obligation to not accept certain payments from the Crown.

This bulletin provides guidance on sections 2, 3, 4, 6, 8 and 9 of the Act. It does not provide guidance on section 7 (gift and benefits) and 7.1 (travel on non-commercial aircraft). For guidance on those sections of the Act, please refer to the separate brochures available on the website of the Office of the Ethics Commissioner.

These sections are often viewed as Members’ core obligations in the Act. These sections are aimed at assisting Members in fulfilling the expectations in the preamble to the Act, which states that Members are expected to perform their duties in a manner that promotes public confidence and trust in the integrity of Member and that Members, in reconciling their duties and private interests, are expected to act with integrity and impartiality.

II. WHAT OBLIGATIONS DO I HAVE WITH RESPECT TO RECUSING FROM DECISIONS FURTHERING PRIVATE INTERESTS (SECTION 2)?

Section 2(1) of the Act prohibits a Member from taking part in a decision in the course of carrying out their 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.

Members breach section 2 by participating in a decision that might further any of the following persons' private interests:

1. The Member's own private interests;
2. The Member's direct associates' private interests. This includes:
 - a) Member's spouse;
 - b) Businesses that the Member is a director/officer of or that they have an ownership interest in;
 - c) Partnerships that the Member is a partner in; or
 - d) Persons acting with the express or implied consent of the Member;
3. The Member's minor or adult children's private interests.

Under subsection 2(2), a Member must recuse themselves from a matter if they have reason to believe that the Member, the Member's minor or adult children or a person directly associated with the Member has a private interest in a matter by taking the following steps:

1. Declaring that they have an interest; and
2. Withdrawing from the meeting without voting on or participating in the consideration of the matter.

This subsection requires a Member to do more than simply abstain from the vote or refrain from making any comment during debate. The Member must positively declare that they have an interest and leave the meeting while that matter is being discussed and voted on.

Under subsection 2(4), where a Minister is required to make a decision which requires recusal under subsection (1), the Minister may request another Minister to act in their stead in connection with the decision.

III. WHAT RESTRICTIONS DO I HAVE WITH RESPECT TO INFLUENCING DECISIONS FURTHERING PRIVATE INTERESTS (SECTION 3)?

Section 3 of the Act prohibits a Member from using their 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.

While section 2 relates to decisions that the Member makes or in which the Member participates, section 3 relates to decisions others make that the Member influences or seeks to influence.

Members breach section 3 by influencing or seeking to influence in a decision that might further any of the following persons' private interests:

1. The Member's own private interests;
2. The Member's direct associates' private interests. This includes:
 - a) Member's spouse;
 - b) Businesses that the Member is a director/officer of or that they have an ownership interest in;
 - c) Partnerships that the Member is a partner in; or
 - d) Persons acting with the express or implied consent of the Member;
3. The Member's minor children's private interests.

Section 3 also prohibits a Member from influencing or seeking to influence decisions to ***improperly further any other person's private interests***. While the term "improperly" is not defined in the Act, the Ethics Commissioner will consider the entire context of a matter to determine whether a Member acted improperly, including but not limited to the closeness of the Member's relationship with the other person, whether there was an objective basis for the decision in issue, whether the Member acted for an improper purpose and the process used for the decision.

For example, it may be improper for a Member to contact a Minister insisting that the Member's close friend's business be awarded a contract following an RFP process, despite that friend's business not satisfying the requirements to be awarded that contract.

IV. WHAT RESTRICTIONS DO I HAVE WITH RESPECT TO USING OR COMMUNICATING CONFIDENTIAL INFORMATION TO FURTHER PRIVATE INTERESTS (SECTION 4)?

Section 4 of the Act prohibits a Member from using or communicating 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 any person's private interest.

This section is often referred to as a prohibition on using or communicating "insider information" or "confidential information". Section 4 prevents the use or communication of insider information to further or seek to further ***any person's*** private interest. In other words, it is inherently improper to use or communicate such information to further or seek to further a person's private interests, regardless of whether a Member has any relationship with that person.

V. WHAT DOES THE TERM "THE CROWN" MEAN IN THE ACT?

Sections 6, 8 and 9 of the Act place obligations on Members to avoid certain relationships with the Crown. As such, it is important to understand the term "the Crown" as it is used in those sections. The Act defines the Crown as:

(a.1) “Crown” means the Crown in right of Alberta and includes a Provincial agency;

The following are within the definition of the Crown in the Act:

1. Alberta government departments/ministries;
2. Alberta public agencies, boards and commissions;
3. Provincial health agencies and corporations and their subsidiaries;
4. Management bodies under the *Alberta Housing Act*.

The following are not within the definition of the Crown in the Act:

1. Federal government departments/ministries and federal agencies, boards and commissions (but see comments under III. below regarding the restriction on employment with the Crown in right of Canada);
2. Departments, ministries and agencies, boards and commissions of provinces other than Alberta;
3. Municipalities.

VI. WHAT ARE MY RESTRICTIONS WITH RESPECT TO EMPLOYMENT WITH THE CROWN?

Section 6 of the Act prohibits a Member from holding any of the following offices or employment while they are a Member:

1. An employee of the Crown in right of Canada, whether the employment is permanent, temporary, full-time or part-time (see s 6(1)(a)(i));
2. 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 to which a salary is attached (see s 6(1)(a)(ii));
3. An employee of the Crown, as that term is described above (see s 6(1)(b)(i));
4. The holder of an office set out in the Schedule to the Act (see s 6(1)(b)(ii)).

Employment and Offices of the Crown in right of Canada

The prohibition on employment or holding office relating to the Crown in right of Canada (see (a) and (b) above) mean that a Member cannot be employed with the Government of Canada and cannot hold office as a superior court judge, as an Agent of Parliament or with federal agencies, boards and commissions.

These restrictions may apply to other offices relating to the federal government. Members are encouraged to seek advice from the Office of the Ethics Commissioner in advance for any appointments relating to the federal government.

These restrictions apply both **at the time of being sworn in** or at any time after being sworn. This means that an individual who is elected to be a Member must resign the employment or no longer hold the office **prior to being sworn in** to ensure compliance with the Act.

Employment and Offices of the Alberta Crown

The prohibition on employment or holding office relating to the Crown (see (c) and (d) above) mean that a Member cannot be employment with the Government of Alberta or a Provincial agency or hold any of the offices listed in the Schedule to the Act.

The Schedule to the Act provides that a Member cannot hold office as a judge of the Alberta Court of Justice, as an Officer of the Legislature or as the chair or a member of any of the provincial agencies listed there. Please refer to the Schedule, found at the end of the Act, for the complete list of agencies.

Under section 6(2), a person who is an employee of the Alberta Crown or holder of one of the offices set out in the Schedule **automatically ceases** to be an employee or a holder of the office upon becoming a Member. This means that the Member is not required to resign and the law automatically acts to terminate that employment or appointment.

Under section 6(3), a Member may be appointed to one of the offices listed in the Schedule to Act provided they are appointed in their capacity as a Minister and they receive no remuneration for holding that office other than reasonable travel and living expenses.

Leaves of Absence

Section 6 prohibits any employment relationship between the Member and the Crown which would be a breach of section 6. At law, a leave of absence, even if unpaid, does not terminate an employment relationship. This means that a Member cannot take a leave of absence from employment that would be a breach of section 6 while they are a Member.

VII. WHAT ARE MY RESTRICTIONS WITH RESPECT TO CONTRACTS WITH THE CROWN?

Section 8 of the Act prohibits a Member, a Member's spouse/partner and the direct associates of the Member or the Member's spouse/partner from becoming a party to contracts with the Crown that fall into any of the following categories:

1. A contract for borrowing money from a treasury branch (ATB Financial);
2. A contract conveying an interest in land to the Crown other than by consenting to expropriation under section 30 of the *Expropriation Act* or with approval of the Ethics Commissioner;
3. A contract for the construction, demolition, alteration or repair of a public work;
4. A contract under which the Agricultural Financial Services Corporation lends money or guarantees a debt;
5. Any other contract with the Crown in which the Member, the spouse/partner or their direct associates receive a preference or benefit not available to other members of the public of the same class.

Note that these restrictions apply to the direct associates of the Member and the direct associates of the Member's spouse/partner.

For the purposes of section 8, the following persons are directly associated with a Member or the Member's spouse/partner:

1. Corporations if the Member or the Member's spouse/partner is a director or officer or has an ownership interest;
2. Subsidiaries of corporations that are direct associates, regardless of whether the Member or the Member's spouse/partner are directors, officers or shareholders of the subsidiary;
3. Partnerships in which the Member or the Member's spouse/partner is involved; and
4. Persons or groups of persons acting with the express or implied consent of the Member or the Member's spouse/partner.

Members should pay particular attention to the restriction on contracts to borrow money from treasury branches (ATB Financial). A Member, a Member's spouse/partner and their direct associates should consult with the Ethics Commissioner before entering into a mortgage or line of credit agreement with ATB Financial and before renewing these contracts with ATB Financial.

If a Member, a Member's spouse/partner or their direct associates hold a mortgage or line of credit agreement with ATB prior to being elected, they can continue with the terms of that agreement but must seek the Ethics Commissioner's approval before renewing the agreement.

The Ethics Commissioner has the discretion to allow a contract that would otherwise breach section 8 if the Ethics Commissioner is of the opinion that the contract will not create a conflict between the person contracting with the Crown and the public interest or the contract is trivial.

The Ethics Commissioner also has the discretion to allow a renewal of a contract from before the Member entered office provided the Ethics Commissioner approves of the renewal **before** the renewal is completed and certain conditions are met.

VIII. WHAT ARE MY RESTRICTIONS ON ACCEPTING PAYMENTS FROM THE CROWN?

Section 9 of the Act prohibits a Member, the Member's spouse/partner and the Member's direct associates from accepting a payment of public money from the Crown or a person acting on behalf of the Crown, subject to the exceptions set out below.

Payments to the Members in their capacity as an MLA

Section 9(2)(a) permits a Member to accept certain payments made to them in their capacity as a Member or Minister. This exception allows Members and Ministers to receive the pay and benefits that come with those offices.

Members should ensure that the payments they receive under this exception are in accordance with the relevant authorization. For example, some Members are entitled to a housing allowance for accommodation in Edmonton, but a Member should ensure that they claim only the amount that is permitted by the *Members' Services Committee Orders*.

Payments as a matter of right

Section 9(2)(b) permits a Member, a Member's spouse/partner and a Member's direct associates to accept payments that they are entitled to as a matter of right or subject only to compliance with the requirements of the enactment that are conditions precedent to the payment.

This exception allows Members, their spouse/partner and their direct associates to receive benefits that they are eligible for, independent of their status as a Member. For example, if the Government of Alberta chose to provide emergency evacuation payments to any Albertan forced to evacuate their home due to a wildfire or flooding, a Member would be permitted to receive that payment if they were an eligible evacuee.

Payments applied for with no preference given

Section 9(2)(c) permits a Member, a Member's spouse/partner and a Member's direct associates to accept payments from the Crown where the payment must be applied for if:

1. The recipient complies with the requirements of the application and meets all the conditions precedent to the payment;
2. The recipient's application is given no preference not available to others; and

3. The recipient receives no special benefit in relation to their application.

This exception allows Members and their direct associates to receive payment from government programs involving an application process, provided the recipient's application is treated the same as all other applications and no special benefit is received.

Payments under Section 8 contracts

Section 9(2)(d) permits a Member, a Member's spouse/partner and a Member's direct associates to accept payments from the Crown if the payment is made under a contract that may be entered without the Member being in breach of section 8. For example, a Member can accept payment from the Crown for land that is expropriated under an agreement made pursuant to section 30 of the *Expropriation Act*.

IX. WHAT DO I DO IF I STILL HAVE QUESTIONS?

The Office of the Ethics Commissioner encourages all Members to contact our office by email at info@ethicscommissioner.ab.ca for advice about the material covered by this bulletin.

Pursuant to section 43 of the Act, the Ethics Commissioner may provide advice in writing to Members on matters respecting their obligations under the Act. Provided the Member has communicated the material facts and complied with the Ethics Commissioners recommendations with respect to any advice given, no proceedings or prosecution can be taken against the Member with respect to the matter.

Please note, all advice requests must be in writing to ensure all the relevant facts on which advice is based are clearly outlined. Pursuant to section 43 of the Act, advice will also be provided in writing. Where a Member has disclosed all material facts to the Ethics Commissioner and followed the Ethics Commissioner's advice and recommendations on a matter, no investigation of that matter can be undertaken by the Ethics Commissioner.

If you have any other questions, please feel free to email info@ethicscommissioner.ab.ca.