



Office of the Ethics Commissioner

Information on Investigations

2017

Authority to Investigate

The Ethics Commissioner may investigate an alleged breach of the Conflicts of Interest Act by a Member upon receiving a request for an investigation from:

- i. any person, in writing,
- ii. any Member, in writing,
- iii. the Legislative Assembly, by resolution, or
- iv. the Executive Council respecting an alleged breach by a Minister or former Minister.

The Ethics Commissioner also has the authority to conduct an investigation if 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 Commissioner.

A request to investigate must be signed and the person making the request must be identified. A request must also set out the particulars of the alleged breach.

The Ethics Commissioner has the power to compel attendance of witnesses, compel the production of documents and administer oaths.

The Ethics Commissioner may refuse to investigate or cease to investigate an allegation if, in the Ethics Commissioner's opinion, the request is frivolous, vexatious, or not made in good faith, or there are no or insufficient grounds to investigate.

The Ethics Commissioner can recommend that a Member, former Minister or former political staff member be reimbursed, in an amount approved by the Ethics Commissioner, for legal expenses incurred in respect of an investigation.

Suspension of Investigation

The Ethics Commissioner must immediately suspend an investigation 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. The Ethics Commissioner may not resume the investigation until any investigation or charge has been finally disposed of by law enforcement. The Ethics Commissioner may also disclose information to the Minister of Justice and Solicitor General or to law enforcement if the Ethics Commissioner believes on reasonable grounds that an alleged offence under the Act or any other enactment of Alberta or an Act of the Parliament of Canada has occurred.

Re-Investigation

The Ethics Commissioner may re-investigate an alleged breach where a report has previously been filed with the Assembly only if, in the Ethics Commissioner's opinion, there are new facts that on their face might change the original findings.

Report of Investigation

The report relating to an investigation is to be concise and contain only the facts relating to the alleged breach and the findings of the Ethics Commissioner as to whether the Member has breached the Act. If a breach is found the report must indicate the nature of the breach and a recommendation regarding a sanction, if any.

Reports of completed investigations are presented to the Legislative Assembly through the Speaker, except where the investigation is requested by Executive Council, in which case the report is sent to the President of Executive Council. The Member against whom allegations are made and the Speaker receive copies of the final report prior to its public release.

Sanctions

Following an investigation, the Ethics Commissioner may recommend in the Ethics Commissioner's report to the Assembly that:

- i. the Member be reprimanded,
- ii. that a penalty be imposed in an amount recommended by the Ethics Commissioner,
- iii. that the Member's right to sit and vote in the Legislative Assembly be suspended for a stated period or until a condition is fulfilled,
- iv. that the Member be expelled from the Legislative Assembly, or
- v. no sanction if the Commissioner believes the breach was trivial, inadvertent, or committed in good faith.

The Legislative Assembly is required to debate and vote on the report of the Ethics Commissioner within 15 days after its tabling or within a stated period set out in a resolution of the Legislative Assembly.

The Legislative Assembly may accept or reject the findings and recommended sanction of the Ethics Commissioner or it may substitute its own findings and impose its own sanction.