2025 Bill 202

Second Session, 31st Legislature, 4 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

CONFLICTS OF INTEREST (ETHICAL GOVERNANCE) AMENDMENT ACT, 2025

MR. KASAWSKI

First Reading . . . . . .

Second Reading . . . . . .

Committee of the Whole . . . . . .

Third Reading . . . . . .

Royal Assent . . . . . .

Bill 202
Mr. Kasawski

BILL 202

2025

CONFLICTS OF INTEREST (ETHICAL GOVERNANCE) AMENDMENT ACT, 2025

(Assented to , 2025)

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

Amends RSA 2000 cC-23

1 The *Conflicts of Interest Act* is amended by this Act.

2 Section 2 is amended as follows:

(a) by repealing subsections (1) and (2) and substituting the following:

Decisions furthering a private interest

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

(a) knowing that the decision might further a private interest of the Member, the Member's minor child or adult child, or a person directly associated with the Member, or

(b) if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Member's ability to consider or make a decision on the matter must be affected by a private interest of the Member, the Member's minor child or adult child, or a person directly associated with the Member.

Explanatory Notes

1 Amends chapter C-23 of the Revised Statutes of Alberta 2000.

2 Section 2 presently reads in part:

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.

(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).

(2) When a matter for decision is considered at a meeting of the Executive Council or the Legislative Assembly, including a committee appointed by resolution of the Legislative Assembly, a Member must, if present at the meeting, declare the Member's private interest and withdraw from the meeting without voting on or participating in the consideration of the matter if

(a) the Member has reasonable grounds to believe that the Member, the Member's minor child or adult child, or a person directly associated with the Member, has a private interest in the matter, or

(b) there is a reasonable perception, which a reasonably well-informed person could properly have, that the Member's ability to carry out the Member's office or powers must be affected by a private interest of the Member, the Member's minor child or adult child, or a person directly associated with the Member, in that matter.

(b) by repealing subsection (9) and substituting the following:

(9) If no record was kept of who was present at a meeting at the time a matter for decision arose, 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).

3 Section 3 is repealed and the following is substituted:

Influence

3(1) A Member breaches this Act if the Member uses the Member's office or powers to influence or seek to influence a decision, to be made by another person, for the purpose of furthering a private interest of

(a) the Member,

(b) the Member's spouse, adult interdependent partner or minor child, or

(c) a person directly associated with the Member.

(2) For greater certainty, a Member is not in breach of subsection (1) if the Member engages in an activity referred to in section 5.

3 Section 3 presently reads:

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.

4 Section 7 is amended by repealing subsections (3) and (4) and substituting the following:

(3) Subsection (1) does not apply to a gift or 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, if each of the following criteria are met:

(a) the gift or benefit is non-monetary;

(b) the gift or benefit is not given by

(i) a lobbyist referred to in section 6.2 of the *Lobbyists Act*, or

(ii) in the case of a Member who is also a Minister, a person with business before the Crown;

(c) in the case of a gift or benefit having a value greater than $100,

(i) the gift or benefit is disclosed by the Member to the Ethics Commissioner within 15 days after the Member has knowledge that the gift or benefit will be received or has been received, and

(ii) the Member receives approval from the Ethics Commissioner to retain the gift or benefit.

(4) The Ethics Commissioner may give an approval under subsection (3)(c)(ii) only if the Ethics Commissioner is satisfied that there is no reasonable perception, which a reasonably well-informed person could properly have, that the Member's retention of the gift or benefit would constitute a breach under subsection (1).

5 Section 12 is amended by repealing clause (e) and substituting the following:

(e) shall include a list of all gifts and other benefits having a value greater than $100 accepted in accordance with section 7, including all gifts or other benefits not approved by the Ethics Commissioner under section 7(3)(c)(ii);

4 Section 7 presently reads in part:

(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 or the Member's spouse or adult interdependent partner or minor child does not exceed the prescribed amount,

(b) in the case of tickets and invitations to events, if the tickets and invitations to events are accepted by the Member or the Member's spouse or adult interdependent partner or minor child in accordance with the regulations,

(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 Member accepts the waiver, payment or reimbursement in accordance with the regulations, or

(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.

5 Section 12(e) presently reads:

12 A disclosure statement

(e) shall include a list of all fees, gifts and other benefits accepted under section 7 having a value greater than the prescribed amount, including any fees, gifts or other benefits not approved by the Ethics Commissioner under section 7(3)(d);

6 Section 14(3) is amended by repealing clause (b) and substituting the following:

(b) the gifts or benefits accepted with the Ethics Commissioner's approval under section 7(3)(c)(ii), and

7 Section 23.41 is repealed and the following is substituted:

Code of conduct

23.41(1) The Lieutenant Governor in Council shall establish, by order, a code of conduct for members of the Premier's and Ministers' staff.

(2) A code of conduct established under subsection (1) must include provisions

(a) establishing rules respecting the acceptance of gifts and benefits, including any procedural and reporting requirements,

(b) establishing maximum cash values of gifts and benefits, including a maximum cash value of any gift or benefit and a maximum cash value of all gifts and benefits within a year from a single source, that may be accepted by an individual subject to the code of conduct,

(c) requiring the disclosure to the Ethics Commissioner of all gifts and benefits having a value greater than $100,

(d) requiring the approval of the Ethics Commissioner to retain any gift or benefit exceeding the amount referred to in clause (c),

(e) prohibiting the acceptance of gifts or benefits from

(i) a lobbyist referred to in section 6.2 of the *Lobbyists Act*, and

(ii) a person with business before the Crown, and

(f) any other matter prescribed by regulation.

(3) A member of the Premier's and Ministers' staff who contravenes a code of conduct established under subsection (1) breaches this Part and may be subject to disciplinary action.

6 Section 14(3)(b) presently reads:

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

(b) the fees, gifts or benefits accepted with the Ethics Commissioner's approval under section 7(3)(d), and

7 Section 23.41 presently reads:

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.

(4) For greater certainty, the Ethics Commissioner is responsible for

(a) conducting an investigation under section 23.8 into an alleged breach of a code of conduct,

(b) determining whether a breach has occurred, and

(c) providing a report under section 23.81 regarding the outcome of the investigation.

(5) Section 23.972 applies to the implementation or amendment of a code of conduct under this section, including any new or revised requirements that may conflict with the terms of employment, appointment or contract of a member of the Premier's or Ministers' staff.

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

8 Section 23.9 is amended by adding the following after clause (a):

(a.1) for the purpose of section 23.41(2)(f), prescribing additional matters that must be addressed in a code of conduct;

9 Section 47.1 is amended by repealing clauses (b) to (e).

Coming into force

10 This Act comes into force on July 1, 2026.

8 Adds regulation making authority.

9 Section 47.1(1) presently reads in part:

47.1 The Lieutenant Governor in Council may make regulations

(b) prescribing the amount referred to in section 7(3)(a);

(c) respecting the acceptance of tickets and invitations to events referred to in section 7(3)(b);

(d) respecting the acceptance of waivers, payments and reimbursements referred to in section 7(3)(c);

(e) prescribing the amount referred to in section 12(e).

10 Coming into force.

Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL