

via email: COIACommittee@assembly.ab.ca

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April 8, 2024

www.aer.ca

Select Special Conflicts of Interest Act Review Committee
c/o Committee Clerk
3rd Floor, 9820 – 107 Street
Edmonton AB T5K 1E7

Attention: Shane Getson, MLA

Dear Sir,

RE: Review of the Conflicts of Interest Act

Thank you for inviting the AER to provide feedback to the Conflicts of Interest Act Review Committee in its review of Alberta's *Conflicts of Interest Act* (the "Act"). The AER's Board of Directors has asked me to respond to your request.

The AER recommends that where the subject matter of an investigation under section 25 of the Act is the same or substantially the same as another ongoing investigation or review being conducted by one or more other provincial investigative bodies or officers, that the Ethics Commissioner must consider and decide, before proceeding with any investigation, whether there are time, costs, or other benefits for the Commissioner or the agency/public body/department impacted by the investigation in:

- a) Sharing investigation information with the other public investigative body or bodies;
- b) Entering into a joint investigation with the other public investigative body or bodies;
- c) If (a) or (b) is chosen, appointing one of the investigative bodies to be the investigation lead for the purposes of coordinating the interviewing of persons and collecting of information, or
- d) Waiting for another public investigative body to complete and share its findings before deciding to begin an investigation under section 25 of the Act.

A provision that other investigative bodies must agree to jointly investigate or share information would also be required, which provision could be subject to any reasonable or important exceptions i.e. not in the public interest to combine investigations; independence or integrity of an ongoing or future investigation could be compromised, or personal or confidential information could be compromised etc.

There are often overlapping issues in investigations or reviews undertaken by provincial bodies who may have overlapping jurisdiction on the same matter. For example, the AER has in the past

dealt with simultaneous separate reviews or investigations on the same matter by the Ethics Commissioner, the Public Interest Commissioner, and the Auditor General of Alberta. Investigations and reviews can be extremely resource intensive and last over many months. Requiring a public body or department through their personnel to answer questions and produce documents several times over is redundant and can significantly interfere with the resources needed to carry out the mandate and day to day operations of the public body or department on behalf of Albertans. It is our view that combining investigations and/or sharing information could potentially save significant time, resources and expenses for departments and public bodies, as well as investigative bodies dealing with the same matter.

Thank you once again for the opportunity to provide feedback to the Committee.

Your truly,



Sean Sexton
Executive Vice President, Law and General Counsel

Cc: David Goldie, Chair, AER Board of Directors