

**YUKON TERRITORY**  
**CONFLICT OF INTEREST COMMISSION**

**ANNUAL REPORT**

**JULY 2000 - JUNE 2001**

**The Hon. E. N. (Ted) Hughes, Q.C.**  
**Commissioner**  
**June 25, 2001**

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This is my fifth annual report as Commissioner appointed pursuant to the *Conflict of Interest (Members and Ministers) Act*. It covers the period from July 2000 to June 25, 2001.

In last year's annual report I discussed the 1999 amendments to the *Conflict of Interest (Members and Ministers) Act*, the *Public Service Act* and the *Cabinet and Caucus Employees Act*. This past year has been one of consolidation under the amended statute. Besides being of service over the year to members of the Legislative Assembly, I have had the opportunity to be in communication with and to advise in writing with respect to the requirements of the new legislation, several of the Deputy heads within the Public Service who were brought within the scope of this Commission by virtue of the 1999 amendments to the *Public Service Act*. Over the same one year period I have given eleven written opinions to members of the Legislature and I have been in contact by telephone with both members of the Legislature and Deputy heads within the Public Service.

As of the date of this Report I am once again in a position to say that I have not been required to undertake the investigation of any complaint made by a member that another member is or was in a conflict.

During the year there was an instance where one member of the House initially requested an opinion from me on a question framed by him and then, following collaboration with a member of another party in the House, posed three additional questions for me to answer. Ordinarily when a member seeks an opinion from the Commissioner the response of the

Commissioner is confidential but in this instance it was understood that my answer to all four questions would be made public because of the collaboration that had occurred with respect to the questions asked of me. In order to prepare my opinion I was in Whitehorse in mid-November to conduct interviews and subsequently I interviewed in Vancouver.

The fourth question asked of me was whether the June 2000 disclosure statement of the member who initially sought my advice complied with section 7 of the *Legislative Assembly Act* and whether any representations in the disclosure statement could reasonably be deemed to create a conflict of interest under section 7 of the *Conflict of Interest (Members and Ministers) Act*.

Section 7 of the *Legislative Assembly Act* spells out the requirement of each member to file a disclosure statement with the Clerk of the Assembly once each year setting out the interest of the member and his or her family in any contract with the Government of Yukon, benefits received from such a contract, benefits or gifts received in respect of the discharge of the member's duties of office, debts, business interests, all other ownership interests and sources of income of the member and his or her family. Section 7 of the *Conflict of Interest (Members and Ministers) Act* reads:

A Member is in a conflict of interest if he or she fails to comply with section 7 of the *Legislative Assembly Act*.

I concluded that the member had complied with Section 7 of the *Legislative Assembly Act* and therefore was not in breach of section 7 of the *Conflict of Interest (Members and Ministers) Act*. In answering that question I gave some guidance as to my approach to matters of this kind. What I said on that occasion, I believe, bears repeating in this Annual Report.

I approached the task of answering the fourth question with the rationale for this legislation very much in mind. As Commissioner I am not here to pounce on a member who, in good faith, may have made a mistake in completing his or her

disclosure statement - particularly with respect to new members entering the world of government for the first time. I am here to be of assistance, to offer advice and guidance so that acceptable ethical standards of behaviour will be the accepted norm. In that way honourable members of the Yukon Legislative Assembly, and myself as Commissioner, will be doing our part to keep firm and standing what I have described as the cornerstone that underpins sound, moral and ethical principles that our democratically elected representatives at all levels of government are expected to honour and respect.

Also in that opinion I discussed the rationale for conflict of interest legislation and recorded relevant comments I had previously made about the importance and significance of conflict of interest legislation that had been enacted in recent years in the Provinces and Territories of Canada. I believe it will be a useful educational experience for readers of this Report to have the opportunity to consider what I said on this subject when I filed my Report in January of the current year.

I am on record with respect to the rationale for conflict of interest legislation as having said the following which I continue to believe:

I see it as the Commissioner's job to identify acceptable ethical standards of behaviour and to educate and encourage adherence to those standards. The qualities inherent in an acceptable standard of ethical behaviour are those of honesty, integrity, fairness and bona fides. The public trust that the citizens expect of their politicians has those ingredients as ever present components.

I believe it is also appropriate to repeat other statements that I have made as Commissioner with respect to conflict of interest legislation:

I move into that by asking the question of why we have existing legislation in the provinces and the territories and the regulatory system in Ottawa for public office holders. Why are these systems in place?

It is my view that a nation is no stronger than its ethical and moral principles, and the ultimate strength of those ethical and moral principles is in the hands of those citizens democratically elected to lead our country in the provinces, the territories and our municipalities. The cornerstone that underpins sound moral and ethical principles and values is the integrity, honour and trustworthiness of our democratically elected officials at all levels of

government.

I believe conflict of interest legislation, which has mushroomed across this country at the provincial level in the last two to seven years, has been a response to shore up that cornerstone lest those elected to public office be tempted to put self-interest ahead of the public good.

While definitions have some variances in the jurisdictions, the requisite standard of conduct in the context of conflict of interest must always reflect one overriding concern: that members not use their public office for private gain; neither should there be that perception in the mind of the reasonably well informed person.

I encourage members and Deputy heads to refer matters of concern to me for my consideration, advice and assistance. Telephone and fax numbers are the same as reported in last year's Annual Report (telephone 250-413-3152 (O), 250-361-3151 (H), (Office fax 250-413-3153). Some of these numbers will likely change in September when I anticipate relocating my office in Victoria but all members and Deputy heads will be advised of any such changes at that time. I also keep in close contact with Patrick L. Michael, the Clerk of the Yukon Legislative Assembly. He usually knows of my whereabouts and can advise members and others who inquire at his office how I can be reached. I would like to thank Mr. Michael and his very obliging staff for the assistance they have given to me over the past year.

Respectfully submitted this 25th day of June, 2001.



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The Hon. E. N. (Ted) Hughes, Q.C.  
Commissioner of Conflict of Interest