

# Executive Council Code of Conduct Regarding Conflict of Interest

- 1.(1) In this Code
  - (a) “family” means a member’s spouse and dependants that normally reside with the member.
  - (b) “member” means member of the Executive Council.
- (2) Members shall, in addition to compliance with Section 7 of the Legislative Assembly Act, comply with the provisions of this code.
- 2.(1) No member shall engage in any employment, business or profession on a day-to-day basis nor to an extent that interferes with the member’s attendance to the duties assigned to them as member on a full time basis.
- (2) No member nor any of the member’s family shall engage in any employment, business or profession that actually or apparently causes a conflict of interest with the duties of the member or might reasonably be expected to create such a conflict during the member’s term of office.
- (3) No member shall hold the office of Justice of the Peace or Coroner.
- (4) No member shall hold elected or appointed office with a municipality.
- 3.(1) No member nor any of the member’s family shall either directly or indirectly, by themselves or with the interposition of a third party, hold or enter into any contract with the Government of Yukon under which any money or other benefit accrues to the member or any of the member’s family.
- (2) Subsection (1) does not apply to a contract
  - (a) that the member or the member’s family hold or enter into in a manner and on a basis common to the general public or to a class of the general public to which the member or the member’s family belong, and where no special benefit or preference is enjoyed by the member or the member’s family;
  - (b) under which a member or the member’s family supply normal and routine goods or services to the Government of Yukon on a local basis on terms which are the same upon which the Government of Yukon commonly purchases such goods and services in the community and where no special terms or

- exclusive or preferred rights of supply are granted to the member or the member's family;
- (c) that is held or entered into by a company or other organization in which a member and the member's family together hold, directly or indirectly, a financial interest of no more than ten percent;
  - (d) under which a member or the member's family receives fees paid in whole or in part from public funds in respect of professional services rendered, other than to the Government of Yukon, in the capacity of physician, surgeon, dental surgeon, barrister or solicitor;
  - (e) under which a member or the member's family is interested as an executor, administrator or trustee only and has no beneficial interest;
  - (f) which a member or the member's family acquires by inheritance, gift, marriage, foreclosure, forfeit of security or other operation of law and which is divested within twelve months of acquisition; or
  - (g) under which the member or the member's family provides goods or services to the Government of Yukon that are required in an emergency;
  - (h) under which the member's family contracts with a part of the Government of Yukon that is not under the member's administration and which contract is not directly or indirectly for or on behalf of the member; or
  - (i) in respect of which the Conflict of Interest Commission has advised in writing that any conflict of interest created would be so remote or insignificant that it should not disqualify the member or the member's family from accepting it subject to any conditions imposed by the Conflict of Interest Commission.
- (3) No person in a member's family shall take or hold a position in a part of the Government of Yukon under the administration of a member.
- (4) Except as set out in subsection (3), neither subsection (1) nor subsection 2(2) apply to prevent a person in a member's family from taking or holding a position in the employment of the Government of Yukon.
- (5) Subsection (1) does not apply to a member or the member's family until six months after the date of the member's appointment to the Executive Council. During the six-month period, the member shall use best endeavours to minimize any conflict created by a contract that the

member or the member's family holds as at the date of the member's appointment, to which subsection (1) will apply. This shall include declaring the contract pursuant to paragraph 5(d), ensuring that the member or the member's family divest themselves of any interest in the contract by the end of the six-month period, and ensuring that the member's family does not enter into any such contracts during the member's term of office.

- 4.(1) No member nor any of the member's family shall directly or indirectly purchase or acquire public lands or any interest in public lands except through participation in a sale or other disposition that is offered to the public under the laws of general application. "Public lands" means all public real property under the administration and control of the Commissioner.
- (2) No member nor any of the member's family shall sell land or any interest in land to the Government of Yukon except where
  - (a) the land or interest has been expropriated by the Government of Yukon and the price has been fixed or approved in accordance with the Expropriation Act, or
  - (b) the price for the land or interest in land has been approved as being fair and reasonable by a Judge of the Supreme Court upon application made to the Court.
5. Within thirty days of the commencement of their office and on every April 30 thereafter that is more than ninety days after the commencement, every member shall file a statement in Form A, signed by him showing a full description of the items set out below, with the Clerk of the Legislative Assembly and, within thirty days of any material change in the facts in the statement, shall file a statement of the change:
  - (a) the name of every corporation, partnership, proprietorship, association or society, except non-profit or charitable organizations, which either directly or through a subsidiary carries on business in the Territory, in which
    - (i) the member and the member's family together hold, directly or indirectly, a financial interest in excess of one percent, or
    - (ii) the member or any of the member's family holds a position as officer, director or managerand the nature and extent of the interest or position;
  - (b) every position of employment with the Government of Yukon held by a person in the member's family;

- (c) every license held by the member or any of the member's family that was granted under the laws of the Territory, which is exercised for gain or which has a commercial value, and which entitles the grantee
  - (i) to practice a profession;
  - (ii) to operate a business;
  - (iii) to use public lands for any commercial purpose; or
  - (iv) to explore for or mine minerals.
- (d) any contract to which subsection 3(1) will apply and which the member or any of the member's family continues to hold pursuant to subsection 3(5).