

## **Conflict of Interest Policy**

The Conflict of Interest policies outlined within this document have been developed in accordance with the conflict of interest provisions found within *The Planning and Development Act, 2007* and *The Northern Municipalities Act, 2010*. Policies are also consistent with the recommendations of the Barclay Report. Policies are not direct quotes of the report or legislation, but have been worded to directly guide ANPC members. Excerpts and explanations can be found below:

### ***The Planning and Development Act, 2007***

*112 No member of a northern planning commission may hear or vote on any decision that relates to a matter with respect to which the member has a pecuniary [financial] interest.*

### ***The Northern Municipalities Act, 2010***

*159.1(1) A member of council has a conflict of interest if the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is the opportunity to further his or her private interests or the private interests of a closely connected person.*

### ***Barclay Report***

On December 30, 2014 the Honourable R.L. Barclay Q.C. issued his final report assessing the Rural Municipality of Sherwood's reeve's conduct in relation to the pecuniary interest provisions in *The Municipalities Act* and the common law as it applies to conflict of interest situations.

Some questions to ask include:

- "Is the council member perceived to be financially or otherwise vested in the public issue?"
- "Is the council member's private interests perceived to be in conflict with their public duty?"
- "Would a reasonably well informed person consider that the interest might influence how the official's public duty is exercised?"

1. A conflict of interest is when an ANPC member has a private or personal connection to a decision being made by the ANPC where the decision has a direct or indirect impact on that ANPC member.
2. A conflict of interest encompasses significantly more than simply not voting on a matter to which an ANPC may have an interest. Being involved in, or simply being present during discussions on a matter, may be seen as influencing a decision which the ANPC member has a conflict of interest.
3. An apparent conflict of interest also arises when a reasonably well-informed person could reasonably conclude, as a result of the surrounding circumstances, that the ANPC member must have known about the connection of his or her involvement with a matter of private interest.
4. The ANPC is based on representing the entire population of the Planning Area, and the input to the deliberation of a local member indirectly impacted by a decision may be necessary, but the member may find it in his/her best interest to abstain from voting.
5. Conflict of interest also arises if an ANPC member uses private information obtained from his/her employment or other appointment in order to advance a personal interest.
6. ANPC members must not use their positions to obtain employment or service contracts in the Planning Area for themselves, family members or close associates. Should a member desire employment or seek to provide professional services, he/she must first step down from the ANPC.
7. ANPC members must conduct themselves in such a way as to avoid any reasonable apprehension that their personal interest could in any way influence their appointed/nominated responsibility.
8. If an ANPC member is in doubt as to whether a conflict exists, they may wish to seek a legal opinion at their own cost. Because the consequences of violating conflict of interest rules may be severe, an ANPC member may wish to declare an

interest if they are in doubt regarding a potential conflict or request discussion with the ANPC.

9. Where an ANPC member suspects that he or she is, or may potentially be, in conflict, the ANPC member must immediately disclose the conflict or potential conflict to the Development Officer and the members of the ANPC.
10. ANPC members are not to use their positions to promote private interests, whether their own or those of relatives or friends. They must be unbiased in the exercises of their duties.
11. When a conflict of interest is declared, the declaration:
  - (a) occurs before any consideration or discussion;
  - (b) requires that the general nature of the conflict be disclosed; and
  - (c) includes any material details that may reasonably be seen to affect the member's impartiality.
12. When the ANPC is to decide upon an issue that has a direct impact on an ANPC member, that member shall declare a conflict of interest and recuse himself/herself from the vote and **discussion**.
13. An ANPC member shall not attempt in any way, whether before, during or after any meeting, to influence the discussion or voting on any question, decision, recommendation, or other action to be taken involving a matter in which the ANPC member has a conflict of interest.
14. At any time the Chairperson or any ANPC member can request discussion on potential or perceived conflicts of interest of any member on a matter that the ANPC will be discussing and voting on.
15. Where an ANPC member does not declare a conflict of interest on a matter that the majority of ANPC members feels there is a conflict of interest, the ANPC will recommend the Minister remove that ANPC member from the ANPC.