

Conflict of Interest Act Summary

The purpose of this Act is to maintain fairness, and to avoid the appearance of favouritism or other impropriety, by limiting the role of TFN's public officials in situations where they could be in a conflict of interest. The definition of public official includes the Chief, an elected member of government, an employee, a consultant, or a director of a Tsawwassen Institution or Tsawwassen Corporation.

A potential conflict of interest could arise if a public official stands to benefit privately from actions they take or decisions they make as part of their official duties. An example of this would be where a public official is involved in deciding whether to award a contract to a company that they have an interest in. When a public official knows that they are potentially in a conflict of interest, they are required to declare that they have a conflict and abstain from participating in the decision or action. Failure to disclose a conflict could result in serious penalties, up to and including dismissal or removal from elected office, depending on the severity of the situation. The Act also requires that all elected officials and directors must disclose any businesses in which they have an interest in a sworn affidavit.

A conflict of interest could also arise if a public official receives a gift, a payment or some favour in return for taking some action or for making or influencing a decision. This includes instances of perceived conflict, i.e. where it might appear to someone outside that a conflict of interest could exist, regardless of whether there is actually a conflict. The Act sets out rules for when and how public officials can accept gifts.

In the event that a public official believes that they may have unknowingly put themselves in a conflict of interest, they are required to disclose this immediately to the chair of the Judicial Council. Tsawwassen Members, employees, or directors who believe that a public official may be in a conflict of interest are also obliged to report this to the CAO (or to the Chief if the person they are reporting is the CAO), who will then investigate and take action as necessary.