

Acadia First Nation
Conflict of Interest Policy

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Definitions

Committee: Means a committee established by Council, from time to time, to inquire into and to report to Council on such matters and in such a manner as the Council deems appropriate for the good government of the Acadia First Nation.

Community Member: Means a person whose name appears on the Acadia First Nation membership list.

Council: Means the Council of Acadia First Nation duly elected according to the Acadia First Nation By-Laws.

Elector: "Elector" means a person who:

- a. Is registered on the Acadia First Nation membership list.
- b. Is of the full age of eighteen years, and
- c. Is not disqualified from voting at elections for Council of Acadia First Nation.

Family Member: Shall mean a spouse, including a common-law-spouse, children, parent, brother, sister, father-in-law, mother-in-law, uncle, aunt, grandparent, son-in-law, daughter-in-law, and also includes any relative permanently residing in the person's household.

Acadia First Nation: Means collectively those persons whose names appear on the Acadia First Nation membership list.

Member of Council: The Chief and Councillors together make up the Council of the Acadia First Nation. "Members of Council" means the Chief or a Councillor chosen according to the Acadia First Nation elections.

Reserve: Means the Acadia First Nation Reserve, No.33. Yarmouth., No.12. Wildcat, No.10. Ponthook Lake, No.11. Medway, No.21. Gold River.

Preamble

WHEREAS the members of the Acadia First Nation wish to provide guidance to the members of the Acadia Band Council in their decision making processes;

AND WHEREAS it is recognized that in carrying out the duties of their office members of the Acadia Band Council or their immediate families will, from time to time, have an interest in matters before them;

AND WHEREAS it is the preference of members of the Acadia First Nation that members of the Band council not participate in decisions in which they or their immediate families have an interest.

AND WHEREAS it is also recognized that for the good governance of the Acadia First Nation it may be necessary for members of the Band Council to participate in decisions in which they or their families have an interest, where a quorum of the Acadia Band Council might not otherwise be met;

THEREFORE BE IT RESOLVED that the members of the Acadia First Nation Band Council adopt the following guidelines to assist them in carrying out the duties of their office.

ALSO BE IT RESOLVED that the members of the Acadia First Nation shall be informed and accept this policy at a duly convened meeting of the membership.

General Provision

Where a member of Council has an interest in any matter and is present at a meeting of the Council at which the matter is subject of consideration, the member shall:

- (a) prior to any consideration of the matter at the meeting, disclose the general nature of the interest;
- (b) not take part in the discussion or vote on any question in respect of the matter; and
- (c) not attempt in any way to influence the voting on any question on the matter.

For the purposes of this policy, a member of Council has an interest in a matter if:

- (a) he or she has a personal interest in the matter;
- (b) he or she has a family member who has a personal interest in the matter;
- (c) he or she has a business relationship, as a partner, as an employee, as a major shareholder, as a director or as a senior officer, with another entity that has an interest in the matter.

- (d) he or she has a family member who has a business relationship, as a partner, as an employee, as a major shareholder, as a director or as a senior officer, with another entity that has an interest in the matter.

Disclosure

Where a meeting of Council is not open to community members, any declaration of interest by a member of Council shall be recorded in the minutes of that meeting by the person appointed by the Council to record the minutes of Council meetings.

Abstentions

Where a member of Council has declared an interest in a matter to be considered by Council he or she shall leave the meeting while the matter in which he or she has an interest is being considered.

Loss of Quorum

Where the number of members of Council who by reason of the provisions of this policy are required to abstain from participating in a matter before the Council is such that the remaining members of Council are not of sufficient number to constitute a quorum of Council, the remaining members of Council shall be deemed to constitute a quorum of Council if there are not fewer than two, and/or,

Where the number of members of Council who by reason of the provisions of this policy are required to abstain from participating in a matter before the Council is such that the remaining members of Council are not of sufficient number to constitute a quorum of Council, a member of Council who has an interest in the matter may consider, discuss and vote on the matter subject to the following conditions:

- (a) that the matter be considered in a meeting of Council open to community members,
- (b) That as soon as the matter is introduced the member of Council with an interest in the matter disclose the nature of his or her interest,
- (c) that the matter being considered is within the ordinary course of business of the Council, and
- (d) that any cost associated with the matter, to be assumed by the community, is reasonable having regard to all of the circumstances.

When in Doubt

Where a member of Council is in doubt as to whether he or she has interest in a matter to be considered by the Council, he or she may request that the remaining Council members determine whether he or she has an interest in the matter within the meaning of this policy.

Gifts, Gratuities, Use of Position and Privileged Information

A member of Council shall not

- (a) accept any fees, gifts, gratuities or other benefits that could reasonably be seen to influence and decision made by him or her in the carrying out of his or her responsibilities as a member of Council, or,

A member of Council shall not

- (a) use his or her position as a member of Council for personal gain or for the personal gain of a family member; and
- (b) use privileged information to which he or she may have access for personal gain or for the personal gain of a family member.

Committees

Where a member of Council or **of a committee** has an interest in any matter and is present at a meeting of the Council **or of the committee** at which the matter is the subject of consideration, that member shall

- (a) prior to any consideration of the matter at the meeting, disclose the general nature of the interest;
- (b) not take part in the discussion or vote on any questions in respect of the matter; and
- (c) not attempt in any way to influence the voting or recommendation on any question on the matter.

Employees (included in Office Policy)

Enforcement

Whenever an alleged breach of this policy is made, a committee will be set up as follows:

- (1) The Council shall appoint, by resolution, three to five persons to constitute a committee of inquiry.
- (2) Members of the committee shall be made up of at least two Acadia First Nations members and one other member. This other member may or may not be a member of the Acadia First Nation.
- (3) The members of the committee shall be responsible for the inquire into the conduct of a member of Council when a request to do so has been made, in writing.

- (4) The members of the committee may adopt such rules of procedure and methods as they deem fit for the proper conduct of an inquiry under this policy.
- (5) The members of the committee of inquiry shall meet at such times and in such places as they decide to carry out their responsibilities under this policy.
- (6) Where the committee determines that a member of Council has contravened the provisions of this policy, they shall inform the remaining Council, written in report form, of the results of the inquire, and of the recommended penalty. Such penalties may include:
 - (a) a recommendation that the member of Council repay any gain that is realized as a result of the contravention; and
 - (b) may make such other recommendations which it considers appropriate having regard to all of the circumstances.

Amendments to the Conflict of Interest Policy

This policy may be amended from time to time as required at a community meeting called for that purpose at which the majority of electors present support the proposed amendments.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE ACADIA BAND COUNCIL ON FEBRUARY 22, 2001.