



YUKON LEGISLATIVE ASSEMBLY
Conflict of Interest Commission
DAVID PHILLIP JONES, Q.C.



8 April 2008

Our File No. 3977

BY FAX TO (867) 393-6280

The Hon. Ted Staffen, Speaker
Yukon Legislative Assembly
Box 2703, Whitehorse
Yukon Y1A 2C6

Dear Mr. Speaker:

Report to the Legislative Assembly on the Complaint by Mr. Don Inverarity, MLA about Minister Archie Lang, MLA

In accordance with section 23(5) of *Conflict of Interest (Members and Ministers) Act*, this is my report to the Legislative Assembly about the complaint made to me by Mr. Don Inverarity, MLA alleging a conflict of interest by Minister Archie Lang, MLA.

On 3 April 2008, Mr. Inverarity made a complaint alleging that Minister Archie Lang, while a Minister and while the owner of one or more hotels, had discussed changes in the *Liquor Act* with Minister Kenyon. Mr. Inverarity alleged that the alleged discussions constituted a conflict of interest in violation of sections 2 and 3 of the *Conflict of Interest (Members and Ministers) Act* and sections 1, 3 and 5 of the *Code of Ethics* for members of the Executive Council which is Schedule B of Order in Council 1981/05.

Mr. Inverarity's complaint was made shortly after Premier Fentie asked for my advice about substantially the same matter pursuant to section 17(b) of the *Conflict of Interest (Members and Ministers) Act*. Mr. Fentie made his request for advice a matter of public record; he publicly undertook to table my response in the Assembly; and he has done so earlier today.

For the reasons set out in my reply to Premier Fentie's request for advice, I have determined that Minister Lang did not have any discussions with Minister Kenyon

or any other governmental official about the liquor legislation or proposed changes thereto at any time since Mr. Lang became a Member and a Minister after the November 2002 election. Accordingly, there is no conflict of interest. The complaint is therefore dismissed.

My having determined that there was no conflict of interest, no further action is required by the Legislative Assembly about the complaint or Mr. Lang: section 23 of the *Act*.

Section 23(6) of the *Act* also requires me to consider whether there were reasonable grounds for Mr. Inverarity to make the complaint. Given the uncertainty created by Mr. Kenyon's comments, in my opinion it was reasonable for Mr. Inverarity to make a complaint for there to be a determination about whether Mr. Lang was in conflict of interest. In reaching this conclusion, I am mindful that Mr. Inverarity made his complaint after Premier Fentie had stated in the Legislative Assembly that he had asked me for my advice about substantially the same matter. However, it might not have been clear that Premier Fentie's request related to Ministers Lang and Jenkins, and not just Mr. Kenyon. In these circumstances, I am satisfied that there was a reasonable basis for Mr. Inverarity to make his complaint in order to be certain that I would address all of the issues. In light of my determination about this aspect of the matter, section 23 provides that no further action is required by the Legislative Assembly with respect to Mr. Inverarity.

Yours sincerely,



DAVID PHILLIP JONES, Q.C.
Conflict of Interest Commissioner