

**TA'AN KWÄCH'ÄN COUNCIL**

**Value and Ethics Code  
and Oath of Secrecy of Committee Members**

**August 2005**



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Effective Date: 18 August 2005  
Last Amended:

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## **1.0 Application**

This Value And Ethics Code (the "Code") and Oath Of Secrecy (the "Oath") shall apply to all members (the "members") on the administrative committees (the "committees") established in accordance with the *Government Administration and Interpretation Act*, Ta'an Kwäch'än Council, c.1, section 21.

### **1.1 Introduction**

It is important for members to be aware of their rights and responsibilities when dealing, externally, with elected or appointed Ta'an Kwäch'än Council officials and their delegates, government branches, Ta'an Kwäch'än citizens, agents, the general public, other governments and organizations, and, internally, with employees of the Ta'an Kwäch'än Council.

Members acknowledge that this Code and Oath forms part of the terms of reference of the respective committees to which they are appointed. This means that all members are responsible for ensuring that they strictly comply with this Code and Oath and that they exemplify, in all their actions and behaviour, the standards, contained in this Code and Oath, of the Ta'an Kwäch'än Council.

When faced with an ethical problem, members are encouraged to use the opportunities and mechanisms established by the Ta'an Kwäch'än Council to raise, discuss and resolve issues of concern related to this Code and Oath.

Members who feel they are being asked to act in a manner that is inconsistent with the provisions set out in this Code and Oath should first attempt to report the matter in confidence, and without fear of reprisal, to the chair of the committee (the "chair") or to the Chief or to the Board.

This Code and Oath are a policy of the Ta'an Kwäch'än Council. Members should be aware that a failure to comply with this Code and Oath may constitute misconduct and may result in disciplinary action brought against a member by the Ta'an Kwäch'än Council.

The provisions contained in this Code and Oath are also a factor in the appointment or reappointment of members.

The main principles of this Code and Oath require that members shall



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- a) be responsive to the Ta'an Kwäch'än Council;
- b) give honest and impartial advice and make all information relevant to a recommendation or decision available to the chair;
- c) use best efforts to ensure the proper, effective and efficient use of public money and property;
- d) act at all times in a manner that will bear public scrutiny;
- e) focus closely on results;
- f) maintain the highest standards of honesty, integrity and conduct;
- g) uphold a strong commitment to accountability; and
- h) endeavour to ensure continuous improvement through teams and individuals.

## **1.2 The Role of Members**

Members appointed to committees are an important part to the operations of the Ta'an Kwäch'än Council. They provide the essential internal and external support that enables the Ta'an Kwäch'än Council to deliver programs and services and assists the Ta'an Kwäch'än Council to occupy the jurisdictions and maximize the rights and benefits under its final and self-government agreements for and on behalf of Ta'an Kwäch'än citizens.

## **1.3 Overall Responsibilities and Rights of Members**

In addition to the provisions contained in this Code and Oath, members are expected to observe any specific conduct requirements contained in the terms of reference for their respective committee and to observe the relevant provisions of more general applications, including but not limited to the following:

- a) *Constitution of the Ta'an Kwäch'än Council*
- b) *Government Administration and Interpretation Act*, Ta'an Kwäch'än Council, c.1
- c) *Finance Administration Act*, Ta'an Kwäch'än Council, c.2
- d) *Elections Act*, Ta'an Kwäch'än Council, c.3
- e) *Human Resource Policy and Procedure*
- f) *Financial Policy and Procedure*

## **1.4 Working Professionally**

Members are required to comply with lawful and reasonable directions and perform their duties in keeping with all official guidelines. Members are entitled to question specific

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directions if they believe that a direction is unreasonable or unsafe. Members are also entitled to question the way in which duties are to be performed, particularly if they believe that there are more effective or efficient ways of doing their work. Ultimately, however, if the chair or a Ta'an Kwäch'än Council official's direction is legal and no reasons of conscience prevent members from carrying it out, the direction must be followed.

Members shall, at all times, on and off a committee, express and conduct themselves in a manner that maintains or enhances the reputation of the Ta'an Kwäch'än Council and, at all times, observe the laws and policies of the Ta'an Kwäch'än Council.

Members shall be scrupulous in their use and are required to avoid waste or extravagance in their use of the public money, property, goods and services of the Ta'an Kwäch'än Council.

Members shall perform their duties and arrange their private affairs so that public confidence and trust in the integrity, objectivity and political neutrality of the Ta'an Kwäch'än Council administration are conserved and enhanced.

### **1.5 Responsiveness and Impartiality**

Members are accountable to the chair, the Chief and, ultimately, to the Board for the proper and competent execution of their duties.

Members who are asked to report to a Ta'an Kwäch'än Council governing body, a citizen, or a Ta'an Kwäch'än Council department, program or service shall use discretion and restrict their accounts to factual information pertaining to the respective committee, department, program or service. For greater certainty, matters of policy and political controversy are reserved, more or less, exclusively for the Chief or the Board who decide legal and regulatory measures, including policy, and must defend it before the citizens.

### **1.6 Public Comment on Government Issues**

Members shall not comment publicly, including media interviews, letters to the press, notices or where otherwise it is reasonably foreseeable that the comments will flow to the public at large, where such comments appear defamatory or could amount to taking improper advantage of official information, represent a breach of privacy, or where such comments may leave the erroneous impression that a member is speaking on behalf of a committee, department, program or service of the Ta'an Kwäch'än Council, or on behalf of the Ta'an Kwäch'än Council as a whole.



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Members shall not discredit, by any way of comments or behaviour, his or her fellow committee members, employees of or people holding office with the Ta'an Kwäch'än Council, or discredit the integrity and reputation of the Ta'an Kwäch'än Council and, placed in conflict of interest with their duties as members, abide by section 1.9, Conflict of Interest, of this Code.

### **1.7 Participating in Political Activities**

Where a member plays a part in a political campaign related to the appointments or elections by and to the branches of government of the Ta'an Kwäch'än Council, there is potential for a conflict of interest between issues that are raised as part of the campaign and the member's official duties. This may, as a result, cast doubt on or compromise the member's ability to perform his or her duties in a completely objective manner.

In these circumstances, members shall be sensitive to the distinction between their service to the Ta'an Kwäch'än Council and political activity of a partisan kind and shall not communicate or otherwise propagate their political views or convictions as a member of or from a committee.

If there is a real, potential or apparent conflict of interest, the member should discuss the conflict with the chair, the Chief or the Board.

### **1.8 Managing Official and Protecting the Privacy of Personal Information**

The Ta'an Kwäch'än Council collects and holds substantial amounts of information, including personal information of citizens, which is confidential and may be highly sensitive.

The fundamental rule with regard to official information is that it is collected for a specific purpose and that it must be used for that purpose only. Members shall not disclose any official information to any person unless to perform his or her duties on a committee, and where such information is restricted for statistical purposes, or for lawful purposes such as may be required under respective statutes of the Ta'an Kwäch'än Council or in a court of law, including the Ta'an Kwäch'än Judicial Council.

If a member's duties involves collecting or accessing personal information, he or she should familiarize him or herself with all relevant legislation and policies of the Ta'an Kwäch'än Council with regard to access to and the safeguarding of the privacy of this information.



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It is important that members do not misuse information gained in their official capacity. An example of misuse includes taking advantage of another person on the basis of information held about the person in the official records of the Ta'an Kwäch'än Council.

Members shall ensure that confidential and sensitive information is treated with utmost discretion and responsibility to protect the privacy and security of citizens and the efficiency of the Ta'an Kwäch'än Council. Specifically, members shall be bound by the Oath.

### **1.9 Conflict of Interest**

Members who have an interest, financial or otherwise, that could conflict with the proper performance of their duties shall, as soon as possible after the relevant facts have come to their notice, disclose that interest to the chair, the Chief or the Board and take whatever action necessary to avoid that conflict.

Members shall not take or seek to take improper advantage in the interests, financial or otherwise, of the member, any other person or group, or of any official information acquired, or any document to which they have access as a consequence of their work on a committee.

Members shall avoid or withdraw from a committee and from any activities or situations that would place them in a real, potential or apparent conflict of interest with their duties on a committee.

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### **Oath Of Secrecy**

In recognition of the committee member/Ta'an Kwäch'än Council relationship and any other rights and benefits provided to me as a member,

I HEREBY SOLEMLY DECLARE that I shall preserve and maintain the confidentiality and secrecy of all business dealings, affairs, records, reports and information available or otherwise known to me in the course of my past, present and future work with the Ta'an Kwäch'än Council.

SPECIFICALLY, I shall not, at any time or in any circumstances or in any manner, make known to any non-eligible person, persons or organizations the information and transactions of the Ta'an Kwäch'än Council relating to my work on a committee, or otherwise known to



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me, except where authorized by the chair, the Chief or the Board, or by due motion by the Board.

FURTHERMORE, I shall adhere to this Oath, both while a member on a committee established by the Ta'an Kwäch'än Council and after conclusion of my work as a member on a committee established by the Ta'an Kwäch'än Council.

I acknowledge that I have read and pledge to adhere to this Code and Oath

on this \_\_\_\_\_ day of \_\_\_\_\_ 2005

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Signature of the Committee Member

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Name of the Committee

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Signature of the Chief

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Signature of the Witness