



Yukon Legislative Assembly

Box 2703, Whitehorse, Yukon Y1A 2C6

September 21, 2022

David Phillip Jones, Q.C.
Conflict of Interest Commissioner
300 Noble Building
8540 109 Street NW
Edmonton, Alberta
T6G 1E6

Dear Mr. Jones,

I write in relation to the conduct of a former Minister, Pauline Frost, and concerns that have arisen pursuant to the *Conflict of Interest (members and Ministers) Act*.

During debate in the Yukon Legislative Assembly, the current Minister of Highways and Public Works made several statements that indicated that former Minister Frost may have contravened the *Conflict of Interest (members and Ministers) Act* (herein referred to as "the Act"). Upon further questioning in the Legislature, and through public statements in local media, the current Minister has made further statements that have increased the perception of a contravention of the Act.

By way of letters on July 11, 2022, and subsequently on August 24, 2022 (attached) I have requested that the current Minister provide all records related to meeting agendas, minutes, notes, and correspondence regarding meetings between the former Minister and Yukon Government departments. To date I have received no reply.

Having received no reply to these inquiries, we are left with no other option but to reach out to your office to request assistance. We would like to request that you consider this matter and provide advice. Furthermore, we would ask if you have received or given an exception pursuant to Article 13 of the Act.

For your review, here is the wording of section 10(4) of the Act:

"A former Minister shall not make representations to the Government of the Yukon in relation to a transaction or negotiation to which the Government is a party and in which the former Minister was previously involved as a Minister if the representations could result in the conferring of a benefit not of general application."

Please consider the following information:

- The former Minister of Health and Social Services and the Yukon Housing Corporation, has been retained by the contracting company that was awarded the \$44.9 million contract for the construction of the Old Crow Health and Wellness Centre and 10-Plex Housing project (herein referred to as "the Project"). According to the current Minister of Highways and Public Works, the former Minister has been "retained to advocate" on behalf of the contractor (*Hansard, page 1605*).

- The former Minister was involved in this project as Minister. As both the Minister of Health and Social Services, and responsible for the Yukon Housing Corporation, the former Minister had a central role in the project as a Minister. The former Minister spoke about the project in the public and in the Legislature about the project frequently, and was quoted in multiple government news releases and communications about the project. Please see the attached November 3, 2021 news release for example.
- The former Minister has made representations to the Government of Yukon in relation to the ongoing transaction between the contractor and the Government that is the construction of the Project. On March 28, 2022, the current Minister of Highways and Public Works made the following comment about the former Minister:

“I am advised that she has reached out to my department, Highways and Public Works.”
(*Hansard, page 1604*).

Then on both April 25th and 26th of 2022, the current Minister of Highways and Public Works made the following statement exactly:

“It is my understanding that the former minister, along with the design/build team, met with the Highways and Public Works staff on a number of occasions” (*Hansard, pages 2010 and 2032*).
- Finally, the former Minister is now in the employment of the company that was awarded the \$44.9 million contract for the construction of the project. As such, the benefits the former Minister receives are not of general application.

Based on the above I have a series of questions about the conduct of the former Minister. However, before I request your view on this matter, I would like to seek clarity about the extent to which I, as a Member of the Legislative Assembly, can request you to investigate this.

Section 17(d) of the Act allows you to investigate complaints made to you by current Members that another current Member or Minister is or was in conflict. This section explicitly does not reference former Ministers. Section 17(b) of the Act allows the Premier to request your advice about whether (*inter alia*) a former Minister is or would be in a conflict of interest.

So my question is as follows: does the Act allow me as a regular Member to ask that you investigate the conduct of a former Minister, or is that strictly the purview of the Premier?

Thank you for your prompt reply.

Sincerely,



Stacey Hassard
MLA Pelly-Nisutlin
Official Opposition Critic for Highways and Public Works