



Policy

Section: 5.0 General

Policy: Administrative Monetary Penalty System Conflicts of Interest Policy

By-Law: Administrative Monetary Penalty System

Date: 4 March 2024

Revision: N/A

Coverage:

This policy is intended to set guidelines to define what constitutes as a conflict of interest in relation to the administration of the Administrative Monetary Penalty System (AMPS).

Policy Statement:

The conflict of interest guidelines are to ensure that the AMPS program is conducted in accordance with fundamental principles of justice. These principles include judicial and prosecutorial independence, fairness, impartiality, competence, and integrity.

In accordance with Ontario Regulation 333/07, the Township is required to define what constitutes a conflict of interest in relation to AMPS.

Legislative Authority:

- Ontario Regulation 333/07 Administrative Penalties
- Municipal Act, 2001
- Township of Huron-Kinloss AMPS By-law

Contents:

Definitions

"direct pecuniary interest" is an interest that clearly has an impact on a Screening Officer's, Hearing Officer's, or Township staff's finances or property value. This impact may be positive (in the form of a gain) or negative (a loss)

"indirect pecuniary interest" is an interest that pertains to a Screening Officer, Hearing Officer, or Township staff if they are a business partner of a person or in the employment of a person or body that has a pecuniary interest in the matter, and includes situations where the Screening Officer, Hearing Officer, or Township staff is a shareholder, director or senior officer of a private corporation; has a controlling interest

in or is a director or senior officer of a publicly-traded company; or is a member of a body that has a pecuniary interest in the matter

"deemed pecuniary interest" is an interest that has direct or indirect financial interest of a parent, the spouse or any child of the Screening Officer, Hearing Officer, or Township staff, if the Screening Officer, Hearing Officer, or Township staff knows about the pecuniary interest

This policy applies to all Screening Officers, Hearing Officers and all Township staff involved in the administration of the AMPS program.

The keys to preventing any real or perceived conflicts of interest are: identification, disclosure and the withdrawal from position of decision making for a Screening Review or Hearing Review.

Conflict of Interest

A conflict of interest arises where a Screening Officer, Hearing Officer or Township staff involved in the administration of the AMPS program has a direct pecuniary interest, indirect pecuniary interest, or a deemed pecuniary interest.

In making this determination, the Township Clerk, may consult with the Township Solicitor.

Every Screening Officer, Hearing Officer, and Township employee involved in the administration of AMPS, must disclose to the Township Clerk any conflict of interest that they may have. This includes potential or any conflict of interest that might be perceived as conflicting with their duties to or interests in the administration of the AMPS program.

If the Township Clerk has a conflict, they shall address that conflict with the Chief Administrative Officer or designate.

Additionally, a Screening Officer or Hearing Officer shall not represent any person at a screening review or hearing review.

In the case of a scheduled review of a Penalty Notice or a Screening Decision that has or has not yet commenced, the Township Clerk can request an alternate Screening Officer or Hearing Officer to conduct the review to avoid actual, potential, or perceived conflicts of interest.

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for by-law and parking infractions in a timely manner.