

**MINUTES**  
**#4 MEETING OF THE COMMISSION FOR STANDARDS IN PUBLIC LIFE**  
**24 MAY 2010**  
**CONFERENCE ROOM**  
**COMMISSIONS SECRETARIAT**

<b>PRESENT:</b>	Karin M. Thompson	Chair
	Pastor Winston Rose	Member
	Nyda Mae Flatley	Member
	Hedley Robinson	Member
	Deborah Bodden	Manager, Commissions Secretariat
	Laura Jackson	Analyst, Commissions Secretariat

<b>APOLOGIES:</b>	Roy McTaggart	Member
	Jason Webster	Analyst, Commissions Secretariat

**1. Meeting called to order**

The meeting was called to order at 2:45 pm.

Pastor Winston Rose opened the meeting with a prayer and the Chair welcomed all the Members of the Commission.

The CSPL dedicated a minute of silence and prayer in remembrance of Dr. Pedley. The CSPL places on record, its recognition and thanks to Dr. Pedley for his pivotal role in the creation of the Commission for Standards in Public Life. The CSPL endeavors to do its best to meet the functions and responsibilities of their remit while remaining aware at all times of what is needed following the loss of Dr. Pedley's guidance and expertise.

**2. Confirmation of Previous Minutes (April 19 2010 meeting)**

The minutes of the previous meeting were approved.

**3. Outstanding Business**

The Public Servants Code of Conduct and Public Service Values

- i. The Commission reviewed the public servant code of conduct and public service values addressed in the PSML (2007 Revision) to ascertain the various strengths and weaknesses of this legislation.
- ii. The Commission agreed to adopt the PSML for use as the legislation does have necessary safeguards, adequate codes of conduct and public service values which feed into the CSPL's proposed standards for public life.
- iii. However, the Commission noted that SPL legislation will still be required to aid the CSPL in carrying out their functions and responsibilities per s. 117 and 121 of the Constitution.

**4. New Business**

a. Outcome of Commission Chairperson's meeting

- i. On April 28, 2010 the quarterly Chairpersons meeting was held at the Secretariat boardroom. Each Chair gave a brief overview of their Commission's work to date and discussed current agendas.
- ii. The CSPL Chair spoke about the Commission's remit in the Constitution and voiced concern about implementing terms of reference for the proposed draft ROI declaration form and SPL law 2010.
- iii. The Governor and Deputy Governor recommended the Chair approach the Hon. Attorney General to ascertain a legal opinion on the applicable terminology issues highlighted in these discussions. The Chair agreed to do so.

b. Presentation of the Draft Register of Interests Declaration Form and draft Standards in Public Life Law 2010

- i. As spokesperson for the Commission, the Chair discussed the draft ROI declaration form and the draft SPL law 2010 at the Chairperson's meeting with the Governor and Deputy Governor.
- ii. The Commission made the decision to delay presentation of these documents to HE Governor and the Deputy Governor so that the CSPL may have additional time to investigate the extent of the mandate of what it is constitutionally empowered to do via a legal opinion from the Attorney General.
- iii. The CSPL believes it is of paramount importance to ascertain who exactly falls within the scope of the ROI (to be maintained by the Commission) as referred to in s. 121 of the Constitution.
- iv. The Commission recognizes that the logistics of undertaking a ROI whose parameters extend to all civil servants, government bodies and statutory authorities creates a logistical issue when considering administrative resources available to the CSPL at this time. Therefore terms of reference must be clarified.
- v. The Commission agreed to contact the Hon. Attorney General; Sam Bulgin to ask for a legal opinion on exactly who falls within the scope of s. 121 for the purposes of the register of interests.
- vi. The CSPL further requested that Mr. Bulgin clarify whether s. 117 and s. 121 are exclusive of one another or are to be read together to cover not only the powers and functions of the Commission (per s. 117) but also the regulations and responsibilities governing the ROI (in s. 121). The Commission believes both sections are to be read together.
- vii. Lastly, the CSPL requested a legal ruling on the following terms: (a) public officer; (b) "or any other person connected with him or her" (sec 121 (2)) and (c) "the holders of such other offices" (sec 121 (4)).
- viii. The Commission agreed to review the Hon. Attorney General's legal recommendations in conjunction with the draft SPL law 2010 and register of interests as soon as it is received.
- ix. The CSPL agreed that even though Mr. Bulgin's legal expertise will be of valuable assistance to the Commission in reaching its remit to the fullest extent, the need for standards in public life legislation remains to support what is envisaged by the Constitution.

- x. The CSPL considered dealing with the proposed ROI by way of a requested amendment to the 1996 ROI Law but there is a considerable shortcoming in using a law that does not satisfy the criteria of the SPL Register of Interests outlined in s. 121.

c. Anti-Corruption Law and Commission

- i. On behalf of the CSPL, the Chair met with Mr. Baines, Chair of the Anti-Corruption Committee to discuss the potential working relationship between both commissions.
- ii. The Chair spoke about the Anti-Corruption Law and the benefit of having this legislation to aid in the Commission's work to meet the functions of its mandate and in particular a platform to deal with any anti-corruption by its members. The Commission recognizes that the proposed SPL law would cover only conflicts of interests.
- iii. The Chair informed the other Commission members of Mr. Baines' work to establish a code of conduct which in effect would meet some of the criteria the CSPL would be recommending in its proposed draft SPL law.
- iv. The CSPL agreed the respective Commissions should try to work as closely together as possible.

d. Indemnity of Commission members

- i. The Chair discussed the issue of Indemnity with the Commission. In section 34 of the proposed SPL Law 2010, the application of standard indemnity is addressed but there is nothing in the 2009 Constitution that offers protections in this regard. Therefore since no immediate timeline is available for the SPL legislation to be approved and come into effect, the Chair felt it was prudent and timely to reconsider this issue.
- ii. The Chair recommended that because of the contentious position of the CSPL which derives from the nature of its work, that a letter is written to HE Governor requesting civil indemnity for all members and it be extended to those persons associated with the Commission and their work such as the Secretariat.

e. Outcome of Chair's meeting with GIS

- i. The Chair met with GIS prior to today's meeting to discuss creating an image for the CSPL to aid their publications/ media materials going forward. A summary of these brief introductory discussions was given.

f. CSPL Input for the Secretariat's 'Constitution Week' activities and events (July 1st -11th 2010)

- i. The Commission was advised by the Secretariat on the proposed activities and events for 'Constitution' week.
- ii. The Chair asked that the CSPL as a whole endeavor to make themselves available to support the events and activities overseen by the Secretariat.
- iii. The CSPL asked that the Secretariat assist in putting together a basic public education pamphlet in question and answer format that entails the powers and functions of the Commission. The CSPL wishes to make the best of this opportunity to get out to the public and utilize these PR opportunities.

**5. Any other business**

a. Preparation of 1<sup>st</sup> report of the CSPL to the Legislative Assembly

- i. The Chair informed the other commission members of the approaching deadline of June 30 2010 for the CSPL's first report to the Legislative Assembly per the guidelines of their remit section 117 (9 (g)) of the Constitution.
- ii. The necessary reports compiled and submitted in six month intervals, will per the request of the CSPL, be tabled immediately to allow for public viewing following the Chair's presentation to the LA.
- iii. The Chair stated the first report will indicate the findings of the CSPL's work over the last six months and make limited recommendations to the Legislative Assembly. The Commission agreed that from a public perspective, the minutes of these meetings would be very helpful in providing insight into what gave rise to these recommendations.
- iv. The CSPL aims to have the report fully indicate the position of the Commission in the findings of their work through the first quarter. The CSPL will let the public be judge to the merit of their work and recommendations made to the LA.

b. Chair's viewing of the current Register of Interests (as mandated by the 1996 ROI Law) in the Legislative Assembly

- i. The Chair informed the Commission of her findings at the Legislative Assembly prior to today's meetings.
- ii. The Chair met with Ms. Zena Merren, the Clerk of the Legislative Assembly whom is responsible for the register of interests under the 1996 ROI Law, (section 5 (1) through (5)). The Chair asked to view the current Register of Interests and any past records available.
- iii. The ROI Declarations viewed were completed during the following period of March through April 10 2010. The Clerk neither able to confirm or locate any other registers nor affirm their maintenance within the given time periods set out by the law.
- iv. During the Chair's meeting on March 30<sup>th</sup>, with Mr. Elio Solomon, Chair of the Standing Committee for the ROI in the LA, she was informed of the fact that declaration forms were being sent out to coincide with the 12 month anniversary of the elections.
- v. The Clerk of the LA agreed with this statement and confirmed that to her immediate knowledge, the Standing Committee for the ROI had never met to audit any declarations received for the register of interest. Per the ROI Law 1996, Mr. Solomon is responsible for reviewing any potential issues and/or inconsistencies arising from a declaration and the committee is expected to meet.
- vi. The Chair expressed her appreciation for the Clerk's cooperation and confirmed that she intends to email Ms. Merren thanking her and will communicate the importance of the Clerk's partnership with the CSPL going forward.
- vii. Ms. Merren recommended that the current Register mandated by the ROI Law, 1996 be passed to the CSPL for maintenance. The Commission declined this offer as its responsibilities per s. 121 of the Constitution requires an alternative and more expansive register of interests which will be adhered to.

c. The CSPL meeting with the Constitutional Commission on June 10<sup>th</sup> and 11<sup>th</sup> 2010

- i. The CSPL has been asked to meet with the Constitution Commission on June 11<sup>th</sup>. The express aim of this meeting is to create a forum for discussing the work of the Constitutional Commission and any issues or concerns the CSPL has identified in the contents of the Constitution or any changes the CSPL would like to the document see moving forward. All Commission members are open to attend.

d. Information Commissioner's order for the release of the Constitutional Transcripts following an FOI request by the Former Human Rights Committee.

- i. The Chair called attention to the FOI Commissioner's recent approval for the release of the complete transcripts of the Constitutional negotiations between the CI Government and the UK Foreign and Commonwealth Office (September 2008 through February 2009).
- ii. The Secretariat confirmed it has been given a copy of these transcripts via the Governor's office; however this material is for the use of the Secretariat and Commissions only. Public access to such documents may be obtained via the FOI website when the item is posted as per the FOI law regulations.

**6. Items to be discussed at next meeting**

In order to facilitate the compilation of the CSPL's 1<sup>st</sup> Report for the Legislative Assembly, the Commission will complete a review of their work to date. The report will represent the consensus of all members.

**7. Action List**

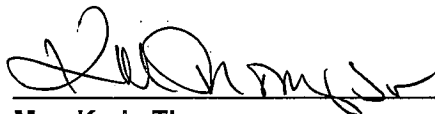
- i. The Secretariat has been tasked with assisting the CSPL in drafting a letter to the Governor requesting Indemnity for all Commission members and any persons who assist the CSPL with the work of the Commission such as the Secretariat.
- ii. The Secretariat has also be asked to help the CSPL compile a letter of request to the Hon. Attorney General for a legal opinion regarding s. 117 and s. 121 of the Constitution.

**8. Next meeting**

- i. The next meeting of the CSPL will be held on June 21, 2010 at 2:30 pm in the Commissions Secretariat boardroom.

**9. Adjournment**

The meeting was adjourned at 5:15 pm.



**Mrs. Karin Thompson**  
**CHAIR**  
**COMMISSION FOR STANDARDS IN PUBLIC LIFE**