



- iii. The Commission Chair also discussed the value of a close partnership between the CTC and the Auditor General in assisting the CSPL to fulfill its Constitutional responsibilities, and cited that given the recent issues arising from a newly approved contract of public tender, it is especially pertinent at this time.
- c. Research on Tendering Process, role of CTC and procedures for awarding public contracts

Research on Government Procurement Processes in Overseas Jurisdictions:

- i. The Chair informed the Commission of the Secretariat's findings on the procurement process in other jurisdictions especially that of Scotland where the WTO/EU government rules on procurement make it an interesting and useful case study.
- ii. The Secretariat was asked to liaise with the Chair regarding additional research on government procurement processes and to distribute copies of the necessary pertinent materials to the Commission for review.

Research on CI Law and Regulations regarding Tendering Processes:

- i. The Chair discussed the CTC law and regulations and cited in reviewing it thoroughly and from a legal perspective; the procedure envisaged by the legislation is a fairly healthy and robust one. But as for the application of the law; the Chair believes there may be scope for improvement here.
- ii. The Commission proposes to do a complete review of the contracts falling within the remit of the CTC and then a look at the 'smaller' contracts (i.e. those under \$250,000) that fall outside the jurisdiction of the CTC and are generally evaluated by a tender's committee established by a chief officer of a purchasing "prescribed entity, statutory authority or government body". The Commission wishes to ascertain whether or not there are recommendations that should apply to these lesser contracts.

Disclosure and the CTC:

- i. The Commission believes there is a need for disclosure on the part of members of the CTC in order to clarify if any conflicts of interest exist amongst the members, especially those charged with making decisions.
- ii. The Commission feels that proper disclosure on behalf of this statutory body will allow not only for more effective procurement practices but promote greater transparency in government overall.
- iii. The CSPL's call for standards in public life legislation to support its Register of Interests (mandated by section 121 of the Constitution) and the Commission's recommendation that amendments be made to the current ROI Law 1996 are therefore confirmed as means through which an appropriate and applicable register of interests can be made available as a vehicle for full disclosure and greater transparency in the tendering processes

Appointments to Authorities:

- i. The Commission also felt it pertinent to look at the question of appointments to statutory boards and how one can avoid any perceived corruptions or conflicts of interest overall in these processes.
- ii. In doing so, the Commission is particularly interested in the issue of qualifications and whether or not a mandate is laid down in the appointment process that provides for assessment procedures to ensure all the members chosen are equipped to deal with the matters assigned.
- iii. The Commission further wishes to research whether or not any specific professional expertise in a given area (such as finance or law, etc) is required for statutory boards and/ or other bodies/ commissions where the scope of their work requires or would benefit from such skills in their operational processes.
- iv. The Commission will look at the CTC in detail and try to determine the nature of appointment evaluation procedures and processes and will try to compare this overall with the appointment procedures for other Government/ Statutory boards, or offices of emolument in the public service.

d. Update re: Tabling of CSPL's First Report

- i. The first report of the Commission was tabled by the Legislative Assembly on 10 September 2010.
- ii. The local media ran a story on the contents of the article addressing the contents of the report and quoting many salient points from the final section of the document.

e. Commission Website

- i. The Chair asked the Secretariat to give a status update on the Commission's website and the timeline for completion in conjunction with Computer Services.
- ii. The Secretariat confirmed all materials are awaiting final internal review and that they will seek to make the site available for viewing by the Commission members as soon as possible if not by the next scheduled meeting.
- iii. The Commission asked that the 1<sup>st</sup> report of the CSPL be made available on the site so the public and media may access this important document.

**4. New Business**

a. CSPL Policy and Procedures Manual

- i. Having read the draft policy and procedures manual provided by the Secretariat prior to the meeting, the Chair proceeded to give Commission members a brief overview of the contents of the document.
- ii. The Chair explained that some portions of the draft manual currently correspond to the SPL bill 2010 and will be updated to reflect the amended legislation written by the Legal Drafting Department as soon as these corrections and/or additions are made available to the Commission and the Secretariat.
- iii. Given the urgency with which the CSPL wishes to complete the manual, the Commission asked the Secretariat to seek an update on the status of the draft legislation following the meeting held between the Senior Legal Draftsman, the Chair of the CSPL and the Secretariat on 3 September 2010.

- iv. The Commission also asked that the policy and procedures manual be put forward for discussion at the next scheduled meeting and that all amendments to the document be made prior to its circulation.

## **5. Any other business**

### **a. Offer of SPL Training Opportunities**

- i. The CSPL would like to formally recognize the kind offer made by the Governor's Office via email on 14 October 2010 to assist with garnering opportunities for Standards in Public Life training; in order to offer support and provide capacity building.
- ii. The Commission is very appreciative of HE the Governor's recognition of the volume of work faced by the CSPL and the likely difficulty associated with its implementation.
- iii. The Commission discussed the twofold suggestion made by the Foreign Commonwealth Office to (a) bring over an expert from the UK and provide some kind of tailored training to the CSPL members (and possibly the Secretariat) or (b) send the Commission Chair to the UK for a program of calls on related experts.
- iv. The Commission asked the Secretariat to research the potential suitability of the training opportunities available throughout the United Kingdom before any further decisions are made.

### **b. Commissions' complaint procedure**

The Commission expressed the need for a complaints procedure to be issued ahead of the draft Policy and Procedures Manual so that the public may have access to these procedures via the new website.

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

- i. Commission Website
- ii. CSPL Policies and Procedures Manual
- iii. Commission's Complaint Procedure
- iv. Research on SPL training opportunities
- v. Further Research on Government Procurement Procedures
- vi. Research on the appointment Process for the CTC, their policy and procedures

## **7. Action List**

The Secretariat has been tasked with completing the following items:

- i. Send an email to the Senior Legal Draftsman dealing with the draft SPL Bill 2010 for a further update on the progress of the document.
- ii. Update the Commission's draft Policy and Procedures Manual and distribute to the Commission for review prior to the next scheduled meeting.
- iii. Prepare the Commission's general Complaint Procedure and Forms for review.
- iv. Liaise with the Chair re: research on government procurement procedures.

## **8. Next meeting**

The next meeting of the CSPL will be held on 22 November, 2010 at 2:30 pm in the Commissions Secretariat boardroom.

### 9. Adjournment

The meeting was adjourned at 4:25pm.



**Karin Thompson**

**CHAIR**

**COMMISSION FOR STANDARDS IN PUBLIC LIFE**