

COMMISSION FOR STANDARDS IN PUBLIC LIFE
5th MEETING OF 2012
MINUTES
25th JUNE, 2012
CONFERENCE ROOM, COMMISSIONS SECRETARIAT

PRESENT:	Karin M. Thompson	Chairman
	Nyda Mae Flatley	Member
	Hedley Robinson	Member
APOLOGIES:	Roy McTaggart	Member
	Pastor Winston Rose	Member
SECRETARIAT MEMBERS PRESENT:	Deborah Bodden	Manager, Commissions Secretariat

1. Meeting called to order

The meeting was called to order at 3:12pm.

2. Outstanding Business

a. Submission of the Fourth Report of the Commission

The CSPL continues to wait for its Fourth Report to be tabled in the Legislative Assembly. The Commission had been given notice by the Deputy Governor that the report was to be tabled on Friday, 22 June, 2012 however it is understood that the House was prorogued on Wednesday, 20 June, 2012 and as a result the report was not tabled as scheduled. The Chairman has requested an update from the Deputy Governor on this matter.

b. Status of the draft SPL Bill

The Commission continues to wait for feedback from the Attorney General on the revised version of the draft SPL Bill. The Commission has requested an update from the Attorney General on this matter.

3. New Business

a. Protocols for monitoring ethical conduct

The Commission noted recent comments in the media and by members of the public regarding the unethical behaviour on the part of the Premier, the Deputy Premier and the Minister of Education. Although there have been no formal complaints received by the Commission in respect to the incidents referred to, based on the limited information available to the Commission it would appear that the incidents referred to related to conduct occurring within the private lives of the named individuals including a charge for driving whilst under the influence of alcohol which, it is understood are subject to ongoing investigations by the Police and the Anti-Corruption Commission and, in the latter instance a charge that is now the subject of ongoing criminal proceedings over which the Commission has no power or authority to involve itself. In addition, it is the view of the Commission that the powers conferred by Section 117 of the Constitution Order 2009 do not extend to behaviour of the nature arising from the incidents referred to. The functions of the Commission as outlined in Section 117 include:

- (a) to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;

- (b) to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers;
- (c) to supervise the operation of registers of interest and to investigate breaches of established standards;
- (d) to review and establish procedures for awarding public contracts; to review and establish procedures for appointing members to public authorities, and the terms of their appointment;
- (e) to recommend codes of conduct to prevent any Minister, public authority or public officer employing their power for any personal benefit or advantage, and to recommend legislation to provide appropriate sanctions;
- (f) to report to the Legislative Assembly at regular intervals, and at least every six months.

Nevertheless, behaviour of the nature referred to in recent media reports is an area that the Commission understands causes great concern for members of the public and as such the Commission will seek legal clarification as to the extent of its powers in matters of this nature.

In this regard, reference was made to a recent report on Cayman 27 from which it was intimated that the reason the CSPL had not gotten involved in the legal investigations/cases involving the Honourable Premier, Honourable Deputy Premier, or Minister of Education, Training and Employment was because the Commission is lacking its legislative mandate. Having agreed that this statement is inaccurate, reference was also made to the provisions of the proposed SPL Bill which do not address matters pertaining to the private life of public officials.

It was agreed that once legal clarification has been sought, the Commission will make a public statement on the matter.

b. Review of Updated Informational Flyer

The Commission members were provided with an updated informational flyer for review and approval.

4. Update on the Working Group on Procurement

Members were advised that the Group has now met a total of four times and has also agreed its Terms of Reference. The Group has met with the Deputy Governor, the Honourable Premier and the Minister of Community Affairs, Gender and Housing as part of their meetings with stakeholders. The Group will be meeting tomorrow with further stakeholders - the Governor and the Chief Officers. The Group has expressed its concerns to the Governor and Deputy Governor regarding the securing of funding for the expert/consultant having already spent a considerable amount of time identifying the suitability and requisite qualifications of various potential candidates to fill the position. It is noted that the minutes of the Group are being placed on the Commission's website under a separate tab entitled *Working Group on Procurement*.

5. Action List

- a. Draft a request for legal clarification on the constitutional mandate of the Commission in regards to the Commission monitoring ethical behaviour of a nature that does not extend beyond the private lives of members of the Legislative Assembly and Cabinet(Secretariat);
- b. Draft outstanding correspondence from 28 May, 2012 (Secretariat); and
- c. Review updated informational flyer (Members).

6. Items to be discussed at the next meeting

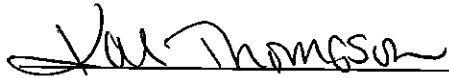
- a. Status of tabling of the Fourth Report of the Commission dated 17th February 2012;
- b. Status of draft SPL Bill;
- c. legal clarification on the Commission's mandate for monitoring ethical behaviour of public officials;
- d. response from DG re: recommendations contained in the CSPL's Third Report;
- e. response from CO, PoCS re: Nolan Principles;
- f. response from DG: re: Code of Conduct; and
- g. the Working Group on Procurement.

7. Next meeting

The next two meetings will be held on 13 and 27 August, 2012 at 2:30pm.

8. Adjournment

The meeting was adjourned at 5:30pm and was closed with a prayer.



Karin Thompson

CHAIRMAN

COMMISSION FOR STANDARDS IN PUBLIC LIFE