

**MINUTES**  
**#3 MEETING OF THE COMMISSION FOR STANDARDS IN PUBLIC LIFE**  
**19 APRIL 2010**  
**CONFERENCE ROOM**  
**COMMISSIONS SECRETARIAT**

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

<b>APOLOGIES:</b>	Roy McTaggart	Member
	Hedley Robinson	Member

### **1. Meeting called to order**

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

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

### **2. Confirmation of Previous Minutes (15 March 2010 meeting)**

The minutes of the previous meeting were approved.

### **3. Outstanding Business**

#### **a. Draft Register of Interests Declaration Form**

- i. Prior to the meeting, the Chair circulated the draft Register of Interest Declaration Form and the draft Standards in Public Life Law 2010 created with the assistance of the Secretariat and Mr. Peter Gough, Strategic Policy Advisor, PIE to the other Commission members for review and commentary.
- ii. The Commission agreed that although the Register of Interests Law 1996 contains a declaration form set out in Schedule 2, this prescribed form only applies to the Members of the Legislative Assembly and those other persons specified in Schedule 2 of the Law. Therefore it does not adequately apply to the declaration form that is to be maintained by the CSPL. The Commission's Register of Interests is intended to cover a wider range of individuals i.e. those falling within the scope of section 121 (4) of the Constitution.
- iii. The Commission noted that as there is currently no law in force that requires the majority of public officers to make declarations and no existing sanctions for non-disclosure, it is imperative to understand that the CSPL's powers and functions lie explicitly in the provisions of s. 117 and 121 of the Constitution. The Commission must rely wholly on the Legislative Assembly to pass the necessary SPL bill and will be seeking to establish a

contact with the Legal Department to obtain support in the drafting and enactment of such legislation.

- iv. The Commission discussed the draft ROI Declaration Form in detail, calling attention to the section dealing with sanctions and fines which has purposely been left blank as the CSPL feels it prudent to leave such matters to be decided by the lawmakers. The Commission expressed agreed that any lack of compliance must be met with a scale and mechanism that provides a proportionate response but these decisions should be considered by the legal draftsman charged with overseeing this legislation and its related regulations.
- v. Specific attention was also drawn to the provision for gifts included in the declaration form because it is considered to fall appropriately under s.121 dealing with "general interests". The Commission agreed its placement was necessary and approved this section of the draft register.
- vi. The Chair reminded members that pursuant to s. 117 (9) (g) the CSPL must ensure that it complies with its duty to report to the Legislative Assembly at regular intervals and, in any event at least every six months. The Commission agreed to request the report be tabled immediately following the Chair's submission so it may become a public document. The Commission hopes to complete the first quarter report by the targeted deadline of June 30 2010 which is five months into the term.

#### b. Stakeholders Meetings

##### Meeting with the Central Tenders Committee (CTC)

- i. The Chair informed the Commission members of her meeting on March 17 2010 with Mr. Ronnie Dunne, Chairman for the Central Tenders Committee.
- ii. Calling attention to s. 117 (9)(d) of the Constitution whereby the Commission is charged with the function of reviewing and establishing procedures for awarding public contracts, the Chair stated that she had approached her meeting with the CTC as simply one of a 'fact finding' mission.
- iii. The Chair spoke of Mr. Dunne's helpfulness and cooperation in enabling her to understand the relationship between the CTC and the Public Management and Finance Law (2005 Revision) and the Public Service Management Law (2007 Revision).
- iv. On behalf of the Commission, the Chair was interested in addressing the following inquiries: what was the relationship of the CTC to the Ministries; how does the process work and how does the law affect the process?
- v. The Chair recognised there may be a need for amendments to the area of the law that deals with "exceptions" which in effect can result in certain procedural provisions being bypassed. The Chair further noted that there must be a balance drawn between any proposed changes to the Law that could result in unfettered discretion in this area which in turn could bring a negative effect.
- vi. The Commission reviewed the makeup of the CTC and its appointment process including the procedures for political appointees. The CSPL considered this process and its relationship to the need for public disclosure which may be perceived as giving rise to a potential conflict of interest.
- vii. The Commission agreed that a review of the public tendering process for public contracts should not underscore the importance of the register of interests to be maintained by the CSPL as mandated by s.117 (2009 Constitution).

- viii. However, the CSPL agreed that defining 'conflicts of interest' to the public is of paramount importance in garnering the understanding and support from this demographic.
- ix. The Chair concluded that she would rely on the Chairman of the CTC's input in making recommendations for amendments to the existing legislation, having particular regard to the relevant balancing factors which will no doubt be deemed expedient.

#### Meeting with the Chair to the Standing Committee for the Register of Interests in the Legislative Assembly

- i. With view to placing reliance on the Register of Interest Law 1996 as a platform for the CSPL's work on its own register (per s. 121), the Commission attempted to obtain information on the existing Register maintained by the Registrar (Clerk of the Legislative Assembly). Emails were exchanged, directing the CSPL to meet with Mr. Elio Solomon, Chair to the Standing Committee for the Register of Interests in the LA to ascertain the relevant information.
- ii. The Chair met with Mr. Solomon on March 30 2010. The Manager of the Commission's Secretariat attended this meeting following the CSPL's request.
- iii. Nor at this time or shortly thereafter was the CSPL able to view the register of interests which pursuant to the ROI Law 1996 Section (3) (iii) should be made available to the public during the business hours of the Legislative Assembly. The Chair stated she continue to make every effort necessary to view the available registers and inform the Commission of her findings at the next scheduled meeting.
- iv. The Chair expressed her concerns with how the existing Register under the ROI Law 1996 appears to be (or not to be) maintained and that perceived conflict of interests that may result with a review of the actual person(s) responsible for maintaining it. The Commission discussed the management of this register and agreed that an independent and politically neutral body should be charged with the custody, care and maintenance of this information not as it is set up under the ROI Law 1996.

#### Meeting with the Governor

- i. On behalf of the Commission, the Chair met with HE Governor on March 31 2010. The Governor pledged his support for the work of the CSPL and offered to obtain information on the Register of Interests in the UK to assist the CSPL in its research.
- ii. The Chair discussed the CSPL's need for garnering a contact with the legal drafting team so it may pursue assistance in implementing the legislative framework envisaged by the Constitution to support the Commission's mandate under s. 117 and s. 121.
- iii. HE Governor suggested that the CSPL met with the Attorney General and/or Deputy Governor for further guidance in this matter.

### **4. New Business**

#### a. The Register of Interests Law 1996

- i. The Commission noted the limitations of the Register of Interests Law 1996 in relation to the Register of Interests specified by s.121 of the Constitution.
- ii. The Commission unanimously expressed the view that it would not stand for less than what was required of it by the 2009 Constitution and affirmed its commitment to maintain

- a Register of Interests that would meet these criteria. The standards in public life bill proposed by the Commission would detail guidelines to ensure the effectiveness and transparency of the register and the role of the CSPL overall to monitor compliance with the responsibilities of positions in public life.
- iii. The Commission agreed that there may be a need to amend the ROI 1996 Law in order to have it cover the functions and duties of the Commission if the proposed SPL legislation is not implemented in a timely manner.

**b. Proposed Enabling Draft Legislation**

- i. The Commission Members noted that the draft SPL legislation was prepared with the invaluable guidance and assistance of the Secretariat. The Chair also wished to record the pivotal role and input provided by Mr. Peter Gough, Strategic Policy Advisor, PIE, in these preparations. The aim of the legislation is to cover the requirements of s. 117 and 121. The preamble provides a summary of the Commission's obligations.
- ii. Discussion followed as to whether the code of conduct to be promoted and upheld by the Commission should be included in the law or embodied in the recommendations for the establishment of a code of conduct itself. The CSPL agreed that consideration will be given to this once the Commission can determine the views of the legal drafting team after their review of the draft SPL bill and register of interests.

**c. The Public Servants Code of Conduct and Public Service Values**

- i. The Commission agreed that the PSML 2007 Revision would be the primary focus of the next scheduled meeting.
- ii. The Chair asked that all Commission review the public servants codes of conduct and public service values and supply their comments for distribution before the next meeting.
- iii. The Chair confirmed that the differences between the preamble and code of conduct found in the draft SPL Law 2010 and those in the public service legislation and how they are applied in each respective law would be the main points for consideration.

**5. Any other business**

**a. Education Initiatives Plans for Standards in Public Life and the Register of Interests**

- i. The Commission discussed the need for public awareness and education in their endeavors to communicate and uphold standards in public life in the Cayman Islands.
- ii. The Commission agreed that even though it is vital to create mechanisms through which to educate the public on standards to be maintained and potential conflicts of interest by persons in public life, the CSPL needs enabling legislation first and foremost to carry out its functions effectively.
- iii. The Chair noted that the Register of Interests may be viewed as a means of serving as the platform for many of the functions to be carried out by the CSPL and as such, the necessary means must be secured to empower the ability of the Commission to work effectively and accurately according to the provisions of the Constitution.

**b. Appointment Procedures for Commission Secretariat Staff**

The relationship and appointment of the Secretariat Staff was the subject of a brief discussion whereupon it was unanimously agreed that it is desirable that every effort should be made to ensure that:

- i. The Commission Secretariat staff "be public officers appointed in accordance with any law in force at the time" (as reflected in s. 7 (2) of the draft SPL legislation).
- ii. The current arrangement whereby the Commissions Secretariat staff is appointed by the Civil Service, which therefore allows them to remain wholly independent and politically neutral in their services to the CSPL be preserved.

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

- i. Outcome of the Chair's meeting with HE Governor and Chairpersons of the other Commissions.
- ii. The presentation of the Register of Interests Declaration Form and the Standards in Public Life Law 2010 to HE Governor and Deputy Governor.
- iii. The Anti Corruption Law and the work of the Anti-Corruption Committee. The relationship of this committee to the powers and functions of the CSPL.
- iv. The public servants code of conduct and the public service values per the PSML (2007 Revision).
- v. The issue of Indemnity for the CSPL.
- vi. Outcome of the Chair's meeting with GIS re: PR and media strategies.
- vii. CSPL's participation in the Commission Secretariat's Constitution Week festivities (July 1<sup>st</sup> through July 11<sup>th</sup>).

#### **7. Action List**

- i. All Commission Members have been asked to review the PSML Law (2007 Revision) and to provide their comments in writing via email prior to the commencement of the next meeting.
- ii. The Commission is also required to forward any comments and/or questions regarding the draft Register of Interests declaration form and SPL bill to the Chair and Commissions Secretariat for review by the proposed deadline of Monday, April 26 2010. All amendments deemed necessary will be made at this time. The Chair will then supply the Commission Members with final sets of the documentation before the next scheduled meeting.
- iii. The Chair is scheduled to attend the quarterly Chairpersons meeting with HE Governor on the 28 April 2010.
- iv. Additionally, the Chair is scheduled to attend a meeting on April 28 2010 with the Commissioner of Police who is also the Chair of the Anti-corruption Committee.
- v. Lastly, the Chair will met with GIS on May 24 2010 at 1:30pm prior to the commencement of the scheduled CSPL meeting to discuss media and public relations initiatives.

#### **8. Next meeting**

- i. Due to the Public Holiday occurring on 17<sup>th</sup> May, the CSPL agreed to hold the next scheduled meeting on 24 May, 2010 at 2:30 pm in the Commissions Secretariat boardroom.

#### **9. Adjournment**

The meeting was adjourned at 5:50 pm.

A handwritten signature in cursive script, appearing to read "Karin Thompson", written over a horizontal line.

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