

**THE COMMISSION FOR STANDARDS IN PUBLIC LIFE**  
**12<sup>th</sup> MEETING OF 2011**  
**MINUTES**  
**12<sup>th</sup> DECEMBER, 2011**  
**GOVERNMENT ADMINISTRATION BUILDING**

**PRESENT:** Karin M. Thompson                      Chair  
              Roy McTaggart                         Member  
              Hedley Robinson                        Member  
              Pastor Winston Rose                    Member

**APOLOGIES:** Nyda Mae Flatley                      Member

**SECRETARIAT MEMBERS PRESENT:**  
              Deborah Bodden                              Manager, Commissions Secretariat

**1. Meeting called to order**

The meeting was called to order at 2:35pm. Pastor Rose opened the meeting with a prayer and the Chairman then welcomed all members of the Commission.

**2. Confirmation of Previous Minutes**

The minutes of the previous meeting held on 21 November, 2011 were approved.

**3. Outstanding Business**

**a. Assistance of an Expert in the Area of Procurement**

Members were advised that the Chairman was able to speak with both the Honourable Premier and the Honourable Deputy Governor, separately, upon their return from Jamaica where they met with various officials within the Jamaican Procurement Framework. They were accompanied by the Financial Secretary and the Chief Officer for Portfolio of Internal and External Affairs. The information gleaned in Jamaica was well received by the Cayman delegation and in particular by the Chairman. The information will be utilised to assist in creating a system specific to the needs of the Cayman Islands. The Chairman will continue to liaise with the Honourable Deputy Governor in the hopes that the Commission will also have the opportunity to meet with the officials from Jamaica should the opportunity arise for them to come to Cayman in the future.

Several members confirmed that they had the opportunity to view the electronic link to the Jersey model which was provided by the Chief Officer, Portfolio of Internal and External Affairs when he visited their offices early last month. It was noted that the website does not actually provide any information to a third party on their procurement system but is designed for those persons who are tendering bids. Reference was made to the Singapore model but it has been likened so closely to the Jersey model that the Commission will not spend a great deal of time reviewing it. Following a brief review of the Jersey model it would appear that the major benefit to be derived therefrom is the IT component that it has. Whilst the Commission understands and agrees that the Cayman Islands does not have to adopt the entire model in order to get the IT component, the issue as to whether the Computer Services Department has the capability to manage such a rigorous system is one that requires further consideration.

#### **b. Meeting with the Financial Secretary**

Members were advised that the Financial Secretary has again had to postpone the meeting with the Chairman the purpose of which is to discuss the implementation of the preliminary recommendations contained in the Third Report of the Commission dated 19<sup>th</sup> August 2011. The first available date in the new year will be fixed with his office by the Secretariat.

#### **c. Statutory Boards' use of The Nolan Principles and a Declaration Form**

The Commission continues to consider and make the necessary recommendations with a view to ensuring that all statutory boards and bodies are bound by and made subject to the Nolan Principles. During the course of its review, the Commission has looked separately at the boards and bodies associated with Government including those governed by statutes, memorandums and articles, legislation and regulations.

All members agree on the importance of giving legislative effect to allow for the incorporation of the Nolan Principles thereby placing a statutory duty and obligation upon all persons who serve on boards and committees who are thereby bound to adhere to these principles. In addition, the Commission has expressed the view that the completion of a declaration form should be a requirement when persons are being appointed to a board or committee. This declaration form would contain the requisite information to allow the necessary safeguards to prevent conflicts of interest of a real or perceived nature. Whilst members' acknowledged that a statutory framework and declaration form will not eradicate the possibilities of such conflicts completely, the notion must be driven by the same persons who appoint these individuals. The Commission further recognises and accepts that a delicate balance must be drawn as it is intended that the declaration form to be unnecessarily invasive thereby discouraging potential appointees who are worthy of such appointment.

The Chairman has requested all members to carefully consider the various matters giving rise to the comprehensive set of guidelines to achieve this goal and to provide the Secretariat with any additional input no later than 3<sup>rd</sup> January, 2012.

### **4. New Business**

#### **Meeting with the Honourable Premier**

Members were advised that the Chairman had met briefly with the Honourable Premier in his capacity as Premier of Minister of Finance to discuss the pressing need for the implementation of the requisite legislation the Commission to fulfil their constitutional mandate for which the Premier pledged to allow his support. The Chairman confirmed that during this meeting they also discussed the various models of procurement (Jersey, Singapore, Jamaica, Bermuda) and the Premier has indicated that he will support the Commission's ability to fully review these models so that they may make the necessary recommendations for a comprehensive procurement framework for the Cayman Islands. The Chairman took this opportunity to restate that it is the Commission's belief that the procurement framework should be contained in local legislation/regulations.

Both parties acknowledged that although the constitutional mandate of the Minister of Finance and that of the Commission are completely separate there may be instances of an overlap particularly in dealing with matters relating to the procurement process. In any event they had a duty to work together for the betterment of the islands. The Chairman thanked the Premier for his support and also mentioned that during the visit of the Solicitor General of the Foreign and Commonwealth Office, he too pledged his support for the Commission to receive enabling legislation to assist them in their functions. It was clear from the meeting that both parties are in agreement that whatever model of procurement is utilised in the Cayman Islands it must embrace all three islands.

The Chairman closed the meeting by indicating to the Premier that she had been meeting with various stakeholders in the procurement process over the past year and asked whether he would like to suggest any other person whom she should be meeting. The Premier indicated that the Chairman should meet with the Financial Secretary due to his role in the procurement process. While the Chairman thanked him for his suggestion she indicated that she had, for several months now, been trying to meet with the Financial Secretary. She indicated that she would continue her efforts to do so.

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

- a. Fourth Report of the Commission; and
- b. Statutes of proposed enabling legislation of such an invasive nature.

**7. Action List**

Members who have not yet contributed in writing to the discussion on the appointment of statutory boards were asked to do so by 3 January, 2012.

The Secretariat will take steps to:

- a. reschedule the meeting date with the Financial Secretary; and
- b. compile the material to assist the Chairman in the preparation of the Fourth Report of the Commission to be submitted for tabling in the L.A. in mid February 2012.

**8. Next meeting**

The next meeting of the CSPL will be held on 9<sup>th</sup> of January, 2012 at 2:30 pm.

**9. Adjournment**

The meeting was adjourned at 4:40pm.

  
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**Karin Thompson**  
**CHAIRMAN**  
**COMMISSION FOR STANDARDS IN PUBLIC LIFE**