

COMMISSION FOR STANDARDS IN PUBLIC LIFE
8th MEETING OF 2012
MINUTES
26th NOVEMBER, 2012
CONFERENCE ROOM, COMMISSIONS SECRETARIAT

PRESENT: Karin M. Thompson Chairman
 Nyda Mae Flatley Member
 Roy McTaggart Member
 Hedley Robinson Member

APOLOGIES: Pastor Winston Rose Member

SECRETARIAT MEMBERS PRESENT:
 Deborah Bodden Manager, Commissions Secretariat

1. Meeting called to order

The meeting was called to order at 2:45pm and a prayer was offered.

2. Outstanding Business

a. Status of the Tabling of the Fifth Report of the Commission

The Fifth Report of the Commission, dated and submitted on 17 August, 2012, was laid in the House on 5 November, 2012.

b. Legal Opinion on the Tabling of Reports

The Commission has still not received a written opinion on this matter. The Secretariat is asked to follow up with obtaining the same.

c. Status of the draft SPL Bill

The Secretariat has now drafted a paper summarising the details of the draft SPL Bill for submission to Cabinet. The Commission looks forward to progressing the Bill on to the public consultation phase.

d. Protocols for monitoring ethical conduct

Members have now had an opportunity to review the advice that was sought and has now been received as to whether the Commission is empowered to investigate cases of alleged unethical conduct on the part of Public Officers in their private lives. As such, a discussion took place. The Commission agreed that at present it does not possess the power to investigate individual cases, outside of an investigation into the breach of an established standard in respect of the operation of registers of interest. Members were reminded that the functions of the Commission, as set out in section 117(9) of the 2009 Constitution Order relate primarily to the setting of standards of "integrity and competence in public life in order to ensure the prevention of corruption or conflict of interest". Unlike the powers set out in the Anti-Corruption Law, 2008, there is no constitutional mandate that provides for any investigative or enforcement powers on the part of this Commission. Accordingly, it was the clear consensus that the Commission, as presently constituted, does not possess the power to investigate individual cases.

It was also recognised and agreed that the Commission's powers do not extend to engagement with a public official's private life or dealings except where the circumstances raise a reasonable

inference of lack of integrity, incompetence, corruption, conflict of interest or lack of standards of ethical conduct in the conduct of that official's public functions.

The Commission nevertheless recognises that there may be instances where the lack of integrity or ethical standards in an individual's life could either lead or reasonably be expected to lead to an allegation of corruption on the part of that individual in the exercise of his or her duties. Similarly there may be such instances that give rise to an inference of lack of competence or conflict of interest whereby the Commission would be charged with taking the necessary steps to prevent those situations from occurring (subsection 9(a)).

It was therefore agreed that until such time as the requisite statutory powers are conferred upon the Commission, any reasonable allegations of lapses of standards in public life will be referred for the attention and if necessary, appropriate action on the part of the relevant authority including the Anti-Corruption Commission. The Commission also undertakes to continue its efforts to obtain the requisite legislation to provide for the requisite statutory powers and sanctions pursuant to those powers conferred by Section 118 (9) (f) of the 2009 Constitution Order. The Commission will also step up its efforts to ensure that the recommended codes of conduct are adhered to.

3. New Business

There was no new business to discuss.

4. Update on the Working Group and Sub-Committee on Procurement

Members were advised that the Sub-Committee has recently received a report from the Jersey Working Group which includes recommendations created after their recent visit. It was understood that the Sub-Committee is currently in a process of completing its review and it is proposed that they will be providing an update of their draft report to the Working Group very shortly. Upon receipt and approval, Mrs. Thompson in her capacity as Chairman of the Working Group will forward the report to the Deputy Governor for submission to Cabinet.

5. Any Other Business

a. Joint Ministerial Council Meeting

The Policy Coordination Unit of the Cabinet Office indicated that the Honourable Premier would be attending the Joint Ministerial Council Meeting next week in London and was requesting some speaking notes on the topic of standards in public life. The Secretariat provided the Unit with the relevant information to complete this assignment.

b. Political Corruption in the Caribbean Talk

The Chairman advised members that she would be attending a lecture by Professor Trevor Munroe on the topic of "Political Corruption in the Caribbean" this coming Thursday at the UCCI Campus. All members are encouraged to attend. Member Roy McTaggart has agreed to represent the Commission at a separate meeting on Wednesday.

6. Action List

- a. Follow up with receiving the written opinion of the tabling of reports (Secretariat); and
- b. Approve the paper to be presented to Cabinet detailing the proposed SPL Bill (Chairman).

7. Items to be discussed at the next meeting

- a. Legal opinion on the tabling of reports;

- b. Status of the SPL Bill; and
- c. Update on the Working Group and its Sub-Committee on Procurement.

8. Next meeting

The next meetings will be held on 14 January, 2012 and 4 February, 2012 at 2:30pm.

9. Adjournment

The meeting was adjourned at 4:15pm.



Karin Thompson

CHAIRMAN

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