



# **CODE OF CONDUCT FOR MINISTERS OF THE TURKS AND CAICOS ISLANDS GOVERNMENT**

**CABINET OFFICE  
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**MINISTERIAL CODE  
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# **MINISTERIAL CODE**

## **1 MINISTERS OF THE CROWN**

### **General principle**

**1.1 Ministers of the Crown are expected to behave in a way that upholds the highest standards of propriety.**

1.2 The Ministerial Code should be read against the background of the overarching duty on Ministers to comply with the law including international law and treaty obligations and to uphold the administration of justice and to protect the integrity of public life. They are expected to observe the Seven Principles of Public Life set out at annex A, and the following principles of Ministerial conduct:

- a. Ministers must uphold the principle of collective responsibility;
- b. Ministers have a duty to the House of Assembly to account, and be held to account, for the policies, decisions and actions of their departments and agencies;
- c. It is of paramount importance that Ministers give accurate and truthful information to the House, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the House will be expected to offer their resignation to the Premier;
- d. Ministers should be as open as possible with the House and the public, refusing to provide information only when disclosure would not be in the public interest.
- e. Ministers should similarly require civil servants who give evidence before the Committees of the House on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the General Orders/Public Service Regulations;
- f. Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;
- g. Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;

h. Ministers in the House of Assembly must keep separate their roles as Minister and constituency Member;

i. Ministers must not use government resources for Party political purposes;

j. Ministers must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way, which would conflict with the General Orders/Public Service Regulations;

1.3 It is the role of the Deputy Governor to enforce the Code. If there is an allegation about a breach of the Code, and the Premier, having consulted the Deputy Governor feels that it warrants further investigation, he will refer the matter for investigation to the Integrity Commission.

## 2 MINISTERS AND THE GOVERNMENT

- General principle** 2.1 **Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet, including in correspondence, should be maintained.**
- Cabinet business** 2.2 The business of the Cabinet consists in the main of:
- a. questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;
  - b. questions on which there is an unresolved argument between departments.
- Collective responsibility** 2.3 The internal process through which a decision has been made, should not be disclosed. Decisions reached by the Cabinet are binding on all members of the Government.
- 2.4 Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility need not be brought to the Cabinet unless the Minister wishes to inform his colleagues or to have their advice.
- Publication of policy statements and Consultation papers** 2.5 Before publishing a policy statement or a consultation paper, departments should consider whether it raises issues, which require full collective ministerial consideration through the Cabinet. The expectation is that most such papers will need collective agreement prior to publication. Any Paper containing a major statement of Government policy should be circulated to the Cabinet before publication. This rule applies to Papers containing major statements even when no issue requiring collective consideration is required.
- Cabinet documents** 2.6 Ministers relinquishing office should hand back to their department any Cabinet documents and/or other departmental papers in their possession.
- 2.7 On a change of Government, the Governor issues special instructions about the disposal of Cabinet papers of the outgoing Administration.
- The Attorney General's** 2.8 The Attorney General's Chambers must be consulted in good time before the Government is committed to critical

**Chambers** decisions involving legal considerations.

2.9 By convention, written opinions of the A.G'S Chambers, unlike other ministerial papers, are generally made available to succeeding Administrations.

2.10 When advice from the Attorney General's Chambers is included in correspondence between Ministers, or in papers for the Cabinet, the conclusions may if necessary be summarized but, if this is done, the complete text of the advice should be attached.

2.11 The fact that the Attorney General's Chambers have advised or have not advised and the content of their advice must not be disclosed outside Government without their authority.

### 3 MINISTERS AND APPOINTMENTS

#### General principle

3.1 Ministers have a duty to ensure that influence over Civil Service and public appointments is not abused for partisan purposes. Civil service appointments must be made in accordance with the requirements of the Constitution and Law. Public appointments should be made in accordance with the requirements of the law and, where appropriate, any Public Service Regulations issued by the Public Service Commission.

#### Special Advisers

3.2 With the exception of the Premier, Cabinet Ministers may each appoint up to two special advisers (paid or unpaid). All appointments require the prior written approval of the Premier and no commitments to make such appointments should be entered into in the absence of such approval. All special advisers will be appointed under terms and conditions set out in the *Model Contract for Special Advisers*.

3.3 The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. Individual Ministers will be accountable to the Premier, House of Assembly and the public for their actions and decisions in respect of their special advisers. It is, of course; also open to the Premier to terminate employment by withdrawing his consent to an individual appointment.

3.4 The Government will publish an annual statement to House of Assembly setting out the numbers, names and pay bands of special advisers and other political appointees, the appointing Minister and the overall pay bill.

## **4 MINISTERS AND THEIR DEPARTMENTS**

### **General principle**

**4.1 The Premier as the leader of Government Business is responsible for advising the Governor on the overall allocation of functions between Ministers in charge of departments.**

### **Approval criteria**

4.2 The Premier will advise the Governor where he/she wants to effect changes to the allocation and the responsibilities for the discharge of ministerial functions.

### **Arrangements during absence from Turks & Caicos**

4.3 Ministers should seek approval prior to travel so that adequate cover could be made in their absence.

4.4 The Premier is responsible for advising the Governor on arrangements for superintending the work of a department when the Minister in charge will be absent. Special care must be taken over the exercise of statutory powers. Legal advice should be sought in cases of doubt.

## 5 MINISTERS AND CIVIL SERVANTS

### General principle

**5.1 Ministers must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way, which would conflict with the General Orders and any other rules and/or regulations governing the Public Service.**

5.2 Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching policy decisions.

### The role of the Accounting Officer

5.3 Heads of departments and of statutory bodies here are appointed as Accounting Officers. This is a personal responsibility for the propriety and regularity of the public finances for which he or she is responsible; for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources. Accounting Officers answer personally to the PS/Finance and the Committee of Public Accounts on these matters, within the framework of Ministerial accountability to the House of Assembly for the policies, actions and conduct of their departments.

5.4 Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money. If a Minister in charge of a department is contemplating a course of action which would involve a transaction which the Accounting Officer considers would breach the requirements of propriety or regularity, the Accounting Officer will set out in writing his or her objection to the proposal, the reasons for the objection and the duty to inform the Chief Auditor and PS Finance should the advice be overruled.

5.5 If the Minister decides nonetheless to proceed, the Accounting Officer will seek a written instruction to take the action in question. The Accounting Officer is obliged to comply with the instructions and send relevant papers to the Chief Auditor and PS Finance. A similar procedure applies where the Accounting Officer has concerns about whether a proposed course of action offers value for money. This notification enables the Committee of Public Accounts to see that the Accounting Officer does not bear personal responsibility for the actions concerned.

## **6 MINISTERS' CONSTITUENCY AND PARTY INTERESTS**

### **General principle**

**6.1 Ministers should not use facilities provided at Government expense for party purposes.**

### **Use of Government property / resources**

6.2 Government property should not generally be used for constituency work or party activities. A particular exception is recognized in the case of official residences. Where Ministers host Party or personal events in these residences, the cost should not fall to the public purse.

6.3 Official facilities and resources may not be used for the dissemination of material, which is essentially party political.

6.4 Where ministers have to take decisions within their own departments, which might have an impact on their own constituencies, they must take particular care to avoid any possible conflict of interest. Within departments, the Minister should advise their Permanent Secretary.

6.5 Ministers are free to make views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as Minister.

6.6 Ministers are advised to take particular care in cases relating to planning applications in their constituencies or other similar issues. In all cases, it is important that they make clear that they are representing the views of their constituents, avoid criticism of Government policies and confine themselves to comments, which could reasonably be made by those who are not Ministers. Once a decision has been announced it should be accepted without criticism.

6.7 Particular care also needs to be taken over cases in which a Minister may have a personal interest or connection, for example because they concern family, friends or employees. If, exceptionally, a Minister wishes to raise questions they should advise their Permanent Secretary.

6.8 Where a complaint from a constituent is against the Minister's own department the Minister should ask a neighbouring MP to take up the constituent's case on his or her behalf.

## **7 MINISTERS' PRIVATE INTERESTS**

### **General principle**

**7.1 Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise.**

### **Responsibility for avoiding a conflict**

7.2 It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from their Permanent Secretary.

### **Procedure**

7.3 On appointment to each new office, Ministers must provide their Permanent Secretary with a full list in writing of all interests, which might be thought to give rise to a conflict. The list should also cover interests of the Minister's spouse or partner and close family, which might be thought to give rise to a conflict.

7.4 Where appropriate, the Minister will meet the Permanent Secretary to agree action on the handling of the interests. Ministers must record in writing what action has been taken, and provide the Permanent Secretary with a copy of that record.

7.5 The personal information, which Ministers disclose to those who advise them, is treated in confidence. However, an annual statement covering relevant Ministers' interests will be published.

7.6 Where it is proper for a Minister to retain a private interest, he or she should declare that interest to Ministerial colleagues if they have to discuss public business which in any way affects it and the Minister should remain entirely detached from the consideration of that business. Similar steps may be necessary in relation to a Minister's previous interests.

### **Financial Interests**

7.7 Ministers must scrupulously avoid any danger of an actual or perceived conflict of interest between their Ministerial position and their private financial interests. They should be guided by the general principle that they should either dispose of the interest giving rise to the conflict or take alternative steps to prevent it. In reaching their decision they should be guided by the advice given to them by their Permanent Secretary.

### **Steps to be taken where financial interests are retained**

7.8 The Premier should arrange for another Minister to submit relevant papers to Cabinet where it is decided that a Minister retains interest.

7.9 Where exceptionally it is decided that a Minister can retain an interest, the Minister and the department must put

processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest.

7.10 In some cases, it may not be possible to devise a mechanism to avoid a conflict of interest. In any such case, the Premier must be consulted and it may be necessary for the Minister to cease to hold the office in question.

**Public  
Appointment**

7.11 When they take up office, Ministers should give up any other public appointment they may hold. Where exceptionally it is proposed that such an appointment should be retained, the Minister should seek the advice of their Permanent Secretary.

**Non-Public  
Bodies**

7.12 Ministers should take care to ensure that they do not become associated with non-public organizations whose objectives may in any degree conflict with Government policy and thus give rise to a conflict of interest.

7.13 Ministers should not therefore normally accept invitations to act as patrons of, or otherwise offer support to, pressure groups, or organizations dependent in whole or in part on Government funding. There is normally less objection to a Minister associating him or herself with a charity, subject to the points above, but Ministers should take care to ensure that in participating in any fund-raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed and for this reason they should not approach individuals or companies personally for this purpose. In all cases, the Minister should consult their Permanent Secretary.

**Membership  
of Select  
Committees/  
All Party  
House of  
Assembly  
Groups**

7.14 In order to avoid conflict of interests, Ministers on taking up office should give up membership or chairmanship of a Select Committee or All Party Committees of the House. This is to avoid any risk of criticism that a Minister is seeking to influence the Parliamentary process. Ministers must also avoid being drawn into a situation whereby their membership of a Committee could result in the belief that ministerial support is being given to a particular policy or funding proposal.

**Legal  
proceedings**

7.15 Where Ministers become involved in legal proceedings in a personal capacity, there may be implications for them in their official position. Defamation is an example of an area where proceedings will invariably raise issues for the Minister's official as well as his or her private position. In all such cases, Ministers should consult the Attorney General's Chambers in good time and before legal proceedings are initiated so that they may offer guidance on the potential implications and

handling of the proceedings.

7.16 Similarly, when a Minister is a defendant or a witness in an action, he or she should notify the Attorney General's Chambers as soon as possible. Preferably, this should be before he or she has instructed his own solicitors in the matter.

**Acceptance of  
gifts and  
hospitality**

7.17 It is a well-established and recognized rule that no Minister should accept gifts, hospitality or services from anyone, which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a spouse and dependant children as defined in the Integrity Commission Ordinance.

7.18 This is primarily a matter, which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the advice of their Permanent Secretary.

7.19 Gifts given to Ministers in their Ministerial capacity or given to Ministers in their capacity as constituency MP's or members of a political party should be dealt with as provided in the Integrity Commission Ordinance.

## **8 MINISTERS AND THE PRESENTATION OF POLICY**

### **General principle**

**8.1 Official facilities paid for out of public funds can be used for Government publicity and advertising but may not be used for the dissemination of material, which is essentially party political.**

### **Media interviews, speeches etc**

8.2 In order to ensure the effective coordination of Cabinet business, the policy content and timing of all major speeches, press releases and new policy initiatives should be cleared in good time with the Premier. All major interviews and media appearances, both print and broadcast, should also be agreed with the Premier.

8.3 In all cases other than those described in paragraph 6.6, the principle of collective responsibility applies. Ministers should ensure that their statements are consistent with collective Government policy. Ministers should take special care in referring to subjects, which are the responsibility of other Ministers.

8.4 Ministers must only use official machinery for distributing texts of speeches relating to Government business. Speeches made in a party political context must be distributed through the Party machinery.

8.5 Ministers invited to broadcast on radio and/or television in a political or private and not a ministerial capacity should consider if such a broadcast would have a bearing on another department's responsibilities, in which case they should clear the matter with the ministerial colleague concerned before agreeing to the invitation.

### **Press articles**

8.6 Ministers may contribute to a book, journal or newspaper, including a local newspaper, provided that publication will not be at variance with their obligations to House of Assembly and their duty to observe the principle of collective Ministerial responsibility.

8.7 Any Minister wishing to practice regular journalism must have the prior approval of the Premier.

### **Payment for speeches, media articles etc.**

8.8 Ministers should not accept payment for speeches or media articles of an official nature or which directly draw on their responsibilities or experience as Ministers or with a view to donating the fee to charity. If the organization in question insists on making a donation to a charity then it should be a charity of the organization's choice. This is to

avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

## 9 TRAVEL BY MINISTERS

- General principle** 9.1 **Ministers must ensure that they always make efficient and cost-effective travel arrangements. Official transport should not normally be used for travel arrangements arising from Party or private business, except where this is justified on security grounds.**
- Overseas visits** 9.2 Ministers should make it their personal responsibility to approve the size and composition of Ministerial delegations for which their department is responsible, keeping delegations as small as possible. Ministers will wish to be satisfied that their arrangements could be defended in public.
- 9.3 An annual list will be published of all official travel overseas by Ministers costing more than \$1000 per trip together with the total cost of all Ministers' visits overseas.
- 9.4 When Ministers travel on official business, their travel expenses should be borne by the departmental vote. Offers of free travel should not normally be accepted. The only exception to this is in the case of an offer of transport from an overseas government provided no undue obligation is created.
- Non-scheduled flights** 9.5 Only members of the Cabinet have discretion to authorize special flights. Non-scheduled flights may be authorized when a scheduled service is not available, or when it is essential to travel by air, but the requirements of official or House business or security considerations preclude the journey being made by a scheduled service.
- 9.6 Non-scheduled flights must not be diverted for journeys to or from party business.
- Ministers recalled from abroad** 9.7 If a Minister is abroad with permission and is called home for ministerial or Parliamentary reasons – including voting – the cost of the extra journey back and forth may be met by public funds.
- Party occasions** 9.10 The Premier, and any other Ministers for whom the security authorities consider it necessary may use their official cars for all journeys by road, including those for private or Party purposes.

**Travelling  
expenses of  
spouses/partners**

9.11 The expenses of a Minister's spouse/partner when accompanying the Minister on the latter's official duties may occasionally be paid from public funds provided that it is clearly in the public interest that he or she should accompany the Minister. The agreement of the Premier must be obtained on each occasion before travel.

## **ANNEX A**

### **The Seven Principles of Public Life**

#### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.