

CAYMAN ISLANDS



MINISTERIAL CODE OF CONDUCT

Foreword by the Premier, Hon. G. Wayne Panton, JP

I am beyond pleased to publish this Ministerial Code of Conduct, which was approved by the Cabinet on Tuesday, 27 July 2021. This is another historic moment for the Government and people of the Cayman Islands. I am especially pleased that this matter was given priority by my colleagues in the PACT Government for completion within our first 100 days in office.

Our commitment as the PACT Government is to be People driven, Accountable, Competent and Transparent. This Code of Conduct reinforces this commitment and clearly sets out our standards for adhering to the principles of good governance. It also addresses one of the Broad Outcomes outlined in our Strategic Policy Statement which is Strengthening Good Governance for More Effective Government and promotes greater accountability within the Executive branch.

The more transparent we are, the more accountable we are to the public. The better we are at transparency, the better we will get at decision making and resource allocation.

We remain humbled by the awesome responsibility of our role as Ministers of Cabinet. It is our duty to engender the trust and maintain the confidence of the people we serve. We as the PACT Government believe that to whom much is given, much is required. The call for greater accountability and transparency has been answered by the publication of a framework for the conduct that the public can expect from us and that we expect of ourselves.

Table of Contents

Definitions	4
General code of conduct.....	4
Conduct of Ministers	6
Register of Interests	6
Ministers' Interests	6
Conflicts of interest	7
Pecuniary interests	7
Interests of family and other connected persons.....	7
Association	8
Managing conflicts of interest.....	8
Constituency interests.....	9
Gifts.....	10
Gifts from foreign governments	10
Gifts from non-government or commercial organisations	11
Acceptance of favours.....	11
Public service candidates.....	11
Trade unions.....	11
Journalism	11
Product endorsement.....	12
Fees and other payments	12
Business and professional activities.....	12
Ministerial Travel.....	13
Items to consider prior to travel	13
Accompanying family members, staff, and officials	13
Reporting travel overseas	13
Personal travel overseas	13
Visits by Ministers and other officials from other countries.....	14
Use of Government property/resources.....	14
Legal Proceedings	14
Application to ex officio members	14

Definitions

1.1 In this Ministerial Code of Conduct –

“connected person”, as set out in section 2 of the *Standards in Public Life Act* (as revised), means a member of the immediate family of, or a person who acts on behalf of, or for the benefit of, the declarant, with the declarant’s actual or implied authority, and includes –

- (a) a person who is a nominee of that person;
- (b) a person who manages the affairs of that person;
- (c) a firm of which that person, or a nominee of that person, is a partner;
- (d) a company within the meaning of section 2 of the *Companies Act* (as revised) of which that person, or a nominee of that person, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with a nominee of that person, has or have a controlling interest, or shares to the total value of not less than thirty per cent of the total issued capital of the corporation; or
- (e) the trustee of any trust, where –
 - (i) the trust has been created by that person; or
 - (ii) the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, at any time, amounts to not less than twenty per cent of the total value of the assets of the trust;

“Constitution” means the *Cayman Islands Constitution Order 2009 (UKSI 1379/2009)* as amended by the *Cayman Islands Constitution (Amendment) Order 2016 (UKSI 780/2016)* and the *Cayman Islands Constitution (Amendment) Order 2020 (UKSI 1283/2020)*;

“Ex Officio members of Cabinet” means the Deputy Governor and the Attorney General;

“Minister”, as set out in section 124 of the Constitution, means a member of the Cabinet who is appointed as the Premier or other Minister;

“Premier”, as set out in section 124 of the Constitution, means a Premier appointed under section 49 of the Constitution;

“prescribed value” means any value in excess of CI\$500.00;

“public office”, as set out in section 124 of the Constitution, means an office of emolument in the public service;

“Register of Gifts Received” means the register of all gifts from foreign governments received by Ministers that is maintained by the Cabinet Office and made available to the public.

General code of conduct

- 2.1 Ministers are required to, before assuming the functions of his or her office, make before the Governor oaths of allegiance and for the due execution of his or her office as prescribed by the Constitution.

- 2.2 Ministers are required to behave in a way that protects the integrity of the decision-making process and upholds the highest standards of propriety and to comply with this Ministerial Code of Conduct at all times.
- 2.3 Members are required to maintain confidentiality in all matters relating to the Cabinet, including verbal discussions, papers, and reports.
- 2.4 Members are also required to observe the Cayman Islands Constitution, all other relevant law, including but not limited to the *Standards in Public Life Act* (as revised) and the *Anti-Corruption Act* (as revised).
- 2.5 Ministers must familiarize themselves with the Public Service Values and Public Service Code of Conduct as set out in Part II of the *Public Service Management Act* (as revised). A Minister must not direct or request a public servant to do anything or perform any function that may conflict with the Public Service Values and Public Service Code of Conduct.
- 2.6 Ministers are expected to comply with the following Nolan Principles – the Seven Principles of Public Life –
1. **Selflessness** - Holders of public office should act solely in terms of the public interest.
 2. **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try to influence their work in an inappropriate manner. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends, or other connected persons. They must declare and resolve any interests and relationships touching on their public office.
 3. **Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 4. **Accountability** - Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.
 5. **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
 6. **Honesty** - Holders of public office should be truthful.
 7. **Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
- 2.7 If there is an allegation that a Minister other than the Premier has breached the Code, and the Premier, having consulted the Attorney General and the Cabinet Secretary, feels that it warrants further investigation, he or she will inform the Governor of the matter.
- 2.8 The Attorney General will, as soon as practicable, refer any allegation that the Premier has breached the Code to the Governor.
- 2.9 If a Minister is the subject of an official investigation into a matter or case of serious impropriety or alleged illegal behaviour of a serious nature, the Premier may require that Minister go on leave and the Governor acting in accordance with the advice of the Premier may appoint a person who is an elected Member of the Parliament to be a temporary Minister or assign responsibility for the performance of the functions of that Minister to another Minister (including the Premier).

Conduct of Ministers

- 3.1 Ministers act in a number of different capacities, namely –
 - a. in a **ministerial capacity**, making decisions, and determining and promoting policy with particular ministries/portfolios;
 - b. in a **political capacity** as an elected Member of the Parliament, representing the best interest of the Cayman Islands as a whole, as well as the constituency or particular community interests;
 - c. in a **personal capacity** as an ordinary citizen.
- 3.2 In all these roles and at all times, Ministers are required to act lawfully and to behave in a way that upholds, and is seen to uphold, the highest ethical standards. Ultimately, Ministers are accountable to the Premier for their conduct and may, in accordance with the Constitution, have their appointment revoked or Ministerial responsibilities reassigned.
- 3.3 Holding ministerial office is regarded as a full-time occupation and is remunerated as such. Accordingly:
 - a. accepting additional payment for doing anything that could be regarded as a ministerial function is not permissible;
 - b. accepting payment for any other activities requires the prior approval of the Premier.

Register of Interests

- 4.1 All members of the Parliament are required to declare to the Commission for Standards in Public Life, for entry in the Register of Interests, such interests, assets, income and liabilities and other such information of that person, or of any other person connected with him or her, as may be prescribed by law.

Ministers' interests

- 5.1 Additional requirements apply to Ministers' interests. Possible or perceived conflicts of interest may arise between Ministers' personal interests and their public duty because of the influence and power that Ministers exercise, and the information to which they have access, both in individual performance of their portfolio responsibilities and as Members.
- 5.2 Ministers are responsible for ensuring that no possible or perceived conflicts exist or appear to exist between their personal interests and their public duty. Ministers must conduct themselves at all times in the knowledge that their role is a public one; appearances and propriety can be as important as an actual conflict of interest. Ministers should avoid situations in which they or persons connected with him or her gain remuneration or other advantage from information acquired only by reason of their office.
- 5.3 The Cabinet Office, on behalf of the Governor and the Premier, supports Ministers in identifying and managing conflicts of interest that may arise in relation to their portfolios or other ministerial responsibilities. Accordingly:
 - a. the Cabinet Office contacts all Ministers on appointment and provides them with a worksheet containing questions and guidance designed to prompt Ministers' thinking about a broad range of interests and possible areas of conflict, both financial and non-financial;

- b. the Cabinet Office then meets each Minister for a confidential discussion about the worksheet and any issues that may arise;
 - c. each year following the publication of the Register of Interests as prescribed by the *Standards in Public Life Act* (as revised), the Cabinet Office shall remind all Ministers to review their interests in the light of their portfolio or other ministerial responsibilities to consider any possible issues of conflict and to seek advice where necessary;
 - d. the Cabinet Office is available during the year to provide guidance on any issues of possible or perceived conflict that may arise, and on the acceptance of payments or gifts;
 - e. the management of any possible or perceived conflicts that are identified is agreed between the Governor, the Premier, and the Minister concerned, with advice as required from the Cabinet Office.
- 5.4 Ministers themselves are responsible for proactively identifying and reviewing possible or perceived conflicts of interest and ensuring that any conflicts of interest are promptly addressed by taking one or more of the measures prescribed in paragraph 10.2 entitled 'Managing conflicts of interest'.

Conflicts of interest

- 6.1 A possible or perceived conflict of interest may be pecuniary or non-pecuniary. A possible or perceived conflict of interest may be direct or indirect. Ministers must consider all types of interest when assessing whether any of their personal interests may conflict with, or be perceived to conflict with, their ministerial responsibilities. Conflicts of interest should be recorded by the Cabinet Office in a register and actioned as is required to comply with relevant Acts.

Pecuniary interests

- 7.1 Pecuniary interests are financial interests such as assets, debts, and gifts. A pecuniary conflict of interest may arise if a Minister could reasonably be perceived as standing to gain or lose financially from decisions or acts for which he or she is responsible, or from information to which he or she has access. A pecuniary conflict of interest could, for example, relate to the value of land or shares that a Minister owns, or the turnover of business in which a Minister has an ownership interest.

Interests of family and other connected persons

- 8.1 A possible or perceived conflict may arise if people close to a Minister, such as a Minister's family member or other connected persons, might derive, or be perceived as deriving, some personal, financial, or other benefit from a decision or action by the Minister or the government. Ministers must therefore be careful not to use information they access in the course of their official activities in a way that might provide some special benefit to family members or other connected persons.
- 8.2 Similarly, it may not be appropriate for Ministers to participate in decision making on matters affecting family members or other connected persons; for example by:

- a. attempting to intercede on their behalf on some official matter;
 - b. proposing family members for appointments;
 - c. participating in decisions that will affect the financial position of a family member or other connected persons.
- 8.3 Public perception is a very important factor. If a possible or perceived conflict arises in relation to the interests of family or other connected persons, the Minister should take appropriate action, as provided in paragraph 10.2 entitled 'Managing conflicts of interest'.

Association

- 9.1 Ministers do not act in isolation from their political, constituency, and community networks. Indeed, some Ministers are elected to the Parliament because of their close association with and advocacy for particular interest groups. Participation in decision making by such Ministers allows the Cabinet to consider diverse viewpoints in reaching a collective decision.
- 9.2 Ministers should take care, however, to ensure that they do not become associated with non-governmental organisations or community groups where:
- a. the group's objectives may conflict with government policy;
 - b. the organisation is a lobby group;
 - c. the organisation receives or applies for government funding.
- 9.3 Any possible conflict arising from association with a non-public body should be dealt with using measures prescribed in paragraph 10.2 entitled 'Managing conflicts of interest'.
- 9.4 A conflict will not generally arise from a generic interest held as one of a class of persons or held in common with the public; for example, an interest in education issues where the Minister has school-aged children, or an interest in issues affecting Cayman Brac where the Minister is from Cayman Brac.

Managing conflicts of interest

- 10.1 Ministers must ensure that any conflicts of interest are promptly addressed. The Cabinet Secretary (and where appropriate the Chief Officer of the ministry or portfolio concerned) should be kept informed of conflicts of interest as they arise. In addition, the Governor and the Premier should be advised in writing of possible or perceived conflicts that are of a particular concern or that require ongoing management. If there is any doubt as to the appropriate course of action, Ministers should consult the Governor, the Premier, and the Cabinet Secretary.
- 10.2 If a conflict between a Minister's portfolio responsibilities and a personal interest is substantial and enduring, it may be necessary for the Premier to consider a permanent change to some or all of the Minister's portfolio responsibilities. However, most conflicts can be managed by taking one or more of the following measures –
- a. **Declaration of interest:** where a Minister has a possible or perceived conflict of interest that arises during general decision making (for example at a meeting of the Cabinet), but the Minister does not have ministerial responsibility for the issue, a declaration of interest will generally be sufficient. Having declared the interest, the Minister must either withdraw from the discussion or seek the agreement of colleagues to continue to take part. The declaration of interest will be recorded. It

should be noted that withdrawal from a Cabinet discussion on the grounds of conflict of interest does not absolve a Minister from collective responsibility for any decision resulting from that discussion.

- b. **Not receiving papers:** A Minister's personal interest in an issue may mean that it is inappropriate for the Minister to receive official information on the issue. In this case, the Minister, the Cabinet Office, and/or other officials, as appropriate, should ensure that the Minister does not receive official papers, or reports about the issue.
- c. **Transferring responsibility to another Minister:** The Premier, with respect to a Minister with a possible or perceived conflict of interest concerning a particular issue within his or her portfolio, may transfer responsibility for that issue to another Minister. In this case, the Minister with the possible or perceived conflict of interest must instruct officials to ensure that ministerial briefings and official papers on the issue are directed to the other Minister. The Minister with the conflict will also need to declare the interest if the matter is discussed at Cabinet and should consider whether it is appropriate to receive Cabinet papers on the issue, or to remain at the meeting.
- d. **Transferring responsibility to the Chief Officer of a Ministry:** If a possible or perceived conflict of interest arises in the Minister's portfolio concerning a minor issue, the Minister may be able to handle the matter without further difficulty by passing on the issue to the Chief Officer of the Ministry. The Minister must take care to ensure, however, that there is no attempt to influence the Chief Officer of the Ministry inappropriately. The Minister should declare the interest if the matter is discussed at Cabinet. The Minister should also consider whether it is appropriate to receive Cabinet papers on the issue, or to remain in attendance at the meeting.
- e. **Divestment:** It is the normal rule in all countries where this type of responsible Ministerial Government exists that, before they take office, elected Ministers must divest themselves, for the period of their appointment, of any outside interests which may conflict with their public responsibilities. So far as private business and professional practices are concerned, this is normally interpreted as requiring a severance of active connection. In the Cayman Islands, a Minister, before taking office, should consider if there is sufficient reason why the normal rule should not apply to him or her. If he or she concludes that there is sufficient reason why it should not apply, he or she should consult the Governor and the Premier.
- f. **Blind trusts:** Ministers with complicated or extensive shareholdings may wish to consider placing their investments into a blind trust, as a precaution against unintended conflicts of interest.
- g. **Resignation from an organisation:** Where a possible or perceived conflict of interest arises from association with a non-governmental organisation, the Minister may need to resign from that organisation after consulting the Premier.

Constituency interests

- 11.1 An elected Member of the Parliament is always entitled to make representations to a Minister on an issue of concern in the elected Member's electorate or an issue of general constituency concern.
- 11.2 Where an elected Member of the Parliament is also a Minister, but has no portfolio responsibility in the areas relating to the issue of interest to him or her as an elected Member

of the Parliament, the Minister may make representations to the Minister with portfolio responsibility. Ministers representing the concerns of constituents (or the concerns of other sectors of the community) should be clear at all times, however, that they are acting in their capacity as elected Members of the Parliament (for example, by signing correspondence as an elected Member of the Parliament).

- 11.3 Where the Minister also holds the relevant portfolio, the measures prescribed in paragraph 10.2 entitled 'Managing conflicts of interest' are likely needed to manage any possible conflict. If the matter is minor, the Minister may be able to pass it to the Chief Officer of the Ministry. If the matter is more significant, the Minister may instead pass responsibility for it to another Minister.
- 11.4 Alternatively, the Minister may retain ministerial responsibility for the matter and ask another elected Member of the Parliament (for example, another elected Member from a neighbouring constituency, or an elected Member with a particular interest in the issue) to represent the constituency on the matter.
- 11.5 As with all conflicts of interest, Ministers must exercise careful judgement about possible conflicts between their constituency interests and their ministerial roles. They need to be alert at all times to the possibility that a conflict might exist or be perceived to exist. The Cabinet Secretary is available to advise in cases of doubt.

Gifts

- 12.1 It is a well-established and recognised rule that no Minister should accept gifts, hospitality, services or donations in cash or kind which would, or might appear to place him or her under an obligation. The same principle applies if gifts, etc. are offered to a member of their family or other connected person.
- 12.2 Gifts given to Ministers in their Ministerial capacity become the property of the Government. Gifts below the prescribed value, currently this set at CI\$500, may be retained by the recipient. Gifts above the prescribed value should be handed over to the relevant Ministry for disposal unless the recipient wishes to purchase the gift. Ministries will publish, on an annual basis, details of gifts received and given by Ministers valued at more than the prescribed value.

Gifts from foreign governments

- 13.1 In their capacity as representatives of the Government, Ministers often exchange gifts during official government visits either in the Cayman Islands or overseas. This is an accepted practice; a refusal to accept is likely to cause offence. Such gifts are more in the nature of gifts to the holder of the office than to the individual in their personal capacity. Any gift accepted by Ministers from foreign governments should be registered with the Cabinet Office in a Register of Gifts Received. If a Minister wishes to relinquish the gift, the Cabinet Office may arrange appropriate display or storage. If the gift is worth more than the prescribed value, they should be relinquished before or at the time of leaving office, unless written permission for the Minister to keep the gift is obtained from the Premier. The Register of Gifts Received should be made available to the public by the Cabinet Office.

Gifts from non-government or commercial organisations

- 14.1 To avoid creating or appearing to create an obligation, gifts in cash or kind are not to be solicited or accepted from a commercial enterprise or any other organisation, either in the Cayman Islands or overseas. An exception to this principle would be the acceptance of a small unsolicited token, for example, branded paraphernalia, after a presentation made during a tour to a place of business. If a Minister wishes to keep a gift worth more than the prescribed value, the Ministers may choose to pay full value for it. The gift still needs to be disclosed to the Cabinet Office and a record kept that is available for public scrutiny.
- 14.2 Payment for air travel or accommodation may constitute a gift and must be declared. Where such a gift is offered to a Minister, consideration should be given to whether it is appropriate instead for the government to pay for the air travel and accommodation, to avoid any potential or perceived conflict of interest.

Acceptance of favours

- 15.1 No Minister may accept any kind of favour from persons who are in negotiation with, or seeking to enter into contractual or proprietary or pecuniary relations with, the Government.
- 15.2 Ministers must carefully avoid all transactions such as acceptance of gifts from members of the public which can give weight to the belief that they are doing anything which these rules of conduct forbid.

Public service candidates

- 16.1 No Minister may exert his or her influence to support the candidature of any person for admission to or promotion within the Public Service.

Trade unions

- 17.1 Ministers may not hold official positions in trade unions and may not participate actively in their affairs.

Journalism

- 18.1 Ministers may contribute to a book, journal or newspaper provided that publication will not be at variance with their obligation to the Parliament, or their duty to observe the principle of collective Ministerial responsibility and does not relate to political or administrative matters. No payment should be accepted for such articles.
- 18.2 Any Minister wishing to practice regular journalism must have the prior approval of the Cabinet.
- 18.3 Ministers may not, while in office, write and publish a book on their ministerial experience. Nor, while serving as a Minister, may they enter into any agreement to publish their memoirs on leaving their ministerial position.

Product endorsement

- 19.1 No Minister should endorse in any media, product or service. Ministers may, however, appear in party political advertisements or in non-political advertisements or public service announcements (e.g. promoting hurricane preparedness), where no fee would be expected or accepted.
- 19.2 Ministers receive many invitations for events and speaking engagements. Ministers should carefully consider which invitations they will accept, and try to honour invitations from a variety of organisations.
- 19.3 When accepting an invitation, a Minister should inform the organisation that it may not:
- a. use any photo taken of the Minister at the event; or
 - b. publicise the event
- in a way that could be perceived as an endorsement by the Minister of the organisation or its products or services.
- 19.4 In speeches, it is appropriate for a Minister to speak positively about the objectives and achievements of an organisation or business. It is not appropriate for a Minister to explicitly promote that organisation, or its products or services.

Fees and other payments

- 20.1 Ministers often appear at conferences or other gatherings to explain and discuss government policies and plans. This is an integral function of government, for which the government would expect to meet expenses and no appearance fee would be expected or accepted.
- 20.2 If an appearance fee or other personal payment for any non-ministerial activity is offered to a Minister, the Minister may accept it only with the agreement of the Premier. Such a payment must be declared in that member's annual disclosure of interests. Unsolicited payments should be returned. With the agreement of the Premier, fees may be accepted and donated directly to a recognised charity, but must still be declared (with an explanatory note).
- 20.3 Where travel and accommodation expenses are incurred by a Minister undertaking non-ministerial activities, they may be met by:
- a. the organisers;
 - b. the Minister personally;
 - c. the government, initially, in which case reimbursement must be made to a government bank account by the person or organisers concerned.

Business and professional activities

- 21.1 Because they are expected to devote their time and talent to their official business, Ministers, while holding office must not take any active part in the day-to-day management or operation of any business.
- 21.2 Provided no conflict of interest arises, Ministers are not required to dissolve any professional partnerships, allow practising certificates to lapse, or dispose of a business. They may also continue to advise in relation to family trusts, or similar matters of personal interest.

Ministerial travel

- 22.1 Travel arrangements for Ministers must always be efficient and cost-effective in accordance with any relevant travel policy. Official transport should not normally be used for travel arrangements arising from political or private business, except where this is justified on security grounds. To ensure that their travel is properly approved and undertaken in an appropriate manner, Ministers must follow the principles prescribed in an official Ministerial travel policy.

Items to consider prior to overseas travel

- 23.1 Travel proposals require the approval of the Premier. Ministers must seek the agreement of another Minister or Ministers to act for them during their proposed period of absence. Ministers should avoid commitments or undertakings regarding overseas travel before the Premier's preliminary approval is given.
- 23.2 Where there is any doubt about travel to a particular destination (for example, for international relations reasons), the request for the Premier's approval must be supported by a recommendation from the Governor.
- 23.3 When considering proposals for overseas travel by Ministers, the Premier will take into account the numbers of Ministers overseas at any one time. Usual practice is for no more than three Ministers to be absent from the Cayman Islands on official business at any one time, although the Premier may approve exceptions to this limit in special circumstances.

Accompanying family members, staff, and officials

- 24.1 It may be appropriate for a Minister to be accompanied by a spouse, partner, or family member as a member of the official party. Approval is not given automatically; the Premier will consider requests on a case-by-case basis. The Minister will normally be responsible for any additional costs related to the travel of an accompanying spouse, partner, or family member.
- 24.2 Ministers may be accompanied on overseas visits by staff from or officials from their ministries or departments. The number of accompanying staff must be kept to an absolute minimum, and should be determined in light of the nature of the visit.

Reporting overseas travel

- 25.1 Within a month of their return, Ministers must report to the Cabinet on the achievements and outcomes of their overseas travel.
- 25.2 Ministries will publish, at least annually, details of all overseas travel by Ministers.

Personal overseas travel

- 26.1 Subject to legislative or portfolio requirements, and with the prior approval of the Premier, Ministers may occasionally extend overseas visits outside the formal itinerary for personal reasons, provided no additional costs are incurred by the government as a result.

- 26.2 Ministers may make personal visits overseas if they obtain the Premier’s prior approval, which will be subject to obtaining leave to be absent from the Parliament. Ministers must also obtain the agreement of another Minister or Ministers to act during such periods of absence. The Cabinet Office should be advised of any such arrangements.

Visits by Ministers and other officials from other countries

- 27.1 The Governor and the Premier should be consulted if a visit by a Minister or other official from another country is proposed. Guidance about the arrangements for a visit by an overseas Minister or other official is available from the Protocol Office.
- 27.2 The Cayman Islands Government does not usually offer payment of international airfares for Ministers and other officials from other countries who are visiting the Cayman Islands, although it may provide some assistance with internal costs.

Use of Government property/resources

- 28.1 Facilities provided to Ministers at Government’s expense to enable them to carry out their official duties should not be used for political party or constituency work.

Legal Proceedings

- 29.1 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 in good time and before legal proceedings are initiated so that he or she may offer guidance on the potential implications and handling of the proceedings.
- 29.2 Similarly, when a Minister is a defendant or a witness in an action, he or she should notify the Attorney General and the Premier as soon as possible. Preferably, this should be before he or she has instructed his or her own lawyer in the matter.

Application to *ex officio* members

- 30.1 The Code also applies, where appropriate, to the *ex officio* members of the Cabinet.