



Pitcairn Island
Code of Conduct
of the
Island Council
made by the Island Council
Approved by Resolution of the Council
on the
9 November 2011

1. Preliminary

The Code is approved by the Island Council to provide guidance to Members as to standards of conduct expected of them in the discharge of their duties as members of the Island Council. All Members of the Island Council are required to comply with the provisions of the Code, and are subject to its disciplinary provisions.

For the avoidance of doubt, the Members of the Council, as provided in section 6 of the Local Government Ordinance are the Elected Members, namely the Mayor, the Deputy Mayor, and the four elected Councilors; the Councilor appointed by the Governor; and the ex officio members, namely the Governor, the Deputy Governor and the Governors Representative.

In the Code-

“Code” means this Code;

“Council” means the Island Council;

“Meeting” means a meeting of the Council, and includes (where the context so admits) a meeting of a Council Committees, and official Public meetings.

“Member” means a Member of the Council (and “Elected Member” means an Elected Member of the Council);

“President” is the Mayor and includes the Deputy Mayor (or acting Mayor) whenever the President is absent or unable to act, or has a conflict of interest, or specifically delegates a function to the Deputy Mayor.

“Pitcairn Island” means Pitcairn, Henderson, Ducie and Oeno Islands.

2. Public duty

2.1 The principal duty of a Member is to act in the interests of the people of Pitcairn Island. In doing so Members have a duty to uphold the *Partnership Values* set out in Part 1 of the Constitution and to act on all occasions in accordance with the public trust placed in them. Members must be alert to the fact that the best interests of Pitcairn Island as a whole may be different from those of vocal minorities or individuals, and may also be different from the Member’s personal preferences.

Elected Members should be accessible to the people of the Pitcairn Community which they have been elected to serve, and represent their interests conscientiously.

2.2 Members must give priority to attendance at Meetings in accordance with the terms of their oaths* for due execution of office, and should be present in Council when Meetings are held unless they have compelling reasons not to do so. Informal meetings (*Informal Council meetings are those such as workshops or training sessions*) may be regarded as less important than formal ones, but absence still needs to be justified.

*** Island Council (See Pitcairn Constitution)**

*7. Any person who immediately before the appointed day** is a member of the Island Council for Pitcairn in accordance with a law in force in Pitcairn shall on that day become a member of the Island Council established by the Constitution, shall be deemed to have taken any oath or affirmation required by law, and shall hold his or her seat in accordance with any such law.*

***"appointed day" means the day the existing Constitution was established)*

A broken oath is considered misconduct

Members must be adequately prepared for the Meetings they attend, which includes prior reading of relevant documents. To arrive ill-prepared, or late, is discourteous to colleagues, wasteful of resources, and capable of sustaining a finding of misconduct.

3. Personal conduct

Members must observe the "Nolan Principles", which are the accepted guiding principles of good conduct in public office in the United Kingdom; they require—

3.1 Selflessness

Members should take decisions solely in terms of the public interests. They should not so do in order to gain financial or other material benefits for themselves, their family or friends, or their business colleagues; or to secure special treatment for any voluntary or charitable organisation with which they are involved.

3.2 Integrity

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

3.3 Objectivity

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

3.4 Accountability

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

3.5 Openness

Members 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, or issues of confidentiality, clearly demand it.

3.6 Honesty

Members 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.

3.7 Leadership

Members should promote and support these principles by leadership and example in order to maintain and strengthen the public's trust and confidence in the integrity of the Island Council and its Members.

4. The Principles in Practice

4.1 Conflict between public and private interest

4.2 If Members experience any conflict between personal interest and the public interest they should resolve this at once and in favour of the public interest.

4.2 Members' conduct

Members should at all times conduct themselves in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Council. They should endeavour, in the course of both their public and private conduct, not to act in a manner which would bring the Council, or its Members, into disrepute.

Members should at all times treat other Members, officers of the Public Service and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy, which are a normal part of the political process.

The boundary between conduct in private and public life is a very difficult one to define. Members have a right to a private life, but the public have legitimate expectations of how a member will behave. At one end of the spectrum, unlawful or illegal action is clearly unacceptable. At the other end, the people will often expect certain standards of behaviour in public. Such expectations will vary from person to person: where is the line to be drawn between merriness turning into drunkenness; defending a point turning into anger or aggression; high spirits moving to inconsiderate behaviour; or directness shading into rudeness.

Councilors are not expected to be saints; but Members should have a self awareness in public of how their behaviour and actions could be interpreted. Experience throughout the world is that those in public life have to be aware that the people they serve have well developed antennae for double standards and hypocrisy in their representatives.

When representing Pitcairn Island on official business overseas, Members must be mindful of their representational role and statesmanship. They should clear lines/statements they are proposing to make with their colleagues and officials concerned before leaving Pitcairn Island.

4.3 Gifts and hospitality

The acceptance by a Member of a bribe to influence his or her conduct as a Member is likely to be a criminal offence (both by the Member and by the giver of the bribe); but conduct which does not cross the criminal boundary may nevertheless offend the "Nolan Principles" and/or tend to bring the Council into disrepute. Such actions, while not criminal, may amount to misconduct.

Official hospitality by visiting officials, and the like, raises no issues. However, Members should not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality Members should consider whether they

would be prepared to justify acceptance to the public; the Members should consider not only how he or she sees the situation, but also how others might see it.

4.4 Register and Declaration of Members' interests

Irrespective of any specific sanctions provided by law when an Ordinance is enacted, any lack of complete honesty in relation to actual or apparent conflicts of interest amounts to misconduct.

4.5 Confidential information

Members must bear in mind that confidential information which they receive in the course of their duties should only be used in connection with those duties, and that such information must never be used for the purpose of financial gain nor should it be used in their own personal interest or that of their families or friends.

In addition, Members should not disclose publicly, or to any third party, personal information about named individuals, which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Members must at all times have regard to all relevant human rights legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality.

Specifically Members must be mindful of their Oaths of Office; irrespective of any sanction provided by law for breach of the Oath of Confidentiality, such a breach may be dealt with as misconduct under this Code.

4.6 Procedure for Complaints

If a Council member, or member of the public wishes to make a complaint about the conduct of any Council member the follow procedures will apply.

- Complaints, whether from Council Members or from members of the public, alleging that the conduct of a Member is in breach of the Code, should be addressed in writing to the Mayor. If the complaint relates to the Mayor, then this procedure will be implemented by the Deputy Mayor.
- It is not sufficient to make a complaint which does not contain specific allegations and refer to relevant supporting evidence. Such complaints will be rejected summarily by the Mayor, as will any anonymous complaint. Complaints founded only upon media or other speculation may also be summarily dismissed, but the Mayor may invite the Member concerned to comment before deciding whether to dismiss the complaint or refer it for investigation.
- If the Mayor does not summarily dismiss the complaint, he will appoint the Deputy Mayor (or another Councilor if the complaint is against the Deputy Mayor) and two ~~other~~ Councillors to investigate it and to make a report thereon. The Mayor will designate one of the three Councillors to be Chairperson of the investigation. The Members so appointed will have the same powers as the Council itself, to call persons before it and to take evidence from them.
- The investigation of a complaint is to take place as an "informal gathering".
- The investigations of a complaint will include the opportunity to hear separate verbal and/or written submissions from all relevant parties.

- Where a complaint is considered serious enough to warrant legal advice such shall be sought by the Chair of the Committee.
- As soon as is practicable after the conclusion of an investigation, the Chairperson of the investigation shall make a written report thereon to the Mayor and every such report shall be presented as a Paper at the next convenient meeting of the Council. The report shall state the nature of the complaint, summarise the evidence received in relation thereto, contain the decision of the Committee and record the conclusion of the investigation. A copy of the report will be sent to the Complainant, the Councilor to whom the complaint is laid and the Governor's Office.
- If the complaint is upheld the Committee has the authority to suspend the Council member for up to 4 weeks with/without pay.
- If the complaint includes the whole Council, the complaint will be dealt with by the Governor's office in accordance with current legislation.
- Failure to co-operate in an investigation constitutes misconduct.

4.8 Dealing with the Media

Members, like everyone else, enjoy freedom of expression and may (subject to issues of confidentiality and respect for the rights of others in terms of their privacy) speak freely to and in the media.

However, Members must take care to make clear whether they are expressing their personal opinions, or the collective position of the Council or a Committee. The public have a right to a clear understanding of which is which. In addition, care must be taken not to report informal discussions in such a way as to suggest that a decision has been made.

A Member may, subject to the relevant media legislation and codes of practice, present radio or television programmes or publish articles in the printed media. However, it is especially important in such circumstances for the Member to ensure absolutely clarity whether he is expressing-
his own views or his understanding of the views of others;
fact or opinion;

proposals/suggestions, or agreed policy;

and so on.

The expression "I understand that ..." is not an acceptable substitute for verifying facts before reporting them.

Members must recognise that their uttering and writings may, because of their positions as Members, have greater public impact than those of others; this special position carries with it a special responsibility to ensure clarity and accuracy.

4.9 Relationship with the Public Service

Members will wish to develop a mutually respectful relationship with the public servants with whom they work.

However, no Member should use his influence to support the candidature of any person for recruitment to or advancement within the public service. While this does not completely rule out

providing a character reference, Members should think carefully about whether the candidate has alternatives and how providing a reference might be interpreted.