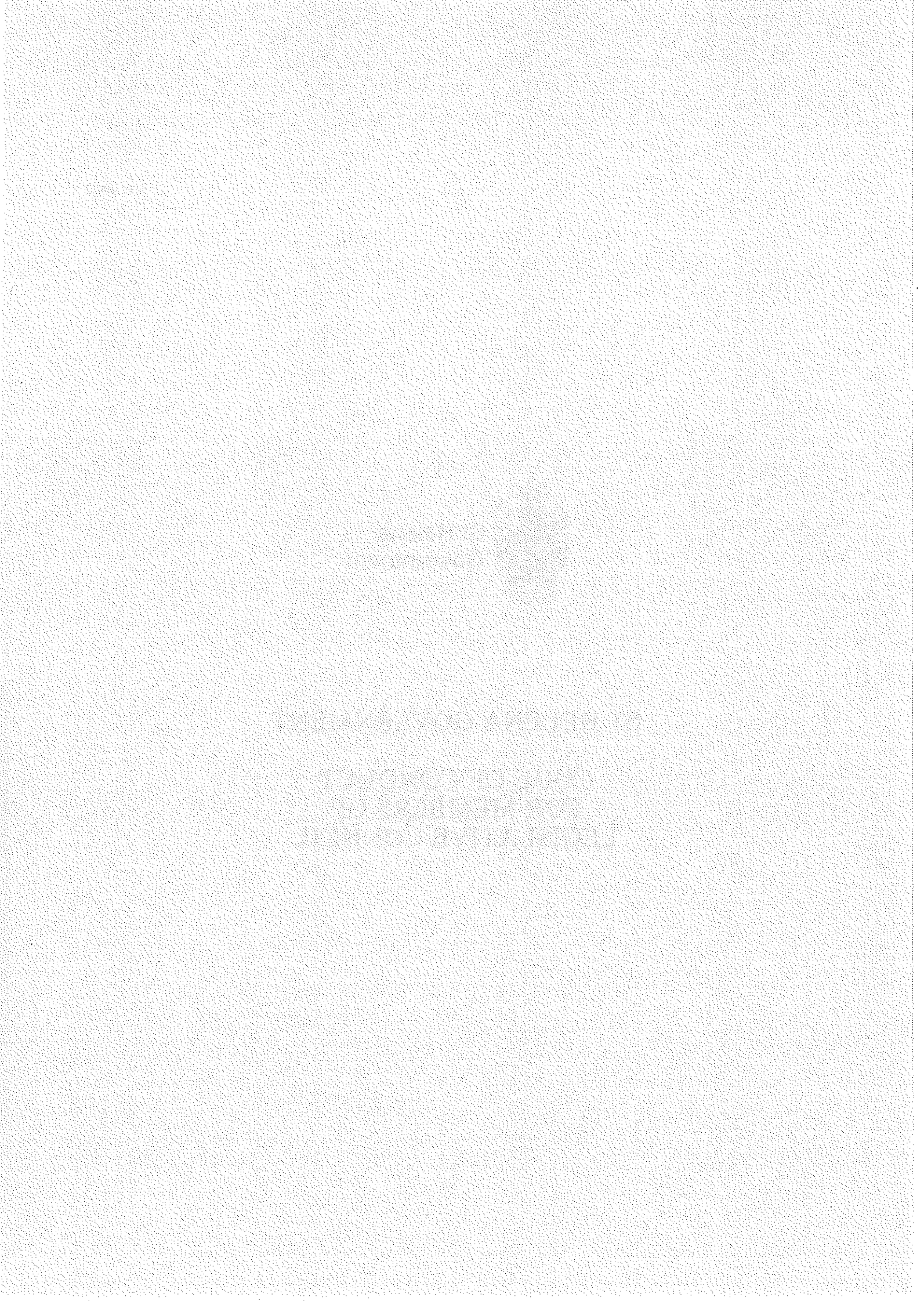




St Helena
Government

ST HELENA GOVERNMENT

CODE OF CONDUCT FOR MEMBERS OF LEGISLATIVE COUNCIL



ST HELENA



THE ST HELENA, ASCENSION AND TRISTAN DA CUNHA CONSTITUTION ORDER 2009

(Section 71(b))

CODE OF CONDUCT FOR MEMBERS OF LEGISLATIVE COUNCIL

Approved by Resolution of the Legislative Council on the 16th day of December 2022 revoking all previous versions of the Code of Conduct.

1. Preliminary

1.1 This Code of Conduct is approved by the Legislative Council to provide guidance to a Member as to standards of conduct expected of a Member in the discharge of the Member's duties as a member of the Legislative Council.

1.2 A Member of the Legislative Council is required to comply with the provisions of the Code and is subject to the disciplinary provisions of this Code.

2. Interpretation

2.1 In the Code—

“**Clerk**” means the Clerk of Councils as defined in the Interpretation Ordinance, 1968;

“**Chairperson**” means the Chairperson of the Investigative Commission;

“**Code**” means this Code as prepared in accordance with section 71(b) of the Constitution;

“**Constitution**” means the Constitution of St Helena, Ascension and Tristan da Cunha;

“**Council**” means the Legislative Council constituted in accordance with section 48 of the Constitution;

“**Meeting**” means a meeting of the Council, and includes (where the context so admits) a meeting of the Executive Council, or the Public Accounts Committee;

“**Member**” means a Member of the Council;

“Elected Member” means a Member of the Council who in accordance with the Constitution is—

- (a) qualified to be elected in accordance with section 49 of the Constitution; and
- (b) elected in accordance with section 50 of the Constitution;

“Panel” means the list containing the names of persons comprising the Panel of Investigators constituted in accordance with Order 27 of the Standing Orders;

“rule” means a rule contained in this Code; and

“Speaker” includes the Deputy Speaker whenever the Speaker is absent or unable to act, or has a conflict of interest, or specifically delegates a function to the Deputy Speaker.

2.2 For the avoidance of doubt, the Members of the Council, pursuant to section 48 of the Constitution are the Speaker, the Deputy Speaker, the Attorney General, and the 12 Elected Members.

2.3 Section 36 of the Interpretation Ordinance, 1968 applies to this Code in respect of the computation of a period of time.

3. Purpose and scope of Code

3.1 The purpose of the Code is to assist a Member in the discharge of the Member’s obligations to the Council, the Member’s constituents and the public at large by establishing—

- (a) the standards and principles of conduct expected of a Member in undertaking the Member’s duties; and
- (b) the rules which underpin the standards and principles under subparagraph (a) to which a Member must adhere and in so doing ensuring public confidence in the standards expected of a Member and in the commitment of the Council to upholding these rules.

3.2 The Code applies to a Member in all aspects of the Member’s public life. It does not seek to regulate what a Member does in the Member’s purely private and personal life.

3.3 The obligations set out in the Code are complementary to those which apply to a Member by virtue of the procedural and other Rules of the Council and the rulings of the Chairperson.

4. General Principles of Conduct

4.1 The general principles of conduct specified below must be taken into account during the investigation of and when determining the allegation of any breach of these rules in accordance with Paragraph 7 and in carrying out a Member’s public duties, a Member is expected to observe such general principles of conduct as follows—

(a) ***Selflessness***

A Member should make decisions that need to be made by a Member in the Member's capacity as a Member solely in terms of the public interests.

(b) ***Integrity***

A Member—

- (i) should avoid being placed under any financial or other obligation to individuals or organisations that might influence the Member in the performance of the Member's official duties;
- (ii) should not act or make decisions in order to gain financial or other material benefits for the Member, the Member's family or friends, or the Member's business colleagues; or to secure special treatment for any voluntary or charitable organisation with which they are involved; and
- (iii) must declare and resolve any interests and relationships.

(c) ***Objectivity***

In carrying out public business, including involvement in making public appointments, awarding contracts, or recommending individuals for rewards and benefits, a Member must act and make decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

(d) ***Accountability***

A Member is accountable to the public for the Member's decisions and actions and must submit to whatever scrutiny is appropriate to the Member's office.

(e) ***Openness***

A Member should—

- (i) act and make decisions in an open and transparent manner;
- (ii) give reasons for the Member's decisions; and
- (iii) not withhold information from the public unless there is a clear and lawful reason for withholding such information.

(f) ***Honesty***

A Member—

- (i) should be truthful; and
- (ii) has a duty to—
 - (aa) declare any private interests relating to the Member's public duties; and
 - (bb) to take steps to resolve any conflicts arising in a way that protects the public interest.

(g) ***Leadership***

A Member should—

- (i) exhibit the foregoing principles in the Member's own behaviour;
- (ii) actively promote and robustly support the foregoing principles; and

- (iii) be prepared to challenge poor behaviour wherever poor behaviour in respect of the foregoing principles occurs.

4.2 Immunity from legal proceedings granted under section 3 of the St Helena Legislative Council Proceedings Ordinance, 1974, protects the right of a Member to speak in Council without fear of prosecution or suit for defamation.

5. Duties of Members

5.1 The principal duty of a Member is to act in the interests of the people of St Helena and to act on all occasions in accordance with the public trust placed in the Member.

5.2 An Elected Member should—

- (a) be reasonably accessible to the people which the Elected Member has been elected to serve; and
- (b) represent the interests of such people conscientiously.

5.3 A Member has a duty to uphold the the Laws of St Helena and any other law relevant to the Member while serving in such capacity.

5.4 A Member should always behave with probity and integrity, including in the Member's use of public resources giving due regard to paragraph 6.2.

5.5 A Member must—

- (a) act in good conscience;
- (b) respect the intrinsic dignity of all;
- (c) act so as to merit the trust and respect of the community;
- (d) give effect to the ideals of democratic government and abide by the letter and provisions of the Constitution and uphold the separation of powers and the rule of law;
- (e) hold the Member accountable for conduct for which the Member is responsible;
- (f) exercise the privileges and discharge the duties of public office diligently and with civility, dignity, care and honour.
- (g) give due regard to confidentiality.

6. Rules of Conduct

6.1 *Disclosure and Publication of Interests.*

(a) A Member must disclose all relevant interests that a reasonable person might think could give rise to the perception of influencing behaviour between the Member's duties and responsibilities and the Member's personal interests.

(b) The relevant interests under subparagraph (a)—

- (i) include land and property assets, share-holdings, gifts, foreign travel, symbolic rewards (such as an honorary degree), sources of income,

- remunerated employment, directorships, liabilities, hospitality, charities and affiliations; and
- (ii) will be recorded in the Register of Interests under section 53 of the Constitution which will be maintained by the Clerk.
- (c) A Member must—
 - (i) declare the relevant interests under subparagraph (a) within 7 days of election to the Legislative Council; and
 - (ii) keep the Member's entries in the Register of Interests up to date.
 - (d) A Member must not regard the Register of Interests as a substitute for declaring relevant interests before participating in any formal or informal proceedings in which the Member has (or might appear to have) a conflict of interest.
 - (e) Transparency in regard to the foregoing is fundamental to the preservation of public confidence in the democratic process and a Member must always be open and frank in drawing attention to any relevant interest in any meeting and in any communications with other Members, public officials or public office holders.
 - (f) If a Member experiences any conflict between personal interest and the public interest the Member should resolve this conflict at once and in favour of the public interest.
 - (g) A Member must not vote on a question about a matter, other than public policy (i.e. government policy), not identifying any particular person individually, in which the Member has a particular direct pecuniary interest.
 - (h) Information which a Member receives in confidence in the course of the Member's duties should be used only in connection with those duties and such information must never be used for the purpose of personal benefit or financial gain of the Member or of that of the Member's family or friends.
 - (i) The Clerk must cause to be published annually the relevant interests disclosed and the purposes and amounts of expenditure of public funds by each Member as soon as practicable in the Government Gazette.
 - (j) These provisions also apply to relevant interests held by the Member's spouse or de facto partner.

6.2 *Use of Public Property*

- (a) A Member is personally responsible and accountable for ensuring that the Member's—
 - (i) expenses, use of any allowances, facilities and services provided from the public purse are in accordance with the relevant instructions, guidelines or regulations applicable to expenses, allowances, facilities and services; and

- (ii) use of public resources is in the public interest and is always in support of the Member's duties.
- (b) A Member's use of public property should not confer any undue personal or financial benefit on the Member or anyone else.
- (c) Any public property used by a Member remains the property of the St Helena Government and must be returned at the end of a Member's term of office except when otherwise agreed in writing between the St Helena Government and the Member.

6.3 *Use of Public Information*

Any information received or held by a Member remains the property of the St Helena Government and must not be used in any capacity after the end of a Member's term of office.

6.4 *Inducements*

- (a) Except for official hospitality by the Governor, visiting officials, a Member must not accept—
 - (i) any form of inducement that could give rise to conflict of interest or influence the Member's conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the Council; or
 - (ii) gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver.
- (b) A Member must not engage in paid lobbying, paid advice or paid advocacy in any proceedings of the Council.
- (c) A Member must not use the Member's position to seek or secure future employment, paid lobbying, consultancy work or other remuneration or benefit upon ceasing to be a Member.
- (d) An Elected Member must represent the interests of constituents on an equitable basis and not on the basis of personal or political affiliations, or inducements.

6.5 *Civility*

A Member must treat other Members, the Council, officers of the Public Service and members of the public with respect, dignity and courtesy.

6.6 *Behaviour*

- (a) A Member must—
 - (i) never undertake any action, or in the course of both the Member's public and private conduct, act in a manner which would cause significant damage to the reputation and integrity of the Council or of the Members of the Council generally; and
 - (ii) at all times ensure that the conduct of the Member is in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Council.
- (b) When representing St Helena on official business overseas—
 - (i) a Member must be mindful of the Member's representational role and statesmanship; and
 - (ii) a Member should agree with other Members, statements that the Member is proposing to make with the Member's colleagues and officials concerned.

6.7 *Attendance*

- (a) A Member must give priority to attendance at Meetings in accordance with the terms of the Member's oath for due execution of office, and should be present in the Council Chamber or other designated meeting places when Meetings are held unless the Member has a compelling reason not being in attendance. Informal meetings may be regarded as less important than formal ones, but absence still needs to be justified.
- (b) A Member must be adequately prepared for the Meetings the Member attends, which includes prior reading of relevant documents and to arrive to a Meeting ill-prepared, or late, is discourteous to colleagues, wasteful of resources, and is a breach of this Code.

6.8 *Absence from St Helena*

- (a) Neither an Elected Member nor the Deputy Speaker, except for the purpose of official business, a personal medical emergency or a medical emergency of an immediate family member, or with the prior written permission of the Speaker, may be absent from St Helena and it is the responsibility of the Elected Member or the Deputy Speaker to ensure that the written permission of the Speaker is obtained before the Elected Member's or the Deputy Speaker's departure from St Helena.
- (b) The Speaker must inform the Governor and the Deputy Speaker prior to the Speaker's departure from St Helena but is not required to obtain permission for such departure.

6.9 *Dealing with the Media*

- (a) A Member, like any other person, enjoys the right to 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.
- (b) Subparagraph (a) notwithstanding, a Member must take care to make clear whether the Member is expressing the Member's personal opinion, or the collective position of the Council or a Committee because members of the public must have a clear understanding as to which expression is the Member's personal opinion and which is the expression of the Council or Committee.
- (c) Further to subparagraph (a) and (b) care must be taken by a Member not to report to members of the public, informal discussions in such a way as to suggest that a formal decision has been made in any respect.
- (d) 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 but, it is especially important in such circumstances for the Member to ensure absolute clarity as to whether the Member is expressing the Member's own views or the Member's understanding of the views of others; fact or opinion; proposals/suggestions, or agreed policy; and so on. For example, the expression "I understand that ..." is not an acceptable substitute for verifying a fact before reporting such fact in a public forum.
- (e) A Member must be cognisant that the Member's utterings and writings may, in the Member's capacity as a Member, have greater public impact than the impact of another person who is not a Member; the position of a Member is a special position and carries with such position, a special responsibility to ensure clarity and accuracy.

6.10 *Relationship with the Public Service*

- (a) A Member should not—
 - (i) use the Member's position to support the candidature of any person for recruitment to or advancement within the public service; or
 - (ii) subject officers of the public service to unjustifiable pressure.
- (b) Sub-subparagraph (a)(i) does not completely exclude the provision of a character reference for a candidate but a Member should think carefully about whether the candidate has alternatives and how providing a reference might be interpreted.

7. Enforcement

7.1 Panel of Investigators

- (a) The Panel of Investigators (otherwise referred to as the Panel) must be maintained by the Clerk and the persons comprising the Panel must assist with investigations regarding the conduct of Members.
- (b) The persons specified as part of the Panel under subparagraph (a) must be non-partisan, have the knowledge, investigative skills, experience, personal qualities and standing within the community suitable to perform the role required as part of the Panel and conduct investigations expeditiously as far as is practicable.
- (c) The Panel must be submitted to the Council for approval at the beginning of each new term of Council.

7.2 Investigative Commission

- (a) An Investigative Commission comprises—
 - (i) where a complaint is made against the Speaker or the Deputy Speaker or the Speaker and the Deputy Speaker jointly, an Elected Member and 2 persons from the Panel;
 - (ii) where a complaint is made against a Member who is not the Speaker or the Deputy Speaker, the Deputy Speaker and 2 persons from the Panel.
- (b) Where a complaint is made—
 - (i) against the Speaker, the Deputy Speaker determines the composition of the Investigative Commission, that is, the Deputy Speaker chooses the persons to comprise the Investigative Commission in accordance with subparagraph (a)(ii);
 - (ii) against the Speaker and the Deputy Speaker jointly the Governor determines the composition of the Investigative Commission, that is, the Governor chooses the persons to comprise the Investigative Commission in accordance with subparagraph (a)(i);
 - (iii) against any Member other than the Speaker or the Deputy Speaker, the Speaker determines the composition of the Investigative Commission, that is, the Speaker chooses the persons to comprise the Investigative Commission in accordance with subparagraph (a)(ii); and
 - (iv) against the Deputy Speaker, the Speaker determines the composition of the Investigative Commission, that is, the Speaker chooses the persons to comprise the Investigative Commission in accordance with subparagraph (a)(i).
- (c) The availability of the persons chosen in accordance with subparagraph (b) to serve as members of the Investigative Commission to be convened is to be ascertained and thereafter confirmed by the Clerk in writing to—

- (i) the Deputy Speaker under subparagraph (b)(i);
 - (ii) the Speaker under subparagraph (b)(iii) and (iv); and
 - (iii) the Governor under subparagraph (b)(ii).
- (d) An Investigative Commission—
- (i) is convened and properly constituted when confirmation is made either to the Governor, the Deputy Speaker or the Speaker in accordance with subparagraph (c);
 - (ii) subject to subparagraph (iii) has 90 days in which to complete the investigation of a complaint;
 - (iii) may meet with the Speaker, the Deputy Speaker if the complaint is against the Speaker or the Governor if the complaint involves both the Speaker and the Deputy Speaker to notify the Speaker, the Deputy Speaker or the Governor, as the case may be, that the Investigative Commission requires time in excess of the 90 days permitted under subparagraph (ii) to complete the investigation of a complaint; and
 - (iv) if the Chairperson of the Investigative Commission is satisfied that revealing the reason for requiring time in excess of 90 days would not prejudice the investigation of a complaint may inform the Speaker, the Deputy Speaker or the Governor, as the case may be the reason that time in excess of 90 days is required by the Investigative Commission to complete the investigation of a complaint.
- (e) Where time in excess of 90 days is required by the Investigative Commission to complete the investigation of a complaint the Investigative Commission must inform the parties to the complaint (that is the person against whom the complaint was made and the person who made the complaint) that time in excess of 90 days is required by the Investigative Commission to complete the investigation of the complaint.
- (f) If an Investigative Commission is required to decide any aspect of an investigation by voting there is an equality of votes, the Chairperson has a casting vote and where—
- (i) the Investigative Commission is comprised of the Deputy Speaker and 2 persons from the Panel, the Deputy Speaker is the Chairperson of the Investigative Commission; and
 - (ii) the Investigative Commission is comprised of an Elected Member and 2 persons from the Panel, the Elected Member is the Chairperson of the Investigative Commission.
- (g) The Chairperson pursuant to paragraph (f) must ensure that the proceedings of an Investigative Commission are conducted in accordance with this Code and that minutes of all meetings are kept.
- (h) An Investigative Commission must be dissolved in accordance with subparagraph (i) if—

- (i) a complaint is made against a member of the Investigative Commission;
 - (ii) a member of the Commission is charged for the commission of any offence;
 - (iii) such other grounds that would in the opinion of the Speaker, or the Deputy Speaker if the complaint being investigated was made against the Speaker, prejudice the function of the Investigative Commission or render the Investigative Commission incapable of performing the function of the Investigative Commission.
- (i) To dissolve an Investigative Commission the Speaker, or the Deputy Speaker if the complaint being investigated was made against the Speaker, must in writing to the members of the Investigative Commission—
- (i) advise that the Investigative Commission is forthwith dissolved;
 - (ii) specify the reasons for the dissolution of the Investigative Commission; and;
 - (iii) give directions to the members of the Investigative Commission in respect of any information or materials obtained in respect of the investigation of the complaint being considered by the Investigative Commission prior to the dissolution.
- (j) If an Investigative Commission is dissolved—
- (i) the person who made the complaint that was being investigated must in writing by the Speaker, or the Deputy Speaker if the complaint being investigated was made against the Speaker, and forthwith upon the dissolution of the Investigative Commission be informed that the Investigative Commission has been dissolved; and
 - (ii) another Investigative Commission must be convened in the manner specified in this Code to investigate and consider the complaint that was being investigated and considered by the Investigative Commission that was dissolved.
- (k) An Investigative Commission may determine that—
- (i) a complaint is frivolous or vexatious and decline to investigate it;
 - (ii) there has been a breach of the Code; or
 - (iii) there has not been a breach of the Code.
- (l) An Investigative Commission must—
- (i) treat any complaint as if *sub judice*;
 - (ii) if the Investigative Commission considers that there are reasonable grounds to believe that an offence has been committed, forward all information in the control of the Investigative Commission in respect of the complaint to the Director of Police;
 - (iii) complete an investigation and document the findings of the Investigative Commission in the period prescribed under subparagraph (d) and (e); and

- (iv) agree which Member will, in accordance with the Standing Orders of the Legislative Council, table the report of the Investigative Committee at the Sitting of the Legislative Council prescribed for the tabling of the report.
- (m) The report of an Investigative Commission must be signed by the Chairperson of the Investigative Commission before such report is submitted to be tabled in accordance with subparagraph (l).

7.3 *Complaints and Investigations*

- (a) A complaint may be made to the Speaker alleging that a Member—
 - (i) is in breach of this Code; or
 - (ii) has breached this Code.
- (b) A complaint pursuant to subparagraph (a)—
 - (i) must be made in writing, dated and addressed to the Speaker;
 - (ii) may be made by a Member or a person who is not in any way affiliated with the Council; and
 - (iii) which has not been finalised or remains undetermined if the Legislative Council is or was dissolved during the period of time during which the complaint is or was being investigated notwithstanding paragraph 7(1)(c), survives the dissolution of the Legislative Council and must be considered in the manner in which the complaint would have been considered had the Legislative Council not been dissolved and for the avoidance of doubt such consideration applies only in respect of a complaint surviving the dissolution of the Legislative Council.
- (c) Subject to subparagraph (g) the Speaker, in the Speaker's discretion and within 72 hours of receipt of the claim, may consider the complaint and make a decision as to whether the complaint should be progressed or dismissed as frivolous or vexatious.
- (d) If pursuant to subparagraph (c) the Speaker makes a decision that the complaint is frivolous or vexatious the Speaker the complaint must be dismissed by the Speaker who within 48 hours of the decision to dismiss the complaint must inform the person who made the complaint in writing of the decision to dismiss the complaint.
- (e) A person in receipt of a decision made in accordance with subparagraph (d) may within 21 days of receipt of the decision appeal that decision in the manner specified at paragraph 7.7.
- (f) Subject to subparagraph 7.4(f) upon receipt of a complaint that the Speaker has not determined to be frivolous or vexatious, the complaint must within 14 days of receipt of the complaint be referred by the Speaker to an Investigative Commission.

- (g) If a complaint is made in respect of the Speaker, the Speaker must refer the complaint to the Deputy Speaker and the Speaker cannot exercise the discretion specified in subparagraph (c).
- (h) Where a complaint is referred to the Deputy Speaker under subparagraph (g) the Deputy Speaker, in the Deputy Speaker's discretion and within 72 hours of receipt of the claim, may consider the complaint and make a decision as to whether the complaint should be progressed or dismissed as frivolous or vexatious.
- (i) If pursuant to subparagraph (h) the Deputy Speaker makes a decision that the complaint is frivolous or vexatious the complaint must be dismissed by the Deputy Speaker who within 48 hours of the decision to dismiss the complaint must inform the person who made the complaint in writing of the decision to dismiss the complaint.
- (j) A person in receipt of a decision made in accordance with subparagraph (i) may within 21 days of receipt of the decision appeal that decision in the manner specified at paragraph 7.7.
- (k) Subject to subparagraph 7.4(f) upon receipt of a complaint that the Deputy Speaker has not determined to be frivolous or vexatious the Deputy Speaker must within 14 days of receipt of the complaint refer the complaint to an Investigative Commission.

7.4 *Notice to parties, alternative resolution and complaint withdrawal*

- (a) Subject to subparagraph (b) and (c) upon receipt of a complaint in accordance with subparagraph 7.3(b) the Member against whom the complaint is made must within 72 hours of receipt of the complaint be notified in writing that a complaint has been received in respect of the Member.
- (b) Where the complaint is made against any person other than the Speaker, the Speaker may in the Speaker's discretion, decide whether or not the content of the complaint should be disclosed to the Member and what the notification to the Member under subparagraph (a) should contain.
- (c) If the complaint is dismissed for being frivolous or vexatious the Member against whom the complaint was made is not required to be notified that a complaint was received in respect of the Member.
- (d) At any stage after notification has been given under subparagraph (a) but before the expiration of 7 days after the day of the date of the complaint, the parties to the complaint may, agree to dispense with the complaint by means of alternative dispute resolution agreed between the parties and in writing advise the Speaker, or Deputy Speaker if the complaint is against the Speaker, that the complaint is to be resolved by alternative means.

- (e) Where it is agreed between parties to a complaint that the complaint is to be resolved by alternative means, the parties to the complaint must upon the resolution of the complaint, notify the Speaker, or the Deputy Speaker if the complaint is made against the Speaker, in writing that the complaint is resolved.
- (f) Pursuant to subparagraph (d) the Speaker, or the Deputy Speaker if the complaint is made against the Speaker, may—
 - (i) delay convening an Investigative Commission pending the receipt of notification under subparagraph (e); or
 - (ii) consider the complaint resolved and take no further action.
- (g) A complaint that is referred to alternative dispute resolution must be resolved within 60 days of the day of the date of notification under subparagraph (d) and if the complaint is not resolved within that period, the complaint must be referred to an Investigative Commission.
- (h) A complaint may be withdrawn at any time before the report of the Investigative Commission has been tabled and if the complaint is withdrawn, the investigation must cease and no report must be tabled.

7.5 *Remuneration*

The remuneration of the Members of the Investigative Commission must be that from time to time approved by the Financial Secretary for the work done in departments of Government in respect of meetings, investigations and for mileage in respect of the use of a vehicle.

7.6 *Treatment of proceedings*

- (a) A Member that is subject to an investigation must—
 - (i) treat any complaint as if *sub judice*; and
 - (ii) cooperate with and assist the Investigative Commission in so far as is necessary in respect of the investigation of the complaint.
- (b) The findings of the Investigative Commission must—
 - (i) not be disturbed other than in accordance with paragraph 7.7; and
 - (ii) be reduced into writing and dated.
- (c) Save where the complaint is found to be frivolous or vexatious, the findings of the Investigative Commission must be compiled into a report which must be presented to the Speaker, or the Deputy Speaker where the complaint was made against the Speaker, who will forward a copy of the report to the person against whom the complaint was made and to the person who made the complaint.
- (d) Unless an appeal is made against the findings of the Investigative Commission, a copy of the report of the Investigative Commission must at the next formal meeting of the Legislative Council following the date of the findings be tabled

as a sessional paper by the Member agreed by the Investigative Commission under subparagraph 7.2(i).

- (e) The report of the findings of the Investigative Commission must—
 - (i) state the nature of the complaint, summarise the evidence received in relation thereto and record the conclusion reached by the Investigative Commission;
 - (ii) state whether or not the Member against whom the complaint was made has breached the Code;
 - (iii) impose the sanctions that the Investigative Commission considers appropriate in the circumstances; and
 - (iv) recommend that the findings of the Investigative Commission be made public in the event that a complaint has become known publicly and the Investigative Commission has not upheld the complaint.

7.7 Appeal

- (a) A person in receipt of a decision made in accordance with this Code may appeal the decision of the Investigative Commission under paragraph 7.6 in the manner specified in subparagraph (b).
- (b) An appeal against a decision of the Investigative Commission must—
 - (i) be made in writing, dated and addressed to the Speaker or the Deputy Speaker if the person appealing the decision is the Speaker;
 - (ii) clearly state the grounds upon which the appeal is made; and
 - (iii) be made within 14 days after the day of the date of the findings of the Investigative Commission.
- (c) Where an appeal is made in accordance with subparagraph (b) an Investigative Commission must within 14 days of the date of the appeal and subject to subparagraph (d) be convened in accordance with paragraph 7.2.
- (d) The persons who comprised the Investigative Commission for which the findings are being appealed must not be the persons comprising the Investigative Commission being convened under subparagraph (c) except that where the Deputy Speaker would have comprised the Investigative Commission, the Deputy Speaker is to be substituted with an Elected Member in accordance with this subparagraph.
- (e) An Investigative Commission convened in accordance with subparagraph (c)—
 - (i) may make a decision in respect of the grounds of appeal stated in the appeal made in accordance with subparagraph (b) only; and
 - (ii) is final.

- (f) An appeal may be withdrawn at any time before the report of the Investigative Commission has been tabled and if the appeal is withdrawn, the investigation must cease and no report must be tabled.

7.8 *Sanctions and Penalties*

Where the Investigative Commission has concluded that there has been a breach of this Code of Conduct, the Investigative Commission may impose any of the following sanctions—

- (i) require a written apology;
- (ii) for relatively minor failures to declare interests, an apology on the floor of the Council by means of a point of order;
- (iii) an apology on the floor of the Council by means of a personal statement;
- (iv) suspension from attendance at Meetings or from the Council for a specified number of days;
- (v) publication of the sanction in the Government Gazette; or
- (vi) any combination of the foregoing sanctions that the Investigative Commission consider appropriate.