

Is a Conflicts of Interests Act necessary?

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Conflicts of interest in Government and public administration has been described as “the placing of private interest ahead of public duty.” It usually involves gifts, material gain or advantage for the elected or appointed public servant or members of their family.

In recent years cynicism about public service generally has increased in many, if not all, western countries, leading to a review of existing regulations. In recent weeks, headlines such as “Police inquiry into Prescott US visit” or “Blair accused over Sir Cliff’s copyright fight” have appeared in the national press and are by no means the most startling. On the Island two of the most widely publicised cases (“Ramsey Post Office” and the “Film Studio” affair) led to the report by a “Standing Committee of Tynwald on Standards and Members Interests” which sets our Rules and definitions (e.g. of “Immediate Family”). It came into effect on 1st February 2004.

But it is not sufficient to define the problem and set out guidelines. The 2004 Report requires the setting up of a Register of Members’ Interests, and places the onus on Members to make due declarations. A brief check in August 2006 revealed only two very minor entries.

Scotland has the most up-to-date legislation with its “Interest of Members of the Scottish Parliament Act 2006”.

We believe that a similar instrument is necessary for the Isle of Man defining “who” is regulated, “how” regulation will be achieved, and the penalties which will be enforced in cases of failure to comply.

The texts of the Report and the Parliament Act 2006 referred to above can be seen in the Tynwald Library.