



**THE EIGHTEENTH REPORT OF THE COMMISSION
FOR STANDARDS IN PUBLIC LIFE**

1 AUGUST 2019 – 31 JANUARY 2020

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SECTION ONE – INTRODUCTION

1. The Commission for Standards in Public Life (the “Commission”) was established as an institution supporting democracy under the Cayman Islands Constitution Order 2009 (the “Constitution”). Its introduction reinforced the need to have regard to ethics and transparency as important elements of a democratic society and the necessary protection of the rights and freedoms of the people in the Cayman Islands.
2. With its mandate as set out in section 117(9) Cayman Islands Constitution Order 2009, the first Commission was appointed in January 2010. The first Commission was very ably chaired by Mrs. Karin Thompson, MBE, whose accomplishments, among other things, included the introduction of The Standards in Public Life Law, 2014 (the “SPL”).
3. The first Commission’s 4-year term ended in January 2014. The outgoing Commission, however, kindly agreed to remain in the post until February 2014.
4. The Commission is mandated under section 117(9)(g) of the Constitution to report to the Legislative Assembly (the “LA”) at regular intervals and at least every six months.
5. The Reports of the first Commission, i.e. report numbers 1 through 8, detail the various tasks undertaken by the first Commission and its accomplishments in each respect. The Reports are available on the Commission’s website.
6. Chairman Rosie Whittaker-Myles and Member Sheenah Hislop were appointed to the Commission on 1 February 2015 for a period of four years. At the request of His Excellency the Governor both extended their tenures until 31 March 2020. Member Isatou Smith was appointed, following the resignation of Pastor Shian O’Connor (so he could pursue educational advancements) on 1 November 2018 for a period of four years.

7. The Reports of the Commission headed by the current Chairman, i.e. report numbers 9 through 17, detail the various tasks undertaken by this Commission and its accomplishments in each respect. These Reports are also available on the Commission’s website.
8. In this Report the Commission will outline the progress made and the key issues arising from the work completed by the Commission over the period 1 August 2019 – 31 January 2020.
9. During the current reporting period the Members have:
 - a. tabled the Commission’s Seventeenth Report which is now available on the Commission’s website;
 - b. discussed preliminary arrangements for handing over of the existing Registers from the Clerk of the LA (who serves as the Registrar under the Register of Interests Law);
 - c. reviewed the collated responses received from the Attorney General, following discussions with His Excellency the Governor, regarding the drafting of the necessary Regulations to accompany the Standards in Public Life (“the SPL”) Legislation;
 - d. met with the Director of the Central Procurement Office (“the CPO”) to explore ways in which the Commission and the CPO could interact in order to meet the Commission’s mandate set out under s.117(g) of the Constitution, i.e., to “review and establish procedures for awarding public contracts”;
 - e. met with members of the Public Procurement Committee (“the PPC”), given the Commission’s constitutional remit as it relates to procurement thereby creating a potential overlap of some responsibilities between the two bodies;
 - f. continued to follow-up with the Cabinet Secretary on the status of the Ministerial Code of Conduct (“CoC”); and
 - g. continued to draft the Conference Report for the Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (“the CCAICACB”) Conference.

SECTION TWO – MEETINGS AND ADMINISTRATIVE MATTERS OF THE COMMISSION

10. The reporting period for this Report commenced on 1 August 2019. Since that time, the Commission held a general meeting on 3 September 2019 and spent a considerable amount of time working remotely on the drafting of the SPL Regulations.
11. The Minutes of the Meetings of the Commission reflect the matters discussed and undertaken by the Commission. Once approved, copies of the Minutes of Meetings of the Commission are available on the Commission’s website.
12. The Commission’s Seventeenth Report was tabled in the LA and is available on the website.

SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION (SPL)

13. As previously reported, the Commission was assured of the Government’s commitment to commencing the SPL Legislation in the near future. For a significant period of time, however, the Commission received no status updates on progress.
14. On 23 August 2019, the Commission received detailed feedback from Legislative Drafting on proposed amendments to the SPL Regulations, 2014 (in draft form) which had been submitted for consideration by the Commission in 2017. Members reviewed, discussed, and agreed responses to each of the comments. The Commission agreed to recommend a Commencement Date of 1 December 2019 following a request from the Hon. Deputy Governor for the Secretariat Manager to draft a Cabinet Paper detailing such a date.
15. The Commission considered the requirements/arrangements which will need to be made prior to the commencement of, and in preparation for the receipt of Declarations under the SPL. The Secretariat Manager made contact with the Clerk of the Legislative Assembly (who serves as the Registrar under the Register of Interests Law), on 6 February 2020 and discussed preliminary arrangements for handing over of the existing Registers. This, the launching of a public education campaign and other preparatory work to facilitate the commencement of the SPL will continue during the next reporting period.
16. The Commission became aware that the Hon. Premier had engaged in a consultation process with persons who serve on boards and committees of Statutory Authorities and Government Companies (“SAGCs”) to ascertain any concerns regarding the SPL. On 30 August 2019 and following discussions with His Excellency the Governor, a request was made by the Secretariat Manager on behalf of the Commission to the Hon. Attorney General for sight of the collated responses given the Commission’s involvement in assisting with the drafting of the Regulations to accompany the SPL. Members briefly reviewed the comments and feedback which they received. The Commission’s observations will be relayed to His Excellency the Governor who has given his commitment to ensuring the commencement of the SPL and who is receiving regular updates from the Secretariat Manager on the work being undertaken in this regard. Members undertook to review the comments in more detail, during

the next reporting session, but will take no further action given that the Commission was not involved in the consultation process.

17. In his statement in the LA on 31 January, 2020 the Hon. Premier confirmed the intention to bring the SPL Legislation into force on 1 March 2020, with regulations to follow shortly thereafter. The Commission will issue a press release, commenting on the announcement of the commencement date of the SPL Legislation, during the next reporting period.

SECTION FOUR – PROCUREMENT

18. As previously indicated, the Commission met with the Director of the CPO on 3 September 2019 to discuss how the Commission and the CPO will interact in their respective roles given s.117(g) of the Constitution requires the Commission to “review and establish procedures for awarding public contracts”. The Director indicated that the Commission had his full support in carrying out the relevant constitutional mandate and advised that the Commission should consider what level of involvement they would like to have with his office and on what frequency.
19. During the meeting the Director provided an overview of the current procurement and tendering processes, discussed the Bonfire portal on the CPO’s website, and also detailed the work of his office to date. The Commission will consider and, if appropriate, comment on this matter further during its next reporting session.
20. Subsequently, on 7 November 2019, the Commission met with members of the PPC, given the Commission’s constitutional remit as it relates to procurement. The PPC indicated their willingness to work with the Commission in so far as the legislative and constitutional powers and mandates allow. Members expressed their concerns to the PPC regarding the unavailability of minutes of its meetings on its website, in contravention of the Procurement Law.
21. The Commission agreed to further consider ways in which the two entities could effectively perform their respective roles while acknowledging their independence. The Commission will consider the usefulness of a Memorandum of Understanding and during the next reporting session, the Secretariat will assist by drafting a framework for the Commission’s consideration.

SECTION FIVE – REGISTER OF INTERESTS

22. As indicated during the last reporting period, the Secretariat issued follow-up correspondence to the Clerk of the LA on 10 July 2019 who acknowledged the same and advised that she will forward the queries to the Chairperson of the Register Of Interests (“the ROI”) Committee. To date, the Commission has not received a response to its queries.
23. The Commission will continue to follow up on this matter and to consider these concerns as a precursor to the transfer of the current ROI when the SPL Legislation commences.
24. As indicated in paragraph 15 above, the Secretariat will continue to discuss the preliminary arrangements for handing over of the existing Registers with the Clerk of the LA over the next reporting period.

SECTION SIX – CODE OF CONDUCT

25. The Secretariat wrote to the Cabinet Secretary on 4 September 2019 and queried whether the Ministerial CoC, previously reviewed and commented on by the Commission, is drafted exclusively for Ministers and Members of Cabinet, or whether the document will also make provision for extension to Chief Officers and other senior civil servants. The Commission's inquiry in this regard is to address section 9(3) of the SPL Law. To date, the Secretariat has not received a response. The Commission agreed to write to the Hon. Premier, during the next reporting session, to seek an update on the finalised Ministerial CoC and to request sight of it.

SECTION SEVEN – CONFLICTS OF INTEREST

26. The Commission did not consider any matters concerning conflicts of interest during this reporting session.

SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS

CCAICACB

27. As previously reported, the Secretariat continues to draft the Conference Report for the CCAICACB Conference which the Commission hosted on 3 – 7 June 2019. The Conference Report will be available on the Commission’s website once approved by the CCAICACB Executive.

SECTION NINE – COMPLAINTS

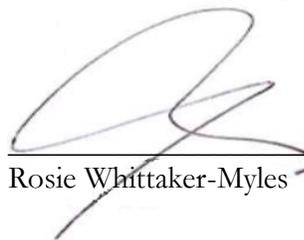
28. During this reporting period no complaints were submitted to the Commission.

SECTION TEN – MOVING FORWARD

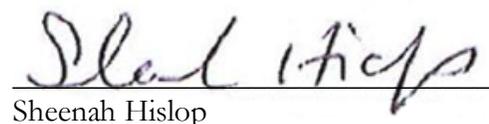
29. Over the next reporting period the Commission intends to continue to liaise with the Office of the Governor and the Office of the Premier on the commencement of the SPL Legislation and Regulations. The Commission will also actively work on the necessary preparatory work to ensure the submissions of declarations under the SPL for the first time will be seamless.
30. In addition the Commission will also:
- a. develop instructions for the completion and submission of declarations of interest;
 - b. formulate the communications strategy which will include the issuance of guidance notes and the like to ensure the relevant individuals are aware of and adhere to the SPL Law by disclosing any conflicts of interests or perceived conflicts of interests;
 - c. liaise with the Registrar of the Register of Interests, for the handing over of records as required under section 36(2) of the SPL Law;
 - d. issue correspondence to the Hon. Premier to request sight of the Ministerial CoC;
 - e. finalise the CCAICACB Conference Report; and
 - f. continue to participate in any educational or public relations opportunities, as well as in local and regional cooperation efforts where possible.

For more information on the Commission for Standards in Public Life please visit www.standardsinpubliclifecommission.ky, e-mail info@standardsinpubliclifecommission.ky, or call 244-3685.

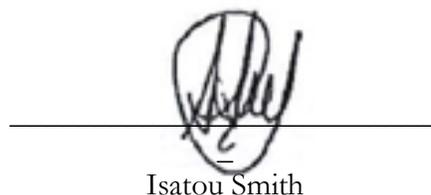
Dated this 23rd day of July 2020.



Rosie Whittaker-Myles



Sheenah Hislop



Isatou Smith

SECTION ELEVEN – APPENDIX

Members Biographies

Mrs. Rosie Whittaker-Myles (Chairman) is an attorney-at-law in private practice. She is a former partner in a medium-sized law firm and a member of the litigation team and has over 25 years' experience in civil and commercial litigation. Her wide range of expertise includes personal injury, employment, immigration, compulsory acquisition of land, trusts, wills, probate, (both contentious and non-contentious) and family law matters. She is a past Council Member for the Caymanian Bar Association. Mrs. Whittaker-Myles served as Chairperson of the Adoption Board and provided pro bono services for adoptions in the Cayman Islands for more than 13 years. She served on the Policy Legal Committee and the Implementation Planning Task Force for the Cayman Islands Older Persons Policy and is a member of the Disability Council for the Cayman Islands. She is a Legal Befriender, providing pro bono legal advice on all areas of Cayman Islands law. Mrs. Whittaker-Myles was appointed as Chairman effective 1 February 2015 for a four year term after which her appointment was renewed until 31 December 2019.

Ms. Sheenah Hislop attended University in the United States and obtained her Bachelors of Science in Accounting in 1992. She returned to the Island to join the firm KPMG (formerly Peat, Marwick Mitchell). She pursued, and was successful, at obtaining the Certified Public Accountant designation. Continuing on in her career with KPMG, she is currently a Partner in their Alternative Investments Practice. Ms. Hislop is a member of the American Institute of Certified Public Accountants, the Illinois CPA Society & Foundation, the Arizona State Board of Accountancy and serves as Chairman of the Cayman Islands Institute of Professional Accountants (CIIPA) Education Committee and Member of CIIPA's Investigations Committee. She is also an active member of the St. Ignatius Parish. Ms. Hislop was appointed effective 1 February 2015 for a four year term after which her appointment was renewed until 31 March 2020.

Ms. Isatou Smith acts as director for investment funds including several sponsored by large global asset managers. She has been active in the investment funds industry for over fifteen years and has significant regulatory and corporate governance experience with investment entities and their operations. She was previously a Director at Intertrust Fund Services (Cayman) Limited (formerly

Walkers Fund Services (Cayman) Limited (“Intertrust”) where she also provided director services to a wide range of investment fund structures with varying investment strategies across multiple jurisdictions. Isatou also acts as a compliance officer for investment entities. In her role as a fiduciary she manages conflicts of interests and oversees adherence to the governing documents of the entities.

Prior to joining Intertrust, Isatou was employed by the Cayman Islands Monetary Authority (“CIMA”) as a Senior Analyst in the Investments and Securities Division. At CIMA she was instrumental in key regulatory developments and led a large team of Investments and Securities Analysts that were responsible for the on-going monitoring and regulation of investment funds, mutual fund administrators and securities investment business licensees. Additionally, Isatou has acted as a member for the Cayman Islands Hurricane Committee and the Labour Tribunal.

Isatou holds a Bachelor of Law equivalent and Professional Practice Certificate with distinction from the Cayman Islands Law School and a Graduate Diploma in Law from BPP University in London, England. She also has a Master of Business Administration degree with a specialization in Finance from Northeastern University in Boston, Massachusetts. Isatou also received a Bachelor of Business Administration degree in International Business from James Madison University in Harrisonburg, Virginia. Isatou is a professionally accredited director with the Institute of Chartered Secretaries Canada (ICSA) and is also a member of the Association of Certified Anti-Money Laundering Specialists (ACAMS) and of the Cayman Islands Directors Association (CIDA). Ms. Smith was appointed effective 1 November 2018 for a four year term.