



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

**1 AUGUST 2018 – 31 JANUARY 2019**

## Table of Contents

<b>SECTION ONE – INTRODUCTION .....</b>	<b>3</b>
<b>SECTION TWO – MEETINGS AND ADMINISTRATIVE MATTERS OF THE COMMISSION</b>	<b>5</b>
<b>SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION .....</b>	<b>6</b>
<b>SECTION FOUR – PROCUREMENT .....</b>	<b>8</b>
<b>SECTION FIVE – REGISTER OF INTERESTS .....</b>	<b>9</b>
<b>SECTION SIX – CODE OF CONDUCT.....</b>	<b>10</b>
<b>SECTION SEVEN – CONFLICTS OF INTEREST .....</b>	<b>11</b>
<b>SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS.....</b>	<b>12</b>
<b>SECTION NINE – COMPLAINTS.....</b>	<b>14</b>
<b>SECTION TEN – MOVING FORWARD .....</b>	<b>Error! Bookmark not defined.</b>
<b>SECTION ELEVEN – APPENDIX.....</b>	<b>16</b>
Members Biographies.....	16

## 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 “Law”).
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. The current Commission was appointed on 1 February 2015 for a period of four years.
7. The Reports of the Commission headed by current the Chairman, i.e. report numbers 9 through 15, 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 2018 – 31 January 2019.

9. During the current reporting period the Members have:
- a. submitted for tabling the Commission’s Fifteenth Report;
  - b. continued to follow-up with the Office of the Premier on a commencement date and regulations for the Standards in Public Life (the “SPL”) legislation;
  - c. continued to consider matters related to conduct and conflicts of interest affecting the integrity of persons in public life;
  - d. commenced its outreach to various educational stakeholders in the Cayman Islands to explore the level of interest in implementing the United Nations Office on Drugs and Crime (“UNODC”) anti-corruption educational programme titled Education for Justice (“E4J”);
  - e. agreed to host and began planning of the Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (“CCAICACB”) Conference; and
  - f. attended a Data Protection Law (the “DPL”) awareness session facilitated by the Office of the Ombudsman in anticipation of the commencement of the DPL.

## **SECTION TWO – MEETINGS AND ADMINISTRATIVE MATTERS OF THE COMMISSION**

10. The reporting period for this Report commenced on 1 August 2018. Since that time, the Commission held general meetings on 17 September 2018, 22 November 2018 and 14 January 2019.
11. The Minutes of the Meetings of the Commission reflect the matters discussed by the Commission. Copies of the Minutes of Meetings of the Commission are available on the Commission’s website once approved.
12. The Commission’s Fifteenth Report was tabled in the Legislative Assembly and is available on the website.
13. Member Isatou Smith was appointed to the Commission effective 1 November 2018 for a four year period. Mrs. Smith replaces former Member Pastor Shian O’Connor whose resignation (so that he may pursue a higher education degree off-island) became effective 31 August 2018, after having served for over three years.
14. On 15 January, 2019, the tenure of both the Chairman and Member Sheenah Hislop were extended effective 1 February 2019 until 31 December 2019.

### SECTION THREE – STANDARDS IN PUBLIC LIFE LEGISLATION

15. The Commission continued to discuss the delay in commencement of the Standards in Public Life Law, 2014 (the “Law”) and the Standards in Public Life (Amendment) Law, 2016 (the “Amendment Law”) and the need to further query the status of the Regulations, comments on which had been provided by the Commission.
  
16. On 29 November 2018, the Chairman and Manager of the Secretariat met with His Excellency the Governor to discuss the need for the Law and the Amendment Law to be brought into effect. There were some discussions regarding the reasons offered for the delay, including the resistance by some persons serving on Boards, to filing declarations which, may well be based on a lack of understanding of the declaration requirements set out under the Law. The Governor indicated his desire to ensure the SPL legislation is brought into effect and undertook to discuss with the Honourable Premier the issue of the commencement of the Law. It was agreed that a public education campaign will need to be undertaken once a date is provided for the commencement of the Law.

Further to the above meeting with the Governor, the Manager of the Secretariat was updated by the Office of the Governor that the Honourable Premier has committed to ensuring the commencement of the Law and the drafting of Regulations. Although, no specific timeframe was indicated, the Commission restated its willingness and ability to assist in any way possible in bringing the Law into effect and looks forward to receiving further updates from the Offices of the Governor and the Premier.

17. Media outlets also documented the delay in the commencement of the Law and the Amendment Law. In one article titled “*Still no start date for 5-year-old ethics bill*” emphasis was placed on the Government’s reluctance to assign a commencement date for the SPL legislation.
  
18. Following the public release by the Office of the Auditor General’s (the “OAG”) of its Report on 11 January titled “*Fighting Corruption in the Cayman Islands*”, the Chairman was

summoned to answer questions at the Public Accounts Committee (“the PAC”) on 30 January 2019.

19. Shortly after the release of the OAG’s Report on “*Fighting Corruption in the Cayman Islands*’, the Chairman was contacted by a member of the media for comments on the OAG’s Report. The media outlet is seeking the Commission’s feedback on the progress of implementing the Law, or the lack thereof. It was agreed that the Chairman would proceed with attendance before the PAC prior to meeting with the media. It was agreed that the development of a ‘Fact Sheet’ during the public education campaign discussed earlier would also provide a basis for the media to gain a better understanding of the Law when reporting.

## **SECTION FOUR – PROCUREMENT**

20. The Commission did not consider any matters concerning procurement during this reporting session.



## SECTION FIVE – REGISTER OF INTERESTS

21. As indicated during the last reporting period, the Commission was awaiting a substantive response from the Register of Interests (the “ROI”) Committee to its correspondence of 12 June 2018 wherein Members requested an estimated timeframe for receipt of a response on the matters raised during their meeting with the ROI Committee on 18 April 2018. As previously reported, an acknowledgment of the Commission’s correspondence of 12 June 2018 was received on 18 July 2018, but to date no further correspondence has been received from the ROI Committee. Whilst the Commission remains interested in receiving a substantive response to its correspondence, the Commission recognises that the reporting requirements under the Register of Interests Law are ongoing and that the issues raised by the Commission with the ROI may have been remedied.

## SECTION SIX – CODE OF CONDUCT

22. As previously reported the Cabinet Secretary informed the Secretariat, on 20 July 2018, that the draft Ministerial Code of Conduct (the “CoC”), being a part of the draft Cabinet Manual, was being reviewed by the Honourable Premier. The Commission was further informed that once discussions took place and a presentation made to Cabinet, a commencement date would be set and the finalised document shared with the Commission. To the knowledge of the Commission, the draft CoC has not yet been finalised.
  
23. As previously reported, the Commission wrote to the Hon. Leader of the Opposition and Chairman of the PAC, on 5 July 2018, to request any additional information on the matter “Miller Calls For Action, He Says CO Ahearn Lied To PAC” reported by media outlets on 19 March 2018 (<https://cayman27.ky/2018/03/miller-calls-for-action-he-says-co-ahearn-lied-to-pac/>) and subsequent media report released online on 12 June 2018 entitled “PAC motion threatens CO with contempt”. The Hon. Leader of the Opposition welcomed the opportunity to meet with the Chairman to further discuss the matter and did so on 20 August 2018. The Commission agreed that it would revisit the matter when quorate.

## SECTION SEVEN – CONFLICTS OF INTEREST

24. As previously reported the Commission discussed its comments on the Internal Audit Service (the “IAS”) Report (the “Report”) titled “*Concerns Arising from the Gender Equality Tribunal Ruling*” dated April 2018 regarding the matter *Atherley et al v H.M. Prison Service*. The Commission carefully reviewed the Report with a view to understanding the audit process and, where appropriate, provided its observations on 12 September 2018.

## SECTION EIGHT – EDUCATION AND PUBLIC RELATIONS

25. The Commission did not issue any statements or press releases during this reporting period.
26. As previously indicated, the Chairman was elected as Vice President of Executive Committee for the CCAICACB (Commonwealth Caribbean Association of Integrity Commissions and Anticorruption Bodies) as of 1 July 2018 through to 2019 when the CCAICACB's next general meeting and election of officers are expected to take place. The Commission has undertaken to host the Fifth Annual CCAICACB Conference in Grand Cayman, during the week of 3<sup>rd</sup> – 7<sup>th</sup> June 2019. This year's theme is "*Transforming Words into Action: Revitalising the Fight Against Corruption*". One of the key aspects of the conference is to promote awareness of anti-corruption and integrity in society. Over the next reporting period, the Commission will continue to collaborate with Secretariat staff to organise and facilitate the conference.
27. The Commission began its education and awareness raising outreach to educational stakeholders with a view to implementing the UNODC anti-corruption educational programme titled Education for Justice 'E4J'. The E4J Programme provides online materials to support the integration of ethics and corruption-prevention materials into primary, secondary and tertiary curricula. The programme is also useful for extra-curricular activities such as the Model United Nations programme. Preliminary meetings were held with educational stakeholders from the International College of the Cayman Islands ("ICCI"), the Department of Education Services ("DES"), public school principals, and the University College of the Cayman Islands ("UCCI").

The opportunity to partner with the Commission to implement various appropriate components of the programme was well received though some institutions will require a longer lead-in time. Following these preliminary meetings the Commission has been invited to deliver a presentation at UCCI to students enrolled in its Business Ethics course. It is anticipated that the presentation will take place during the next reporting period.

In addition, discussions will continue regarding the possibility of delivering assembly-style presentations to some primary and secondary level students. Over the next reporting period, the Commission will continue its educational outreach and will be contacting additional educational stakeholders such as the Truman Bodden Law School, the private schools and the Home School Associations.

As an extension of the programme, the Commission organised the attendance of a UCCI Lecturer, (and University Vice-President and Provost) Dr. Livingston Smith, to the UNODC Expert Workshop for university lecturers from Latin America and the Caribbean. The Expert Workshop was held at the University of Rosario in Bogotá, Colombia, from 18 to 19 October and was facilitated by UNODC. Dr. Smith submitted a report on 5 December 2018, detailing his attendance at the Workshop for the Commission's review, however, a request for additional information on how best to integrate the modules into teaching has been made and the Commission continues to await a response from Dr. Smith. The additional information sought from Dr. Smith will be shared with other tertiary education institutions to enable them to have a better understanding of this initiative, and to more effectively implement the on-line resources currently available.

## **SECTION NINE – COMPLAINTS**


28. During this reporting period no complaints have been 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 to push for a commencement date for the Law and Amendment Law and as well as the accompanying Regulations.
30. In addition the Commission will also:
- a. resume its follow-ups with the Clerk on the ROI Committee’s response to its queries/concerns arising from the ROI inspection regarding the declarations;
  - b. proceed to follow-up with the Cabinet Secretary on the status of the draft Ministerial CoC and identify a timeframe for finalisation;
  - c. continue its outreach to explore the level of interest in implementing the UNODC’s E4J programme;
  - d. continue working towards preparations to host the Fifth Annual CCAICACB Conference; and
  - e. consider the OAG’s report titled “Fighting Corruption in the Cayman Islands” and provide its feedback on any areas of interest and/or concern; and
  - f. continue to participate in any 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](http://www.standardsinpubliclifecommission.ky), e-mail [info@standardsinpubliclifecommission.ky](mailto:info@standardsinpubliclifecommission.ky), or call 244-3685.

Dated this 3<sup>rd</sup> day of April 2019.



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Rosie Whittaker-Myles



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Sheenah Hislop



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Isatou Smith



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Pastor Shian O'Connor

## SECTION ELEVEN – APPENDIX

### Members Biographies

**Mrs. Rosie Whittaker-Myles (Chairman)** is an attorney-at-law in private practice. She is a former partner in Charles Adams Ritchie & Duckworth’s litigation team and has over 17 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 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 Air Transport Licensing Authority<sup>1</sup>. 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 December 2019.

**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

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<sup>1</sup> Ms. Hislop resigned in September 2018.



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.

**Pastor Shian O’Connor** joined the Cayman Islands Conference in July of 2000 and was appointed Pastor for the Kings and West Bay Seventh-day Adventist Churches. He served the West Bay congregation for seven years and the Kings congregation for twelve. He also served the Maranatha and Ebenezer Churches for two years. Pastor O’Connor served the Cayman Islands Conference as Departmental Director in the areas of Personal Ministries, Education, Family Life Ministries, Men’s Ministries, and Public Affairs and Religious Liberty, before he was elected President in January 2012. Pastor O’Connor was a member of the Cayman Islands Constitution Modernisation Committee as well as a member of the Constitutional Negotiation Team. He graduated from the Cayman Islands Law School with a Bachelors of Law Degree with Honours in 2005. Pastor O’Connor was appointed effective 1 February 2015 and served as a member for a period of just over three years.